

**MEDICAL MARIJUANA COMPACT**  
**Between**  
**THE PYRAMID LAKE PAIUTE TRIBE**  
**And**  
**THE STATE OF NEVADA**

**I. Introduction**

This compact is entered into pursuant to Senate Bill 375, Chapter 305, Laws of 2017 (the “Compacting Legislation”). This document will be cited as the Medical Marijuana Compact Between the Pyramid Lake Paiute Tribe and the State of Nevada, and hereinafter referred to as the “Compact.”

**II. Parties**

The Parties to this Compact are the Pyramid Lake Paiute Tribe (interchangeably, the “Tribe” or “PLPT”), and the State of Nevada (the “State”) (collectively, the “Parties”).

The Tribe is located on the Tribe's Reservation, which is situated completely within the State of Nevada. The Tribe is a federally-recognized Indian tribe possessed of the full sovereign powers of a Tribal government.

The State is situated within the United States of America, possessed of the full powers of a state government. The Nevada Department of Taxation (“Department”) is an executive department of Nevada State government operating under the authority of the Governor, with statutory authority with respect to marijuana under Nevada Revised Statutes (“NRS”) Chapters 453A and 453D. The Compacting Legislation allows the Governor to enter into an agreement with any federally recognized Indian tribe located within the geographical boundaries of the State regarding marijuana.

**III. Purpose**

Historically, the cultivation, possession, delivery, distribution, and sale of marijuana have been illegal across the United States and in Indian Country. In 2016, Nevada voters passed Question 2, which sets forth a tightly regulated, state licensed system allowing for the cultivation, processing, and retail sale of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products for recreational purposes within the State.

While the federal Controlled Substances Act continues to designate marijuana as a Schedule 1 substance, on August 29, 2013, the United States Department of Justice issued a memorandum to all United States Attorneys (the “Cole Memorandum”) setting forth guidance regarding marijuana enforcement. In that memo, James M. Cole, Deputy Attorney General, established eight enforcement priorities of particular importance to the federal government: (1) preventing the distribution of marijuana to minors; (2) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (3) preventing the diversion of

marijuana from states where it is legal under state law in some form to other states; (4) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (5) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (6) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (7) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (8) preventing marijuana possession or use on federal property. The Cole Memorandum further states that the focus of federal law enforcement resources and efforts will be on those whose conduct interferes with the stated priorities and that state and local governments should provide sufficiently robust regulatory and enforcement systems to protect against these harms.

On October 28, 2014, the United States Department of Justice issued another memorandum to all United States Attorneys (the “Wilkinson Memorandum”) providing a policy statement regarding marijuana issues in Indian Country. In that memo, Monty Wilkinson, Director, Executive Office for United States Attorneys, acknowledged that “[t]he eight priorities in the Cole Memorandum will guide United States Attorneys’ marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country.” The Wilkinson Memorandum effectively treats tribal governments the same as state governments in the decision to legalize marijuana.

Through Nevada law and the Department’s implementing rules, the State has decriminalized the cultivation, possession, delivery, distribution, sale, and use of marijuana in Nevada and has attempted to set forth a civil regulatory system that accomplishes the federal priorities set forth above and keeps marijuana cultivation, processing, and sale in Nevada regulated and safe for the public.

After serious deliberation, the Tribe, as a sovereign nation, has also determined that present day circumstances make a complete ban of marijuana within Indian Country ineffective and unrealistic and has decriminalized its sale and possession in certain circumstances. At the same time, consistent with the federal priorities, the need still exists for strict regulation and control over the cultivation, possession, delivery, distribution, sale, and use of marijuana in Indian Country.

The State and the Tribe recognize the need for cooperation and collaboration with regard to marijuana in Indian Country. The State has authorized the entry of this Compact by the Compacting Legislation, enacted by the 79th (2017) Session of the Nevada Legislature on May 23, 2017, signed by the Governor on June 2, 2017, effective June 2, 2017. Through this Compacting Legislation, the State authorized the Governor to enter agreements with American Indian tribes concerning the regulation of marijuana.

The Parties share a strong interest in ensuring that marijuana production, processing, and sales in Indian Country are well-regulated to protect public safety and community interests. The Parties acknowledge that pursuant to federal law, 21 U.S.C. § 812, marijuana is a Schedule I controlled substance and that this Compact does not protect the sales or regulation of marijuana

in Indian Country from federal law; however, the Parties have entered into this Compact in order to strengthen their ability to meet these mutual interests and to provide a framework for cooperation to ensure a robust tribal and state regulatory and enforcement system sufficient to meet the federal priorities identified in the Cole and Wilkinson Memoranda.

The Parties acknowledge that the laws of the Tribal government relating to the possession, delivery, production, cultivation, processing, testing and use of medical marijuana, edible medical marijuana products, medical marijuana-infused products and medical marijuana products are at least as restrictive as the provisions of Chapters 453A of the NRS and any regulations adopted pursuant thereto and the Tribal government is enforcing or will enforce those laws.

The Parties agree that it is in the best interests of the Tribe and the State that they enter into this Compact to enhance public health and safety, ensure a lawful and well-regulated medical marijuana market, encourage economic development in Indian Country, and provide fiscal benefits to both the Tribe and the State.

#### **IV. Definitions**

A. “Auditor” means a certified public accountant licensed and in good standing in the state of Nevada.

B. “Compact,” as previously defined in Part I, means this Medical Marijuana Compact between the Pyramid Lake Paiute Tribe and the State of Nevada, as it is written and as, from time to time, may become amended.

C. “Essential Government Services” means services provided by the Tribe including, but not limited to, administration, public facilities, fire, police, health, education, elder care, social services, sewer, water, environmental and land use, transportation, utility services, community development, and economic development.

D. “PLPTMC” means the Pyramid Lake Paiute Tribe's Medical Marijuana Code, contained in Chapter 16 of the Tribe’s Law and Order Code.

E. “Indian Country” means the lands of the Pyramid Lake Paiute Tribe, including the Tribe’s Reservation, fee or restricted fee lands, and all lands held in trust status by the United States for the Tribe or its Tribal Members.

F. “Marijuana,” “edible marijuana products,” “marijuana concentrates,” “marijuana-infused products,” and “useable marijuana” as used in this Compact shall have the same meanings as in NRS Chapters 453A, or any amendments thereto. Together, these terms shall be referred to as “medical marijuana product” or “medical marijuana products.”

G. “Medical marijuana cultivation facility” means any medical marijuana cultivator in Indian Country licensed or otherwise allowed by the Tribe pursuant to the PLPTMC

to cultivate and sell medical marijuana at wholesale to medical marijuana product manufacturing facilities and other medical marijuana cultivation facilities.

H. “Medical marijuana dispensary” means any medical marijuana business in Indian Country licensed or otherwise allowed by the Tribe pursuant to the PLPTMC to sell or dispense medical marijuana products to the holder of a medical marijuana card.

I. “Medical marijuana product manufacturing facility” means any medical marijuana processor in Indian Country licensed or otherwise allowed by the Tribe pursuant to the PLPTMC to process medical marijuana into useable medical marijuana, medical marijuana concentrates, and medical marijuana-infused products, package and label useable medical marijuana and medical marijuana-infused products for sale to medical marijuana dispensaries, and sell medical marijuana products at wholesale to medical marijuana dispensaries.

J. “Parties,” as previously defined in Part II, means the State and the Tribe.

K. “State,” as previously defined in Part II, means the State of Nevada.

L. “State Licensee” means any marijuana product manufacturing facility, marijuana cultivation facility, marijuana distributor, marijuana testing facility, retail marijuana store or medical marijuana dispensary licensed by the State.

M. “State Tax” means any marijuana excise tax or sales and use tax imposed by the State on sales of medical marijuana products.

N. “Tribal Enterprise” means a business or agency owned in whole or in part by the Tribe and authorized to sell medical marijuana products under the PLPTMC.

O. “Tribal Tax” means a tax imposed by the Tribe on medical marijuana activities.

P. “Tribe,” as previously defined in Part II, means the Pyramid Lake Paiute Tribe.

## V. Terms

A. Applicability. This Compact applies to the cultivation, processing, and sale of medical marijuana products in Indian Country where the Tribe or Tribal Enterprise (i) delivers, causes delivery to be made to, or receives delivery of medical marijuana products from a State Licensee or (ii) physically transfers possession of medical marijuana products from the seller to the buyer within Indian Country. Except as otherwise provided herein, the cultivation, processing, sale, and possession of medical marijuana products in Indian Country pursuant to the PLPTMC and in accordance with this Compact are not subject to the terms of NRS 453A, NAC 453A or any other regulations promulgated under those NRS Chapters and any such activities will not be a criminal or civil offense under Nevada state law.

B. Medical Marijuana Dispensary Sales. The Tribe and/or its Tribal Enterprises may sell medical marijuana products in Indian Country pursuant to the PLPTMC and this Compact.

1. The Tribe shall notify the Department at least 30 days prior to the opening of any medical marijuana dispensary location owned by the Tribe or Tribal Enterprise. Such notification shall include:

a. The identity of the Tribal entity which is operating the medical marijuana dispensary location;

b. Location of the premises; and

c. Certification that the premise is located in Indian Country.

2. Dispensary sales of medical marijuana products by the Tribe and any Tribal Enterprise must be conducted in accordance with PLPTMC and the internal policies and controls of the Tribe or Tribal Enterprise. The PLPTMC, as it exists on the date of this Compact, is attached as Exhibit A. Current copies of the PLPTMC and medical marijuana internal policies and controls of the Tribe and any Tribal Enterprise will be made available for review by the State upon request. The Tribe agrees to notify the State of any changes to the PLPT's Law and Order Code that may affect medical marijuana products within ten (10) working days of the date of adoption by the Tribe.

3. All medical marijuana products purchased by a medical marijuana dispensary from a State Licensee will be verified upon delivery in Indian Country, and confirmation of receipt will be made by executing the delivery invoice. The medical marijuana dispensary will input or cause to be input all delivered purchases into the State's tracking system within twenty-four (24) hours of any such delivery.

4. All medical marijuana products purchased by the Tribe or a Tribal Enterprise from the tribal government, tribal enterprise, or member of another federally-recognized Indian Tribe with a reservation located within Nevada, or sold by the Tribe or a Tribal Enterprise to the tribal government, tribal enterprise, or member of another federally recognized Indian Tribe with a reservation located within Nevada, will be recorded in either the Tribe's or the State's tracking system within twenty-four (24) hours of any such receipt or delivery. The Tribe and any Tribal Enterprise will make such records available for review by the State upon request.

C. Cultivating and Processing of Medical Marijuana Products. The Tribe may allow the cultivating and processing of medical marijuana products in Indian Country pursuant to the following terms:

1. The Tribe shall notify the Department at least 90 days prior to the

start of operations of any medical marijuana product manufacturing facility or medical marijuana cultivation facility by the Tribe or a Tribal Enterprise. Such notifications shall include:

- a. The identity of the Tribal entity which is operating the medical marijuana product manufacturing facility or medical marijuana cultivation facility;
- b. Location of the premises; and
- c. Certification that the premise is located in Indian Country.

2. Cultivating and processing of medical marijuana products by the Tribe and any Tribal Enterprise must be conducted in accordance with the PLPTMC and the internal policies and controls of the Tribe or Tribal Enterprise. The PLPTMC as it exists on the date of this Compact is attached as Exhibit A. Current copies of the PLPTMC and any internal medical marijuana policies and controls of the Tribe and any Tribal Enterprise will be made available for review by the State upon request. The Tribe agrees to notify the State of any changes to the PLPT's Law and Order Code that may affect medical marijuana products within ten (10) days of the date of adoption by the Tribe.

3. The State may require that medical marijuana products sold by medical marijuana product manufacturing facilities and medical marijuana cultivation facilities to State Licensees be packaged, tested and labeled in compliance with State medical marijuana laws. With respect to "edibles" this may include State pre approval of the product packaging and labeling before sale to State Licensees; PROVIDED, that such pre approval shall not be unreasonably withheld and shall be timely provided. All transactions between the Tribe and State Licensees will be executed through the State traceability system following the same rules as State Licensees.

D. State Licensees.

1. The Tribe and Tribal Enterprises may purchase medical marijuana products from or sell medical marijuana products to State Licensees or any other entity operating under a valid agreement authorized by the Compacting Legislation, including any amendments thereto, with or otherwise authorized by the State. All transactions between the Tribe and State Licensees must be executed through the State traceability system, and medical marijuana products purchased from or sold to State Licensees must be tested to equivalent or higher standards as those required by Nevada's medical marijuana laws.

2. The State will not cite, fine, or otherwise take any other adverse licensing or other action against any State Licensee due to the mere fact that it bought or sold medical marijuana products from or to the Tribe or a Tribal Enterprise in accordance with the terms of this Compact and the PLPTMC.

3. To the extent necessary, the State will work with the Tribe, Tribal Enterprise, and with any State Licensees or otherwise authorized medical marijuana product

manufacturing facilities, medical marijuana cultivation facilities, and medical marijuana dispensaries to assure such entities that the Tribe and Tribal Enterprises are legally authorized to purchase and sell medical marijuana products pursuant to the terms of this Compact.

E. Taxes.

1. State Tax. The State acknowledges that no State Tax or fee, assessment, or other charge imposed by the State or local governments may be assessed against or collected from the Tribe, Tribal Enterprises, State Licensees, or medical marijuana card holders in Indian Country related to any commercial activity related to the production, processing, sale, and possession of medical marijuana products governed by this Compact. To the extent any other State Tax, fee, assessment, or other charge imposed by the State or local government, or Tribal Tax is assessed against or collected from any State Licensee related to a sale to or purchase in Indian Country from the Tribe or Tribal Enterprises, of any medical marijuana product, it shall be refunded or otherwise paid by the State to the Tribe within thirty (30) days of receipt by the State. Any refund amounts so received by the Tribe will be used for Essential Government Services. No refund will be granted on State Tax collected from a medical marijuana card holder by State Licensees on the sale of medical marijuana or medical marijuana product if that medical marijuana or medical marijuana product was originally purchased by the State Licensee from the Tribe or Tribal Enterprises.

2. Tribal Tax. The Tribe shall impose and maintain a Tribal Tax that is equal to at least 100 percent of the State Tax on all sales of medical marijuana products in Indian Country, unless (1) the sale is to the Tribe, Tribal Enterprise, or an enrolled member of the Tribe; (2) the transaction is otherwise exempt from State medical marijuana taxation under state or federal law; or, (3) the transaction involves medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar facility owned and operated by the Tribe within Indian Country. The Tribe may choose to levy a Tribal Tax on any transaction that may otherwise be exempt.

a. While not required under State law, the Tribe agrees to use the proceeds of the Tribal Tax for Essential Government Services or Community Social Programs.

b. At the State's request, the Tribe will obtain, at its own expense, an Auditor to test the Tribe's compliance with this section E. of the Compact. The Auditor will review a sample of records to verify the requirements of this section and will provide the State with a report detailing the results of the testing procedures, to include identification of any instances of noncompliance with the terms of this section.

F. Safety and Enforcement. The Tribe shall be responsible for and address safety and enforcement issues in accordance with the PLPTMC, this Compact, and internal policies and controls of the Tribe or Tribal Enterprise.

1. Premises Checks.

a. By the Tribe. The Pyramid Lake Paiute Tribe Police Department or other authorized agency may conduct its own premises checks in Indian Country to observe compliance with the PLPTMC and this Compact and to provide support and education to Tribal Enterprises and staff. To the extent it is informed of the results of such premises checks, the Pyramid Lake Paiute Tribe's Tribal Council will share the results of the premises checks with the State.

b. By the State. The State, through its staff, may also request premises checks to be done by the Pyramid Lake Paiute Tribe's Police Department. The State may be, and are authorized to be, present to observe any such check to observe compliance with this compact and with the PLPTMC. The State can observe any part of the program during these checks. The State will contact the Pyramid Lake Paiute Tribe's Police Department to provide twenty-four (24) hours' written notice of such premises check. The PLPT Police Department and/or authorized Tribal authorities must participate in all requested premises checks. The State is not required to be present at all requested premises checks that the State requests the Pyramid Lake Paiute Tribe's Police to conduct. The State and Tribe will share the results of such premises checks with Pyramid Lake Paiute Tribe's Tribal Council. The State will not request such checks to cause more than one to be conducted every 30 days unless there is a documented complaint or probable cause to believe that there is a compliance issue. If there is such a non-compliance issue, the State may request a premises check at any time with a twenty-four (24) hours' written notice provided to the Pyramid Lake Paiute Tribe's Police Department from the State.

c. Cooperation. Both Parties will cooperate in good faith to undertake all State-requested premises checks jointly. The Pyramid Lake Paiute Tribe's Police Department and/or authorized Tribal authorities will make reasonable efforts to arrange and conduct all State-requested premises checks within twenty-four (24) hours of being provided written notice of such request by the State. All such written notices shall be sent to the Chief of Police and the Chairman of the Tribe. Should either Party have any concerns arising out of a premises check or the results thereof, the Parties will meet in good faith to discuss any suggested changes to protocols of the premises checks themselves or of medical marijuana product sales by the Tribe or Tribal Enterprise that were checked.

2. Compliance Checks/Minors.

a. By the Tribe. The Tribe may conduct its own compliance checks in Indian Country using minors ages 18, 19, or 20 through the Pyramid Lake Paiute Tribe Police Department or other authorized agency in accordance with Tribal regulations and policies. To the extent it is informed of the results of such checks, Pyramid Lake Paiute Tribe's Tribal Council will provide the results of the checks to the State. No criminal action may be taken against any minor who purchases marijuana as part of such a compliance check.

b. By the State. State staff may also conduct compliance checks. Prior to conducting any such compliance check, the State will contact the Pyramid Lake



Paiute Tribe's Police Department or other authorized agency to provide twenty-four (24) hours' written notice of such compliance check. The Pyramid Lake Paiute Tribe's Police Department and/or authorized Tribal authorities must observe and participate in all compliance checks. The State will share the results of such compliance checks with PLPT's Tribal Council.

c. Cooperation. Both Parties will cooperate in good faith to undertake all State-requested compliance checks jointly. The Pyramid Lake Paiute Tribe's Police Department or other authorized agency will make reasonable efforts to arrange and conduct all State-requested compliance checks within twenty-four (24) hours of being provided written notice of such request by the State. All such written notices shall be sent to the Chief of Police and the Chairman of the Tribe. Should either Party have any concerns arising out of a compliance check or the results thereof, the Parties will meet in good faith to discuss any suggested changes to protocols of the compliance checks themselves or of marijuana sales by the Tribe or Tribal Enterprise that were checked.

G. Dispute Resolution.

1. Neither Party, nor officers acting on either Party's behalf, may petition for judicial relief to enforce this Compact unless (a) the dispute resolution process described in subsections 2(a) through 2(e) below has been followed in good faith to completion without successful resolution or (b) the other Party fails to enter into the dispute resolution process. Should litigation arise under this Compact, the Parties agree as follows:

- (i) The litigation may only take place in the United States District Court for the District of Nevada and any court having appellate jurisdiction thereover;
- (ii) Venue for said litigation shall be the Northern District of the United States District Court of Nevada located in Reno, Nevada, and the Parties hereto are deemed to have waived the right to claim *forum non conveniens* should litigation be filed there; and
- (iii) The Parties waive their sovereign immunity from suit, only in said United States District Court of Nevada and any court having appellate jurisdiction thereover, and only for declaratory and injunctive relief, brought by the Parties hereto, and no other. No waiver of sovereign immunity extends to monetary relief of any kind or nature whatsoever, including, but not limited to any award of attorney's fees and costs, which, the Parties also agree, must be borne by each Party, respectively.

2. Should a dispute arise between the Parties regarding compliance with this Compact by either Party, or by their officers, employees or agents, the Parties will attempt to resolve the dispute through the following dispute resolution process:

a. Notice. Either Party may invoke the dispute resolution process by notifying the other, in writing, of its intent to do so. The notice must set out the issues in dispute and the notifying Party's position on each issue.

b. Meet and Confer. The first stage of the process will include a face-to-face meeting between representatives of the two Parties to attempt to resolve the dispute by negotiation. The meeting must be convened within thirty (30) days after the receiving Party's receipt of the written notice described in subsection (a). The representatives of each Party will come to the meeting with the authority to settle the dispute. If the dispute is resolved, the resolution will be memorialized in a writing signed by the Parties.

c. Mediation. The second stage of the process will be that if the Parties are unable to resolve the dispute within sixty (60) days after the receiving Party's receipt of the written notice sent under subsection (a) above, the Parties will engage the services of a mutually agreed upon qualified mediator to assist them in attempting to negotiate the dispute. Costs for the mediator will be borne equally by the Parties. The Parties will pursue the mediation process in good faith until the dispute is resolved or until the mediator determines that the Parties are not able to resolve the dispute. If the Parties cannot agree on a format for the mediation process, the format will be that directed by the mediator. If the dispute is resolved, the resolution will be memorialized by the mediator in a writing signed by the Parties, which will bind the Parties.

d. Arbitration.

- (1) If a Party terminates the process before completion, or if the mediator determines that the dispute cannot be resolved in the mediation process, or if the dispute is not resolved within one hundred twenty (120) days after the date the mediator is selected, either Party may initiate binding arbitration proceedings under the rules of the American Arbitration Association ("AAA"), but the AAA need not administer the arbitration. If the arbitrator determines that a Party is in violation of a material provision of this Compact, and such violation is not or cannot be cured within thirty (30) days after the arbitrator's decision, then the other Party may terminate this Compact with sixty (60) days' prior written notice.
- (2) The arbitrator shall have no authority to award monetary damages or issue injunctive or other equitable relief.
- (3) Each Party will bear its own legal costs incurred under this Section. All costs of the arbitrator will be shared equally.

3. If, at any time after the effective date of this Compact, the State enters into an agreement, compact, or consent decree with any other federally recognized Indian tribe or governmental agency thereof, of or relating to the regulation of marijuana in Indian Country which includes a “most favored nation” provision, then, upon the Tribe’s written request, this Compact will be amended to include such provision. A “most favored nation” provision is defined as language by which the State agrees to accord a tribe or tribal government agency the same favorable terms that are offered in later agreements with any other tribe or tribal government agency. This will not be construed to require that the State offer the Tribe the option to receive the same terms offered to every tribe or tribal government agency, in the absence of a most favored nation provision in the Compact.

4. In any action filed by a third party challenging either the Tribe’s or the State’s authority to enter into or enforce this Compact, the Parties each agree to support the Compact and defend each of their authority to enter into and implement this Compact; provided, however, that this provision does not waive, and must not be construed as a waiver of, the sovereign immunity of the Tribe or any of its subdivisions or enterprises.

H. Termination. This Compact may be terminated with sixty (60) days’ prior written notice that the Tribe is in default if the Department determines that the Tribal government laws relating to the possession, delivery, cultivation, production, processing, testing and use of medical marijuana products are not as restrictive as the provisions of chapters 453A of the Nevada Revised Statutes and any regulations adopted pursuant thereto or that the Tribal government is not enforcing those laws, provided:

1. The State has given the Tribe written notice detailing the claimed default, and granting the Tribe a 45-day period of time to cure the default. In the event that the State determines that the default has been cured or the Tribe has cured the default or is making satisfactory progress toward the cure of the default during the 45-day period, the notice of default shall be withdrawn;

2. In the event that the State determines that the Tribe has not cured the default, that satisfactory progress in the cure of the default is not being made by the Tribe, or that it is impossible for the Tribe to cure the default within 45 days of the notice of default, then, the State shall give written notice to the Tribe of the State’s determination, whereupon, the Tribe may invoke the alternative dispute resolution procedures of subsection G., above, by giving notice within ten days to the State that the alternative dispute process has been invoked by the Tribe. The outcome of the alternative dispute resolution process will determine whether the Compact may be terminated by the State, should the alternative dispute process be invoked.

3. Should the Tribe fail or refuse to invoke the alternative dispute process, then, the State’s determination to terminate stands.

I. Sovereign Immunity. The State agrees that, except for the limited purpose of resolving disputes in accordance with subsection G., above, the signing of this Compact by the



With a copy to: Department of Taxation  
Executive Director  
1550 College Parkway, Suite 115  
Carson City, NV 89706

If to the Tribe: Tribal Chairman  
Pyramid Lake Paiute Tribe  
P.O. Box 256  
Nixon, NV 89424  
(775) 574-1000

### VII. Effect, Duration, and Amendment

A. Term. This Compact shall remain in effect for a term of ten (10) years, unless the Parties mutually agree in writing that the Compact should be vacated or terminated and superseded by a new compact between the Parties within that time frame. The Compact shall be automatically renewed for successive periods of ten (10) years, unless a party provides written notice to the other, no later than one hundred twenty (120) days before the expiration of the then current ten (10) year period that it wishes to modify the terms of the Compact.

B. Amendment. No amendment or alteration of this Compact shall arise by implication or course of conduct. This Compact may be altered only by a subsequent written document, approved by the Parties, expressly stating the Parties' intention to amend this Compact.

C. Severability. If any provision of this Compact or its application to any person or circumstance is held invalid, the remainder of the Compact is not affected.

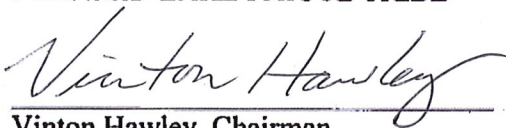
D. Change in Classification. If the classification of marijuana as a Schedule I drug is altered in any way or federal marijuana enforcement policy (as described in III, above) changes, the Parties agree to meet and discuss the need to modify this Compact. If such modifications cannot be agreed upon, then either Party may terminate this Compact with 60 days' written notice.

This Compact is hereby made this 8<sup>th</sup> day of September, 2017.

STATE OF NEVADA

  
Brian Sandoval, Governor

PYRAMID LAKE PAIUTE TRIBE

  
Vinton Hawley, Chairman

**PYRAMID LAKE PAIUTE TRIBE**  
**LAW AND ORDER CODE**

**CHAPTER 16 - MEDICAL USE OF MARIJUANA**

**GENERAL PROVISIONS**

- SECTION 3.16.010** Definitions.
- SECTION 3.16.020** “Administer” defined.
- SECTION 3.16.030** “Attending physician” defined.
- SECTION 3.16.035** “Board” defined.
- SECTION 3.16.040** “Cachexia” defined.
- SECTION 3.16.050** “Chronic or debilitating medical condition” defined.
- SECTION 3.16.056** “Cultivation facility” defined.
- SECTION 3.16.060** “Deliver” and “delivery” defined.
- SECTION 3.16.080** “Designated primary caregiver” defined.
- SECTION 3.16.090** “Department” defined.
- SECTION 3.16.100** “Drug paraphernalia” defined.
- SECTION 3.16.101** “Edible marijuana products” defined.
- SECTION 3.16.102** “Electronic verification system” defined.
- SECTION 3.16.103** “Enclosed, locked facility” defined.
- SECTION 3.16.104** “Excluded felony offense” defined.
- SECTION 3.16.105** “Facility for the production of edible marijuana products or marijuana-infused products” defined.
- SECTION 3.16.108** “Inventory control system” defined.
- SECTION 3.16.109** “Law and Order Code” defined.
- SECTION 3.16.110** “Marijuana” defined.
- SECTION 3.16.112** “Marijuana-infused products” defined.
- SECTION 3.16.115** “Medical marijuana dispensary” defined.
- SECTION 3.16.116** “Medical marijuana establishment” defined.
- SECTION 3.16.117** “Medical marijuana establishment agent” defined.
- SECTION 3.16.118** “Medical marijuana establishment agent registration card” defined.
- SECTION 3.16.119** “Medical marijuana establishment registration certificate” defined.
- SECTION 3.16.120** “Medical use of marijuana” defined.
- SECTION 3.16.123** “NRS” defined. “
- SECTION 3.16.125** “Paraphernalia” defined.
- SECTION 3.16.130** “Production” defined.
- SECTION 3.16.140** “Registry identification card” defined.
- SECTION 3.16.141** “Remote medical care” defined.
- SECTION 3.16.142** “Telemedicine care” defined.
- SECTION 3.16.144** “Testing laboratory” defined.
- SECTION 3.16.146** “Tribe” defined.
- SECTION 3.16.147** “Tribal Court” defined.
- SECTION 3.16.148** “Tribal Lands” defined.
- SECTION 3.16.149** “Tribal Police Department” defined.
- SECTION 3.16.150** “Tribal, State or Federal prosecution” defined.
- SECTION 3.16.155** “THC” defined.
- SECTION 3.16.160** “Usable marijuana” defined.

**SECTION 3.16.170 “Written documentation” defined.**

**LIMITED EXEMPTION FROM TRIBAL, STATE OR FEDERAL PROSECUTION;  
REGISTRY IDENTIFICATION CARDS**

**SECTION 3.16.200** Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from Tribal, State or Federal prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from Tribal, State or Federal prosecution; affirmative defense; holder of card prohibited from cultivating, growing, or producing marijuana on Tribal lands.

**SECTION 3.16.210** Registry identification cards: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card pending approval or denial of application.

**SECTION 3.16.220** Registry identification cards: Issuance to applicant; issuance to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal.

**SECTION 3.16.225** Registry identification cards: Revocation; duties; judicial review; reapplication prohibited for 12 months.

**SECTION 3.16.230** Registry identification card: Holder to notify Department of certain changes in information; required annual update of documentation from attending physician; designation of primary caregiver after initial issuance of card; deemed expiration of card.

**SECTION 3.16.240** Registry identification cards: Card to be returned to Department following diagnosis of absence of chronic or debilitating medical condition.

**SECTION 3.16.250** Registry identification cards: General requirements concerning designation of primary caregiver; user of medical marijuana not to have more than one designated primary caregiver; timing of issuance of card to caregiver if caregiver designated after initial issuance of card to patient.

**PROHIBITED ACTS; AFFIRMATIVE DEFENSES**

**SECTION 3.16.300** Acts for which registry identification cardholder is not exempt from Tribal, State or Federal prosecution and may not raise affirmative defense; additional penalty.

**SECTION 3.16.310** Affirmative defenses.

**PRODUCTION AND DISTRIBUTION OF MEDICAL MARIJUANA**

**REGISTRATION OF MEDICAL MARIJUANA ESTABLISHMENTS AND  
MEDICAL MARIJUANA ESTABLISHMENT AGENTS**

- SECTION 3.16.320** Purpose of registration; no vested right acquired by holder of registration certificate or registration card.
- SECTION 3.16.322** Registration of establishments: Requirements; expiration and renewal.
- SECTION 3.16.324** Registration of establishments: Limitation on total number of certificates that can be issued.
- SECTION 3.16.326** Registration of establishments: Certificates deemed provisional pending compliance with requirements and issuance of business license.
- SECTION 3.16.328** Registration of establishments: Considerations in determining whether to issue registration certificate.
- SECTION 3.16.332** Agents required to register with Department; requirements for registration; establishment required to notify Department if agent ceases to be employed by or volunteer at establishment; expiration and renewal of registration.
- SECTION 3.16.334** Registration cards and registration certificates nontransferable.
- SECTION 3.16.336** Payment of child support: Statement by applicant for registration card or registration certificate; grounds for denial; duties of Department. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
- SECTION 3.16.338** Suspension of registration card or registration certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of registration card or registration certificate. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
- SECTION 3.16.340** Grounds for immediate revocation of registration certificate.
- SECTION 3.16.342** Grounds for immediate revocation of registration card.
- SECTION 3.16.344** Fees.

#### REQUIREMENTS CONCERNING OPERATION OF MEDICAL MARIJUANA ESTABLISHMENTS

- SECTION 3.16.350** Location, land use, appearance and signage.
- SECTION 3.16.352** Operating documents; security measures; actions of establishment with respect to marijuana required to be for certain purpose; requirements for cultivation; dispensary and cultivation facility authorized to acquire marijuana from patient; allowing consumption on premises prohibited; inspection.
- SECTION 3.16.354** Electronic verification system.
- SECTION 3.16.356** Inventory control system.



**SECTION 3.16.358** Duties of medical marijuana dispensaries relating to sale of medical marijuana and related products and relating to notice of legal limits on possession of medical marijuana.

**SECTION 3.16.360** Requirements concerning edible marijuana products and marijuana-infused products.

**SECTION 3.16.362** Requirements concerning storage and removal of medical marijuana.

#### MISCELLANEOUS PROVISIONS

**SECTION 3.16.364** Recognition of nonresident cards.

**SECTION 3.16.366** Designation of medical marijuana dispensary.

**SECTION 3.16.368** Testing laboratories.

**SECTION 3.16.370** Regulations.

#### SEARCH AND SEIZURE

**SECTION 3.16.400** Possession of registry identification card, registration certificate or registration card not permissible grounds for search or inspection; care and return of seized property; determination that person is engaged in, facilitating or assisting in medical use of marijuana in accordance with provisions of chapter.

**SECTION 3.16.410** Forfeiture of assets seized.

#### ACTIONS OF PROFESSIONAL LICENSING BOARDS

**SECTION 3.16.500** Board of Medical Examiners and State Board of Osteopathic Medicine prohibited from taking disciplinary action against attending physician on basis of physician's participation in certain activities in accordance with chapter.

**SECTION 3.16.510** Professional licensing board prohibited from taking disciplinary action against licensee on basis of licensee's participation in certain activities in accordance with chapter.

#### RESEARCH; APPROVAL OF FEDERAL GOVERNMENT

**SECTION 3.16.600** Program for evaluation and research of medical use of marijuana: Establishment by the Department; federal approval; participants and subjects; annual report to The Board.

**SECTION 3.16.610** Program for evaluation and research of medical use of marijuana: Duties of the Department, or its appointed designee, or its contracted designee, concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

**SECTION 3.16.620** Program for evaluation and research of medical use of marijuana: Authority of the Department and the Board concerning gifts, grants, donations and contributions; deposit of money in Tribal Finance Department.

**SECTION 3.16.630** Program for evaluation and research of medical use of marijuana: Deposits, use and disposition of money: Department, or contracted private company to administer account.

#### MISCELLANEOUS PROVISIONS

**SECTION 3.16.700** Duties of Department concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

**SECTION 3.16.710** Addition of diseases and conditions to list of qualifying chronic or debilitating medical conditions: Petition; regulations.

**SECTION 3.16.720** Authority of the Department concerning gifts, grants, donations and contributions; deposit of money in the Pyramid Lake Paiute Tribe Finance Department.

**SECTION 3.16.730** Deposit, use and disposition of money; administration of account.

**SECTION 3.16.740** Regulations.

**SECTION 3.16.750** Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be allowed in workplace; medical needs of employee who engages in medical use of marijuana to be accommodated by employer in certain circumstances.

**SECTION 3.16.760** Tribe not responsible for deleterious outcomes; no waiver of sovereign immunity.

**SECTION 3.16.770** Agreements with State of Nevada

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#### GENERAL PROVISIONS

**SECTION 3.16.010** **Definitions.** As used in this Chapter, unless the context otherwise requires, the words and terms defined in Section 3.16.020 to Section 3.16.170, inclusive, have the meanings ascribed to them in those sections.

**SECTION 3.16.020** **“Administer” defined.** “Administer,” in relation to drugs, means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

1. A practitioner or, in the practitioner’s presence, by the practitioner’s authorized agent; or
2. The patient or research subject at the direction and in the presence of the practitioner.

**SECTION 3.16.030** **“Attending physician” defined.** “Attending physician” means a physician who:

1. Is licensed to practice:
  - (a) Medicine pursuant to the provisions of Chapter 630 of NRS; or
  - (b) Osteopathic medicine pursuant to the provisions of Chapter 633 of NRS; and
2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

**SECTION 3.16.035** **“Board” defined.** “Board” means the Board created by the Pyramid Lake Paiute Tribal Council with responsibilities as stated in this Chapter.

**SECTION 3.16.040 “Cachexia” defined.** “Cachexia” means general physical wasting and malnutrition associated with chronic disease.

**SECTION 3.16.050 “Chronic or debilitating medical condition” defined.** “Chronic or debilitating medical condition” means:

1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
  - (a) Cachexia;
  - (b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
  - (c) Seizures, including, without limitation, seizures caused by epilepsy;
  - (d) Severe nausea;
  - (e) Severe pain;
  - (f) Post traumatic stress disorder; or
  - (g) Symptoms associated with end of life or long term hospice care, which may include physical, mental, or emotional symptoms; or
5. Any other medical condition or treatment for a medical condition that is:
  - (a) Classified as a chronic or debilitating medical condition by regulation of the Board; or
  - (b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with Section 3.16.710.

**SECTION 3.16.056 “Cultivation facility” defined.** “Cultivation facility” means a business that:

1. Is registered with the Department pursuant to Section 3.16.322; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
  - (a) Medical marijuana dispensaries;
  - (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
  - (c) Other cultivation facilities.

**SECTION 3.16.060 “Deliver” and “delivery” defined.** “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

**SECTION 3.16.080 “Designated primary caregiver” defined.**

1. “Designated primary caregiver” means a person who:
  - (a) Is 18 years of age or older;
  - (b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and
  - (c) Is designated as such in the manner required pursuant to Section 3.16.250.
2. The term does not include the attending physician of a person diagnosed with a chronic or debilitating medical condition.

**SECTION 3.16.090 "Department" defined.** "Department" means the Tribal Department responsible for the oversight and enforcement of the rules that govern the marijuana programs as adopted by the Pyramid Lake Paiute Tribe.

**SECTION 3.16.100 "Drug paraphernalia" defined.** See Section 3.16.13.16.

**SECTION 3.16.101 "Edible marijuana products" defined.** "Edible marijuana products" means products that:

1. Contain marijuana or an extract thereof;
2. Are intended for human or animal consumption by oral ingestion; and
3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

**SECTION 3.16.102 "Electronic verification system" defined.** "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and
2. Is accessible by the Department and by registered medical marijuana establishments.

**SECTION 3.16.103 "Enclosed, locked facility" defined.** "Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of Section 3.16.362 and is equipped with locks or other security devices that allow access only by a medical marijuana establishment agent and the holder of a valid registry identification card.

**SECTION 3.16.104 "Excluded felony offense" defined.** "Excluded felony offense" means the conviction of a felony crime under State or Federal law for distribution of a controlled substance.

**SECTION 3.16.105 "Facility for the production of edible marijuana products or marijuana-infused products" defined.** "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the Department pursuant to Section 3.16.322; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

**SECTION 3.16.108 "Inventory control system" defined.** "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for medical purposes from the point of cultivation to the end consumer.

**SECTION 3.16.109 "Law and Order Code" defined.** "Law and Order Code" means the Pyramid Lake Paiute Tribe's Law and Order Code.

**SECTION 3.16.110 "Marijuana" defined.**

1. "Marijuana" means:

- (a) All parts of any plant of the genus Cannabis, whether growing or not;
- (b) The seeds thereof;
- (c) The resin extracted from any part of the plant, including concentrated cannabis; and

- (d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
- 2. “Marijuana” does not include:
  - (a) Industrial hemp, as defined in NRS 557.040, which is grown or cultivated pursuant to the provisions of Chapter 557 of NRS; or
  - (b) The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

**SECTION 3.16.112 “Marijuana-infused products” defined.**

- 1. “Marijuana-infused products” means products that:
  - (a) Are infused with marijuana or an extract thereof; and
  - (b) Are intended for use or consumption by humans or animals through means other than inhalation or oral ingestion.
- 2. The term includes, without limitation, topical products, ointments, oils and tinctures.

**SECTION 3.16.115 “Medical marijuana dispensary” defined.** “Medical marijuana dispensary” means a business that:

- 1. Is registered with the Department pursuant to Section 3.16.322; and
- 2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

**SECTION 3.16.116 “Medical marijuana establishment” defined.** “Medical marijuana establishment” means an entity owned by the Tribe including:

- 1. A testing laboratory;
- 2. A cultivation facility;
- 3. A facility for the production of edible marijuana products or marijuana-infused products;
- 4. A medical marijuana dispensary; or
- 5. A business that has registered with the Department and paid the requisite fees to act as more than one of the types of businesses listed in subsections 1, 2, 3 and 4.

**SECTION 3.16.117 “Medical marijuana establishment agent” defined.** “Medical marijuana establishment agent” means an owner, officer, board member, employee or volunteer of a medical marijuana establishment.

**SECTION 3.16.118 “Medical marijuana establishment agent registration card” defined.** “Medical marijuana establishment agent registration card” means a registration card that is issued by the Department pursuant to Section 3.16.332 to authorize a person to volunteer or work at a medical marijuana establishment.

**SECTION 3.16.119 “Medical marijuana establishment registration certificate” defined.** “Medical marijuana establishment registration certificate” means a registration certificate that is issued by the Department pursuant to Section 3.16.322 to authorize the operation of a medical marijuana establishment.

**SECTION 3.16.120 “Medical use of marijuana” defined.** “Medical use of marijuana” means:

1. The possession, delivery, production or use of marijuana;
2. The possession, delivery or use of paraphernalia used to administer marijuana; or
3. Any combination of the acts described in subsections 1 and 2,  
as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.

**SECTION 3.16.123 “NRS” defined.** “NRS” means the Nevada Revised Statutes.

**SECTION 3.16.125 “Paraphernalia” defined.** “Paraphernalia” or “drug paraphernalia” means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.

**SECTION 3.16.130 “Production” defined.** “Production” or “produce” includes the manufacturing of a controlled substance and the planting, cultivation, growing or harvesting of a plant from which a controlled substance is derived.

**SECTION 3.16.140 “Registry identification card” defined.** “Registry identification card” means a document issued by the Department or its designee that identifies:

1. A person who is exempt from Tribal, State or Federal prosecution for engaging in the medical use of marijuana; or
2. The designated primary caregiver, if any, of a person described in Subsection 1.

**SECTION 3.16.141 “Remote medical care” defined.** “Remote medical care” means that an attending physician may employ nontraditional means of reaching patients in need of medical care. “Remote medical care” is limited to conducting house calls or telemedicine care.

**SECTION 3.16.142 “Telemedicine care” defined.** “Telemedicine care” means that an attending physician may employ electronic methods such as, but not limited to: interactive video, store and forward, smartphone interfaces, and voice calling, along with associated devices, to reach patients in need of medical care, in lieu of face to face encounters.

**SECTION 3.16.144 “Testing laboratory” defined.** “Testing laboratory” means a facility described in Section 3.16.368.

**SECTION 3.16.146 “Tribe” defined.** “Tribe” means the Pyramid Lake Paiute Tribe, a federally recognized Indian tribe.

**SECTION 3.16.147 “Tribal Court” defined.** “Tribal Court” means the court system created and administered by the Tribe through its Law and Order Code.

**SECTION 3.16.148 “Tribal Lands” defined.** “Tribal Lands” means the Pyramid Lake Paiute and any lands added thereto that are held in trust by the United States for the benefit of the Tribe.

**SECTION 3.16.149 “Tribal Police Department” defined.** “Tribal Police Department” means the Pyramid Lake Paiute Tribal Police Department.

**SECTION 3.16.150 “Tribal, State or Federal prosecution” defined.** “Tribal, State or Federal prosecution” means prosecution initiated or maintained by the Tribe or an agency or political subdivision of the Tribe.

**SECTION 3.16.155 “THC” defined.** “THC” means delta-9-tetrahydrocannabinol, which is the primary active ingredient in marijuana.

**SECTION 3.16.160 “Usable marijuana” defined.** “Usable marijuana” means the dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of marijuana; and

**SECTION 3.16.170 “Written documentation” defined.** “Written documentation” means:

1. A statement signed by the attending physician of a person diagnosed with a chronic or debilitating medical condition; or
2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

**LIMITED EXEMPTION FROM TRIBAL, STATE OR FEDERAL PROSECUTION;  
REGISTRY IDENTIFICATION CARDS**

**SECTION 3.16.200 Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from Tribal, State or Federal prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from Tribal, State or Federal prosecution; affirmative defense; holder of patient registry registration card prohibited from cultivating, growing, or producing marijuana on Tribal lands.**

1. Except as otherwise provided in this Section and Section 3.16.300, a person who holds a valid registry identification card issued to the person pursuant to Section 3.16.220 or 3.16.250 is exempt from Tribal, State or Federal prosecution for:
  - (a) Possession or delivery of marijuana;
  - (b) Possession or delivery of paraphernalia;
  - (c) Aiding and abetting another in the possession or delivery of marijuana;
  - (d) Aiding and abetting another in the possession or delivery of paraphernalia;
  - (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
  - (f) Any other criminal offense in which the possession or delivery of marijuana or the possession or delivery of paraphernalia is an element.
2. In addition to the provisions of Subsections 1 and 5, no person may be subject to Tribal, State or Federal prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this Chapter.
3. The exemption from Tribal, State or Federal prosecution set forth in Subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to Section 3.16.220.1(a) and the designated primary caregiver, if any, of such a person:
  - (a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this Chapter as justified to mitigate the symptoms or effects of the person’s chronic or debilitating medical condition; and

- (b) Do not, at any one time, collectively possess or deliver more than:
  - (1) Two and one-half ounces of usable marijuana; and
  - (2) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Board.
 The persons described in this Subsection must ensure that the usable marijuana described in this Subsection is safeguarded in an enclosed, secure location.
- 4. If the persons described in Subsection 3 possess or deliver marijuana in an amount that exceeds the amount described in paragraph (b) of that Subsection, those persons:
  - (a) Are not exempt from Tribal, State or Federal prosecution for possession, delivery or production of marijuana.
  - (b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in Section 3.16.310.
- 5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to Section 3.16.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to Section 3.16.332, and who confines his or her activities to those authorized by Sections 3.16.320 to 3.16.370, inclusive, and the regulations adopted by the Board pursuant thereto, is exempt from Tribal, State or Federal prosecution for:
  - (a) Possession, delivery or production of marijuana;
  - (b) Possession or delivery of paraphernalia;
  - (c) Aiding and abetting another in the possession, delivery or production of marijuana;
  - (d) Aiding and abetting another in the possession or delivery of paraphernalia;
  - (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
  - (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.
- 6. As used in this Section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.
- 7. Except as authorized in this Chapter, a person who holds a valid registry identification card issued to the person pursuant to Section 3.16.220 or 3.16.250, or pursuant to NRS 453A.220 or 453A.250, and any designated primary caregiver, are prohibited from, and not authorized to cultivate or grow marijuana on Tribal lands for any reason.

**SECTION 3.16.210 Registry identification cards: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card pending approval or denial of application.**

- 1. The Department shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this Section.
- 2. Except as otherwise provided in Subsections 3 and 5 and Section 3.16.225, the Department or its designee shall issue a registry identification card to a person who is a resident of any state and who submits an application on a form prescribed by the Department accompanied by the following:
  - (a) Valid, written documentation from the person's attending physician after a qualified medical examination, which may be conducted in person or through remote medical care, stating that:
    - (1) The person has been diagnosed with a chronic or debilitating medical condition;



- (2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and
  - (3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;
  - (b) The name, address, telephone number, social security number and date of birth of the person;
  - (c) Proof satisfactory to the Department of that person's residency.
  - (d) The name, address and telephone number of the person's attending physician;
  - (e) If the person elects to designate a primary caregiver at the time of application:
    - (1) The name, address, telephone number and social security number of the designated primary caregiver; and
    - (2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and
  - (f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.
3. The Department or its designee shall issue a registry identification card to a person who is under 18 years of age if:
- (a) The person submits the materials required pursuant to Subsection 2; and
  - (b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:
    - (1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;
    - (2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;
    - (3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and
    - (4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.
4. Upon receipt of an application on the form prescribed by the Department that is completed and submitted pursuant to this Section, the Department shall:
- (a) Record on the application the date on which it was received; and
  - (b) Retain the form of the application for the records of the Department.
5. The Department shall verify the information contained in an application submitted pursuant to this Section and shall approve or deny an application within 30 days after receiving the application. The Department may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Department may deny an application only on the following grounds:
- (a) The applicant failed to provide the information required pursuant to Subsections 2 and 3 to:
    - (1) Establish the applicant's chronic or debilitating medical condition; or
    - (2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

- (b) The applicant failed to comply with regulations adopted by the Board;
  - (c) The Department determines that the information provided by the applicant was falsified;
  - (d) The Department determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;
  - (e) The Department has prohibited the applicant from obtaining or using a registry identification card pursuant to Subsection 3.16.300.2;
  - (f) The Department determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card revoked pursuant to Section 3.16.225; or
  - (g) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of Subsection 3.
6. The decision of the Department to deny an application for a registry identification card is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Department. A judicial review authorized pursuant to this Subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in the Tribe's Law and Order Code for reviewing a final decision of an agency, or if no such provisions are provided, as any other civil case.
  7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Department or the Tribal Court authorizes reapplication in a shorter time.
  8. Except as otherwise provided in this Subsection, if a person has applied for a registry identification card pursuant to this Section and the Department has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application.

**SECTION 3.16.220 Registry identification cards: Issuance to applicant; issuance to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal.**

1. If the Department approves an application pursuant to Subsection 3.16.210.5, the Department or its designee shall, as soon as practicable after the Department approves the application, issue a serially numbered registry identification card to the applicant; and
  - (a) Issue a serially numbered registry identification card to the applicant; and
  - (b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.
2. A registry identification card issued pursuant to Subsection 1(a) must set forth:
  - (a) The name, address, photograph and date of birth of the applicant;
  - (b) The date of issuance and date of expiration of the registry identification card;
  - (c) The name, address, and date of birth of the primary caregiver, if any;
  - (d) The name of the applicant's designated medical marijuana dispensary, if any;

- (e) Any other information prescribed by regulation of the Board.
- 3. A registry identification card issued pursuant to Subsection 1(b) must set forth:
  - (a) The name, address and photograph of the designated primary caregiver;
  - (b) The date of issuance and date of expiration of the registry identification card;
  - (c) The name and address of the applicant for whom the person is the designated primary caregiver; and
  - (d) Any other information prescribed by regulation of the Board.
- 4. Except as otherwise provided in Section 3.16.225, Subsection 3.16.230.3 and Subsection 3.16.300.2, a registry identification card issued pursuant to Subsection 3.16.220.1(a) is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Board.

**SECTION 3.16.225 Registry identification cards: Revocation; duties; judicial review; reapplication prohibited for 12 months.**

- 1. If, at any time after the Department or its designee has issued a registry identification card to a person pursuant to Subsection 3.16.220.1(a) or pursuant to Section 3.16.250, the Department determines, on the basis of official documents or records or other credible evidence, that the person:
  - (a) Provided falsified information on his or her application to the Department or its designee, as described in Subsection 3.16.210.5(c), or
  - (b) Has been convicted of an excluded felony offense after issuance of the registry identification card,
 the Department/Board shall immediately revoke the registry identification card issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.
- 2. Upon the revocation of a registry identification card or letter of approval pursuant to this Section:
  - (a) The Department shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and
  - (b) The person shall return his or her registry identification card or letter of approval to the Department within 7 days after receiving the notice sent pursuant to paragraph (a).
- 3. The decision of the Board to revoke a registry identification card pursuant to this Section is a final decision for the purposes of judicial review.
- 4. A person whose registry identification card has been revoked pursuant to this Section may not reapply for a registry identification card pursuant to Section 3.16.210 for 12 months after the date of the revocation, unless the Department or the Tribal Court authorizes reapplication in a shorter time.

**SECTION 3.16.230 Registry identification card: Holder to notify Department of certain changes in information; required annual update of documentation from attending physician; designation of primary caregiver after initial issuance of card; deemed expiration of card.**

- 1. A person to whom the Department or its designee has issued a registry identification card pursuant to Subsection 3.16.220.1(a) shall, in accordance with regulations adopted by the Board:

- (a) Notify the Department of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and
  - (b) Submit annually to the Department:
    - (1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:
      - (I) The person continues to suffer from a chronic or debilitating medical condition;
      - (II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and
      - (III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and
    - (2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year, the name, address, telephone number and social security number of the designated primary caregiver.
2. If a person fails to comply with the provisions of Subsection 1, the registry identification card issued to the person shall be deemed expired. If the registry identification card of a person to whom the Department or its designee issued the card pursuant to Subsection 3.16.220.1(a) is deemed expired pursuant to this Subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired.

**SECTION 3.16.240 Registry identification cards: Card to be returned to Department following diagnosis of absence of chronic or debilitating medical condition.** If a person to whom the Department or its designee has issued a registry identification card pursuant to Subsection 3.16.220.1(a) is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person and his or her designated primary caregiver, if any, shall return their registry identification cards to the Department within 7 days after notification of the diagnosis.

**SECTION 3.16.250 Registry identification cards: General requirements concerning designation of primary caregiver; user of medical marijuana not to have more than one designated primary caregiver; timing of issuance of card to caregiver if caregiver designated after initial issuance of card to patient.**

- 1. If a person who applies to the Department for a registry identification card or to whom the Department or its designee has issued a registry identification card pursuant to Subsection 3.16.220.1(a) desires to designate a primary caregiver, the person must:
  - (a) To designate a primary caregiver at the time of application, submit to the Department the information required pursuant to Subsection 3.16.210.2(e); or
  - (b) To designate a primary caregiver after the Department or its designee has issued a registry identification card to the person, submit to the Department the information required pursuant to Subsection 3.16.230.1(b)(2).
- 2. A person may have only one designated primary caregiver at any one time.
- 3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card, the Department or its designee shall, except as otherwise provided in Subsection 3.16.210.5, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to Subsection 1(b).

## **PROHIBITED ACTS; AFFIRMATIVE DEFENSES**

### **SECTION 3.16.300 Acts for which registry identification cardholder is not exempt from Tribal, State or Federal prosecution and may not raise affirmative defense; additional penalty.**

1. A person who holds a registry identification card issued to him or her pursuant to Section 3.16.220 or 3.16.250 is not exempt from Tribal, State or Federal prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:
  - (a) Driving, operating or being in actual physical control of a vehicle, vessel or aircraft under power or sail while at the same instant, in the actual act of using marijuana, or while under the influence of marijuana determined by an accepted and recognized testing method.
  - (b) Engaging in any other conduct prohibited by Law and Order Code Section 3.04.304.
  - (c) Possessing a firearm while under the influence of alcohol or a controlled substance.
  - (d) Possessing marijuana in violation of Law and Order Code Section 3.04.268 or possessing paraphernalia in violation of any section of the Law and Order Code, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:
    - (1) Any place exposed to public view not so authorized by or registered with the Board; or
    - (2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.
  - (e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Department or its designee pursuant to Sections 3.16.220 or 3.16.250.
  - (f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Department or its designee pursuant to Section 3.16.220 or 3.16.250.
2. Except as otherwise provided in Section 3.16.225 and in addition to any other penalty provided by law, if the Department determines that a person has willfully violated a provision of this Chapter or any regulation adopted by the Department to carry out the provisions of this Chapter, the Department may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

### **SECTION 3.16.310 Affirmative defenses.**

1. Except as otherwise provided in this Section and Section 3.16.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:
  - (a) Is a person who:
    - (1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

- (2) Is engaged in the medical use of marijuana; and
  - (3) Possesses, delivers or produces marijuana only in the amount described in Subsection 3.16.200.3(b) or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or
- (b) Is a person who:
- (1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and
  - (2) Possesses, delivers or produces marijuana only in the amount described in Subsection 3.16.200.3(b) or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.
2. A person need not hold a registry identification card issued to the person by the Department or its designee pursuant to Section 3.16.220 or 3.16.250 to assert an affirmative defense described in this Section.
  3. Except as otherwise provided in this Section and in addition to the affirmative defense described in Subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:
    - (a) Asserting a defense of medical necessity; or
    - (b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, if the amount of marijuana at issue is not greater than the amount described in Subsection 3.16.200.3(b) and the person has taken steps to comply substantially with the provisions of this Chapter.
  4. A defendant who intends to offer an affirmative defense described in this Section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecutor a written notice of the defendant's intent to claim the affirmative defense. The written notice must:
    - (a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and
    - (b) Set forth the factual basis for the affirmative defense.

A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this Subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

## **PRODUCTION AND DISTRIBUTION OF MEDICAL MARIJUANA**

### **Registration of Medical Marijuana Establishments and Medical Marijuana Establishment Agents**

**SECTION 3.16.320 Purpose of registration; no vested right acquired by holder of registration certificate or registration card.** The purpose for registering medical marijuana establishments and medical marijuana establishment agents is to protect the public health and safety and the general welfare of the members of the Tribe, and the people in adjoining jurisdictions. Any medical marijuana establishment registration certificate issued pursuant to

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Section 3.16.322 and any medical marijuana establishment agent registration card issued pursuant to Section 3.16.332 is a revocable privilege and the holder of such a certificate or card, as applicable, does not acquire thereby any vested right.

**SECTION 3.16.322 Registration of establishments: Requirements; expiration and renewal.**

1. Each medical marijuana establishment must register with the Department.
2. An entity that wishes to operate a medical marijuana establishment must submit to the Department an application on a form prescribed by the Department. Only an entity wholly owned by the Tribe may apply for and obtain registration as a medical marijuana establishment.
3. Except as otherwise provided in Section 3.16.324, 3.16.326, 3.16.328 and 3.16.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the Department shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate identification number if:
  - (a) The entity that wishes to operate the proposed medical marijuana establishment has submitted to the Department all of the following:
    - (1) The application fee, as set forth in Section 3.16.344;
    - (2) An application, which must include:
      - (I) The legal name of the proposed medical marijuana establishment;
      - (II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of a medical marijuana dispensary may not be within 1,000 feet of a public school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana dispensary was submitted to the Department, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Department. The 1000 feet is measured from the wall of the unit housing the dispensary to the wall of the public school;
      - (III) Evidence that the applicant owns or controls (such as where the property is owned in trust for the Tribe) the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;
      - (IV) For the applicant and each person who is proposed to be an officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Department to forward the fingerprints to the Tribal Police Department for submission to the Federal Bureau of Investigation for its report;
      - (VI) The name, address and date of birth of each person who is proposed to be an officer or board member of the proposed medical marijuana establishment; and
      - (VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

- (3) Operating procedures consistent with rules of the Department for oversight of the proposed medical marijuana establishment, including, without limitation:
  - (I) Procedures to ensure the use of adequate security measures; and
  - (II) The use of an electronic verification system and an inventory control system, pursuant to Sections 3.16.354 and 3.16.356;
- (4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the Department;
- (5) Such other information as the Department may require by regulation;
- (b) None of the persons who are proposed to be officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;
- (c) None of the persons who are proposed to be officers or board members of the proposed medical marijuana establishment have:
  - (1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or
  - (2) Previously had a medical marijuana establishment agent registration card revoked; and
- (d) None of the persons who are proposed to be officers or board members of the proposed medical marijuana establishment are under 21 years of age.
- 4. For each person who is proposed to be an officer or board member of a proposed medical marijuana establishment, the Department shall submit the fingerprints of the person to the Tribal Police Department for submission to determine the criminal history of that person.
- 5. Except as otherwise provided in Subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this Section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this Section or other applicable law, the Department shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:
  - (a) Resubmission of the information set forth in this Section; and
  - (b) Payment of the renewal fee set forth in Section 3.16.344.
- 6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this Section, the Department shall consider the criteria of merit set forth in Section 3.16.328.
- 7. As used in this Section, “community facility” means:
  - (a) A facility that provides day care to children.
  - (b) A public park.
  - (c) A playground.
  - (d) A public swimming pool.
  - (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
  - (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

**SECTION 3.16.324 Registration of establishments: Limitation on total number of certificates that can be issued.**



1. Except as otherwise provided in this Section, the Department shall issue the appropriate number of medical marijuana establishment registration certificates for medical marijuana dispensaries as are necessary to serve and supply the needs of the medical marijuana patients.
2. Notwithstanding the provisions of Subsection 1, the Department shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence of more than one Tribal medical marijuana dispensary per township, city, or census population district.
3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Department shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Department has granted a medical marijuana establishment registration certificates.

**SECTION 3.16.326 Registration of establishments: Certificates deemed provisional pending compliance with requirements and issuance of business license.** All licenses and registration certificates are provisional until finalized and a business license has been issued.

**SECTION 3.16.328 Registration of establishments: Considerations in determining whether to issue registration certificate.** In determining whether to issue a medical marijuana establishment registration certificate pursuant to Section 3.16.322, the Department shall, in addition to the factors set forth in that Section, consider the following criteria of merit:

1. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;
2. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;
3. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;
4. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;
5. The amount of taxes paid to, or other beneficial financial contributions made to, the Pyramid Lake Paiute Tribe or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and
6. Whether the applicant has an integrated plan to avoid diversion to surrounding communities.
7. Any other criteria of merit that the Department determines to be relevant.

**SECTION 3.16.332 Agents required to register with Department; requirements for registration; establishment required to notify Department if agent ceases to be employed by or volunteer at establishment; expiration and renewal of registration.**

1. Except as otherwise provided in this Section, a person shall not volunteer or work at a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Department pursuant to this Section.
2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:

- (a) The name, address and date of birth of the prospective medical marijuana establishment agent;
  - (b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this Chapter;
  - (c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;
  - (d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Department to forward the fingerprints to the Tribal Police Department to determine the Criminal History of the applicant.
  - (e) The application fee, as set forth in Section 3.16.344; and
  - (f) Such other information as the Department may require by regulation.
3. A medical marijuana establishment shall notify the Department within 10 days after a medical marijuana establishment agent ceases to be employed by or volunteer at the medical marijuana establishment.
  4. A person who:
    - (a) Has been convicted of a felony offense for which the sentence, including any term of probation, incarceration or supervised release, was completed less than 5 years before; or
    - (b) Has been convicted of an excluded felony offense; or
    - (c) Is less than 21 years of age;
 shall not serve as a medical marijuana establishment agent.
  5. The Department shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Tribal Police Department, to determine the criminal history of the applicant.
  6. The provisions of this Section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Department at the time the establishment was registered with the Department.
  7. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this Section and is not disqualified from serving as such an agent pursuant to this Section or any other applicable law, the Department shall issue to the person a medical marijuana establishment agent registration card. If the Department does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Department acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:
    - (a) Resubmission of the information set forth in this Section; and
    - (b) Payment of the renewal fee set forth in Section 3.16.344.

**SECTION 3.16.334 Registration cards and registration certificates nontransferable.**  
 The following are nontransferable:

1. A medical marijuana establishment agent registration card.
2. A medical marijuana establishment registration certificate.

**SECTION 3.16.336 Payment of child support: Statement by applicant for registration card or registration certificate; grounds for denial; duties of Department. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

1. In addition to any other requirements set forth in this Chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:
  - (a) Include the social security number of the applicant in the application submitted to the Department.
  - (b) Submit to the Department a statement completed and signed by the applicant that:
    - (1) The applicant is not subject to a court order for the support of a child;
    - (2) The applicant is subject to a court order for the support of one or more children and is in compliance with the order or is in compliance with a plan approved by the Tribal Court, Tribal prosecutor, district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or
    - (3) The applicant is subject to a court order for the support of one or more children and is not in compliance with the order or a plan approved by the Tribal Court, Tribal prosecutor, district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
2. The Department shall include the statement required pursuant to Subsection 1 in:
  - (a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or
  - (b) A separate form prescribed by the Department.
3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the Department if the applicant:
  - (a) Fails to submit the statement required pursuant to Subsection 1; or
  - (b) Indicates on the statement submitted pursuant to Subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the Tribal Court, Tribal prosecutor, district attorney, or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
4. If an applicant indicates on the statement submitted pursuant to Subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the Tribal Court, Tribal prosecutor, district attorney, or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the entity enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**SECTION 3.16.338 Suspension of registration card or registration certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of registration card or registration certificate. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child**

**support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

1. If the Department receives a copy of a court order that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate because the person failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or is in arrears in the payment for the support of one or more children, then the Department shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the card or certificate by the Tribal Court, Tribal prosecutor, district attorney or other public agency stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage.
2. The Department shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a court if the Department receives a letter issued by the Tribal Court, Tribal prosecutor, district attorney or other public agency to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage.

**SECTION 3.16.340 Grounds for immediate revocation of registration certificate.** The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.
2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.
3. Violating a regulation of the Department or Board, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

**SECTION 3.16.342 Grounds for immediate revocation of registration card.** The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having been convicted of any excluded felony offense.
2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.
3. Violating a regulation of the Department or Board, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

**SECTION 3.16.344 Fees.**

1. Except as otherwise provided in Subsection 2, the Department shall collect not more than the following maximum fees:  
For the initial issuance of a medical marijuana establishment registration certificate for a Medical marijuana dispensary.....\$1000.00  
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....\$500.00  
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility ..... \$300.00  
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility ..... \$300.00  
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products.....\$300.00  
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products ..... \$300.00  
For the initial issuance of a medical marijuana establishment agent registration card ..... \$75.00  
For the renewal of a medical marijuana establishment agent registration card ...\$75.00  
For the initial issuance of a medical marijuana establishment registration certificate for an independent Testing laboratory..... \$500.00  
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory..... \$300.00
2. In addition to the fees described in Subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Department:
  - (a) A one-time, nonrefundable application fee of \$100.00; and
  - (b) The actual costs incurred by the Department in processing the application, including, without limitation, conducting background checks.
3. Any revenue generated from the fees imposed pursuant to this Section:
  - (a) Must be expended first to pay the costs of the Department in carrying out the provisions of Section 3.16.320 to 3.16.370, inclusive; and
  - (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the Tribal Finance Department.

**Requirements Concerning Operation of Medical Marijuana Establishments**

**SECTION 3.16.350 Location, land use, appearance and signage.** Each medical marijuana establishment must:

1. Be located in a commercial or industrial zone or overlay; or have received a variance from the Pyramid Lake Tribal Council. A cultivation facility can be located in an agriculture or rural zone.
2. Comply with all Tribal ordinances and rules pertaining to zoning, land use and signage;
3. Have an appearance, both as to the interior and exterior, that is professional, orderly and dignified.
4. Have discreet and professional signage.

**SECTION 3.16.352 Operating documents; security measures; actions of establishment with respect to marijuana required to be for certain purpose; requirements for cultivation; dispensary and cultivation facility authorized to acquire marijuana from patient; allowing consumption on premises prohibited; inspection.**

1. The operating documents of a medical marijuana establishment must include procedures:
  - (a) For the oversight of the medical marijuana establishment; and
  - (b) To ensure accurate recordkeeping, including, without limitation, the provisions of Section 3.16.354 and 3.16.356.
2. Except as otherwise provided in this Subsection, a medical marijuana establishment:
  - (a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
  - (b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

The provisions of this Subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:
  - (a) Directly or indirectly assist patients who possess valid registry identification cards; and
  - (b) Assist patients who possess valid registry identification cards by way of those patients' designated primary caregivers.

For the purposes of this Subsection, a person shall be deemed to be a patient who possesses a valid registry identification card if he or she qualifies for nonresident reciprocity pursuant to Section 3.16.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in a locked facility at the physical address provided to the Department during the registration process for the cultivation facility. Such a locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.
5. Each cultivation facility must have an adequate security plan and a resource plan approved by the Department.
6. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a patient who holds a valid registry identification card, or the designated primary caregiver of such a patient. Except as otherwise provided in this Subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.
7. A medical marijuana establishment shall not allow a person to consume marijuana on the property or premises of the establishment.

8. Medical marijuana establishments are subject to reasonable inspection by the Department at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Department of the establishment.

**SECTION 3.16.354 Electronic verification system.**

1. Each medical marijuana establishment, in consultation with the Department, shall maintain an electronic verification system.
2. The electronic verification system required pursuant to Subsection 1 must be able to monitor and report information, including, without limitation:
  - (a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card and who purchased marijuana from the dispensary in the immediately preceding 14 day period:
    - (1) The number of the card;
    - (2) The date on which the card was issued; and
    - (3) The date on which the card will expire.
  - (b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.
  - (c) In the case of a medical marijuana dispensary, such information as may be required by the Department by regulation regarding persons who are not residents of the Pyramid Lake Paiute Reservation or the State of Nevada, and who have purchased marijuana from the dispensary.
  - (d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.
  - (e) Such other information as the Department may require.
3. Nothing in this Section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.
4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is protected and not divulged for any purpose not specifically authorized by law.

**SECTION 3.16.356 Inventory control system.**

1. Each medical marijuana establishment, in consultation with the Department, shall maintain an inventory control system.
2. The inventory control system required pursuant to Subsection 1 must be able to monitor and report information, including, without limitation:
  - (a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;
  - (b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

- (c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold; and
  - (d) Such other information as the Department may require.
3. Nothing in this Section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.
  4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards that is contained in an inventory control system is protected and not divulged for any purpose not specifically authorized by law.

**SECTION 3.16.358 Duties of medical marijuana dispensaries relating to sale of medical marijuana and related products and relating to notice of legal limits on possession of medical marijuana.** Each medical marijuana dispensary shall ensure all of the following:

1. The weight of all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells are clearly and accurately stated on the product sold.
2. That the dispensary does not sell to a person an amount of marijuana for medical purposes that exceeds the limits set forth in Section 3.16.200.
3. That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in Section 3.16.200.
4. That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the State of Nevada's legal limits on the possession of marijuana for medical purposes, as set forth in the NRS 453A.200.

**SECTION 3.16.360 Requirements concerning edible marijuana products and marijuana-infused products.** Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Department, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not presented in packaging that is appealing to children.
3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

**SECTION 3.16.362 Requirements concerning storage and removal of medical marijuana.**

1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.
2. Except as otherwise provided in Subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.
3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in Subsection 2:



- (a) Only for the purpose of dispensing the marijuana;
- (b) Only immediately before the marijuana is dispensed; and
- (c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

### **Miscellaneous Provisions**

#### **SECTION 3.16.364 Recognition of nonresident cards.**

1. The Pyramid Lake Paiute Tribe and the medical marijuana dispensaries located on Tribal lands that hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:
  - (a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;
  - (b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;
  - (c) The nonresident card has an expiration date and has not yet expired;
  - (d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Department which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in the state or jurisdiction of the holder or bearer's residence; and authorizes release of this information to the Department and Tribal Police Department;
  - (e) The state or jurisdiction where the nonresident card was obtained maintains a database that preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;
  - (f) The Department determines that the database described in paragraph (e) is capable of providing to the Department or the Tribal Police Department, information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled to lawfully do so; and
  - (g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes on the Tribal lands of the Pyramid Lake Paiute Tribe, as set forth in Section 3.16.200, and in the State of Nevada, as set forth in NRS 453A.200.
2. For the purposes of the reciprocity described in this Section:
  - (a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and
  - (b) Under no circumstances, while on Tribal lands, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in Section 3.16.200.
3. As used in this Section, "nonresident card" means a card or other identification that:
  - (a) Is issued by a state or jurisdiction other than the Pyramid Lake Paiute Tribe; and
  - (b) Is the functional equivalent of a registry identification card, as determined by the Department.

#### **SECTION 3.16.368 Testing laboratories.**

1. The Board shall establish standards for one or more private testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold.
2. Such a testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries on Tribal lands:
  - (a) The concentration therein of THC and cannabidiol.
  - (b) Whether the tested material is organic or inorganic
  - (c) The presence of molds and fungus.
3. To obtain certification by the Department on behalf of a testing laboratory, an applicant must:
  - (a) Apply successfully as required pursuant to Section 3.16.322.
  - (b) Pay the fees required pursuant to Section 3.16.344.

**SECTION 3.16.370 Regulations.** The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of Section 3.16.320 to 3.16.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to Section 3.16.322 and 3.16.332.
2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:
  - (a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards.
  - (b) Minimum requirements for the oversight of medical marijuana establishments.
  - (c) Minimum requirements for the keeping of records by medical marijuana establishments.
  - (d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.
  - (e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Department.
3. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person. Such an amount must not exceed the limits set forth in Section 3.16.200.
4. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this Chapter.
5. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.
6. Address such other matters as may assist in implementing the program of dispensation contemplated by Section 3.16.320 to 3.16.370, inclusive.

## SEARCH AND SEIZURE

### **SECTION 3.16.400 Possession of registry identification card, registration certificate or registration card not permissible grounds for search or inspection; care and return of seized property; determination that person is engaged in, facilitating or assisting in medical use of marijuana in accordance with provisions of chapter.**

1. The fact that a person possesses a registry identification card issued to the person by the Department or its designee pursuant to Section 3.16.220 or 3.16.250, a medical marijuana establishment registration certificate issued to the person by the Department or its designee pursuant to Section 3.16.322 or a medical marijuana establishment agent registration card issued to the person by the Department or its designee pursuant to Section 3.16.332 does not, alone:
  - (a) Constitute probable cause to search the person or the person's property; or
  - (b) Subject the person or the person's property to inspection by any governmental agency.
2. Except as otherwise provided in this Subsection, if Tribal law enforcement officers, or State or local law enforcement officers seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:
  - (a) The Tribal Police Department, or State or local law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the Tribal Police Department.
  - (b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.
  - (c) Upon a determination by the Tribal prosecutor or district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or their designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this Chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

The provisions of this Subsection do not require any law enforcement agency to care for live marijuana plants.
3. For the purposes of Subsection 2(c), the determination of the Tribal prosecutor or a district attorney or their designee, that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this Chapter shall be deemed to be evidenced by:
  - (a) A decision not to prosecute;
  - (b) The dismissal of charges; or
  - (c) Acquittal.

### **SECTION 3.16.410 Forfeiture of assets seized.**

1. If a law enforcement agency legally and justly seizes evidence from a medical marijuana establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a

crime has been committed, the relevant provisions of any Tribal law allowing for the forfeiture of property, inclusive, apply insofar as they do not conflict with the provisions of this Chapter.

2. As used in this Section, "law enforcement agency" means the Tribal Police Department or a state entity as described in NRS 239C.065.

## **ACTIONS OF PROFESSIONAL LICENSING BOARDS**

**SECTION 3.16.500 Board of Medical Examiners and State Board of Osteopathic Medicine prohibited from taking disciplinary action against attending physician on basis of physician's participation in certain activities in accordance with chapter.** The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:
  - (a) About the possible risks and benefits of the medical use of marijuana; or
  - (b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,  
if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.
2. Provided the written documentation required pursuant to Subsection 3.16.210.2(a) for the issuance of a registry identification card or pursuant to Subsection 3.16.230.1(b)(1) for the renewal of a registry identification card, if:
  - (a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and
  - (b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

**SECTION 3.16.510 Professional licensing board prohibited from taking disciplinary action against licensee on basis of licensee's participation in certain activities in accordance with chapter.** A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this Chapter; or
2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card issued to him or her pursuant to Subsection 3.16.220.1(a).

## **RESEARCH; APPROVAL OF FEDERAL GOVERNMENT**

**Section 3.16.600 Program for evaluation and research of medical use of marijuana: Establishment by the Department; federal approval; participants and subjects; annual report to the Board.**

1. The Department shall establish a program, and may contract with a private company, for the evaluation and research of the medical use of marijuana in the care and treatment of

- persons or animals, who have been diagnosed with a chronic or debilitating medical condition, or other condition that marijuana may be used for care and treatment.
2. Before the Department establishes a program pursuant to Subsection 1, the Department, or its appointed designee, or its contracted designee, shall aggressively seek and must receive approval and funding of the program by the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, to allow the creation of a federally approved research program for the use and distribution of marijuana for medical purposes.
  3. A research program established pursuant to this Section must include residents who volunteer to act as participants and subjects, as determined by the Department or its appointed designee, or contracted designee.
  4. A resident who wishes to serve as a participant and subject in a research program established pursuant to this Section may notify the Department, or its appointed designee, or its contracted designee, and may apply to participate by submitting an application on a form prescribed by the Department.
  5. The Department shall, on an annual basis, report to the Board with respect to:
    - (a) The progress made in obtaining federal approval for the research program; and
    - (b) If the research program receives federal approval, the status of, activities of and information received from the research program.

**SECTION 3.16.610 Program for evaluation and research of medical use of marijuana: Duties of the Department, or its appointed designee, or its contracted designee, concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.**

1. Except as otherwise provided in this Section and NRS 239.0115, the Department shall maintain the confidentiality of and shall not disclose:
  - (a) The contents of any applications, records or other written materials that the Department creates or receives pursuant to the research program described in Section 3.16.600; or
  - (b) The name or any other identifying information of a person who has applied to or who participates in the research program described in Section 3.16.600.

Except as otherwise provided in NRS 239.0115, the items of information described in this Subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
2. Notwithstanding the provisions of Subsection 1, the Department may release the name and other identifying information of a person who has applied to or who participates in the research program described in Section 3.16.600 to:
  - (a) Authorized employees of the Pyramid Lake Paiute Tribe, or its contracted designee, as necessary to perform official duties related to the research program; and
  - (b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

**SECTION 3.16.620 Program for evaluation and research of medical use of marijuana: Authority of the Department and The Board concerning gifts, grants, donations and contributions; deposit of money in Tribal Finance Department.**

1. The Department, its appointed designee, or its contracted designee, may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of Section 3.16.600.

2. Any money received pursuant to Subsection 1 must be deposited with the Tribe's Finance Department pursuant to Section 3.16.630.

**Section 3.16.630 Program for evaluation and research of medical use of marijuana: Deposit, use and disposition of money; Department of Tribal Finance to administer account.**

1. Any money the Department receives pursuant to Section 3.16.620 or that is appropriated to carry out the provisions of Section 3.16.600:
  - (a) Must be deposited in and accounted for separately by the Tribe's Finance Department;
  - (b) May only be used to carry out the provisions of Section 3.16.600, including the dissemination of information concerning the provisions of that Section and such other information as is determined appropriate by the Department.
2. The Tribe's Finance Department shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the Tribe are paid.

**MISCELLANEOUS PROVISIONS**

**SECTION 3.16.700 Duties of Department concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.**

1. Except as otherwise provided in this Section and Subsection 3.16.210.4, the Department and any designee of the Department shall maintain the confidentiality of and shall not disclose:
  - (a) The contents of any applications, records or other written documentation that the Department or its designee creates or receives pursuant to the provisions of this Chapter; or
  - (b) The name or any other identifying information of:
    - (1) An attending physician; or
    - (2) A person who has applied for or to whom the Department or its designee has issued a registry identification card.

The items of information described in this Subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
2. Notwithstanding the provisions of Subsection 1, the Department or its designee may release the name and other identifying information of a person to whom the Department or its designee has issued a registry identification card to:
  - (a) Authorized employees of the Department or its designee as necessary to perform official duties of the Department, and
  - (b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card issued to him or her pursuant to Sections 3.16.220 or 3.16.250.

**SECTION 3.16.710 Addition of diseases and conditions to list of qualifying chronic or debilitating medical conditions: Petition; regulations.**

1. A person may submit to the Department a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions pursuant to Section 3.16.050.

2. The Department shall adopt regulations setting forth the manner in which the Board will accept and evaluate petitions submitted pursuant to this Section. The regulations must provide, without limitation, that:
  - (a) The Board will approve or deny a petition within 180 days after the Board receives the petition; and
  - (b) The decision of the Board to deny a petition is a final decision for the purposes of judicial review.

**SECTION 3.16.720 Authority of the Department concerning gifts, grants, donations and contributions; deposit of money in Tribal Finance Department.**

1. The Department may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this Chapter.
2. Any money the division receives pursuant to Subsection 1 must be deposited with the Tribe's Finance Department pursuant to Section 3.16.730.

**SECTION 3.16.730 Deposit, use and disposition of money; administration of account.**

1. Any money the Department receives pursuant to Section 3.16.720 or that is appropriated to carry out the provisions of this Chapter:
  - (a) Must be deposited with the Tribe's Finance Department;
  - (b) May only be used to carry out:
    - (1) The provisions of this Chapter, including the dissemination of information concerning the provisions of this Chapter and such other information as determined appropriate by the Department; and
    - (2) Alcohol and drug abuse programs approved by the Tribal Council; and
  - (c) Does not revert to the Tribal General Fund at the end of any fiscal year.
2. The Tribe's Finance Department shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the Tribe are paid.

**NRS 453A.740 Regulations.** The Board shall adopt such regulations as the Board determines are necessary to carry out the provisions of this Chapter.

**SECTION 3.16.750 Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be allowed in workplace; medical needs of employee who engages in medical use of marijuana to be accommodated by employer in certain circumstances.** The provisions of this Chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.
2. Require any employer to allow the medical use of marijuana in the workplace.
3. Require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:
  - (a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

- (b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.
4. Require any employer to modify policies applying to employees related to compliance with Federal laws that may prohibit the use of marijuana by employees, even if an employee who engages in the medical use of marijuana holds a valid registry identification card.

**SECTION 3.16.760 Tribe not responsible for deleterious outcomes; no waiver of sovereign immunity.** The Tribe will not be held responsible for any deleterious outcomes from the medical use of marijuana by any person. Nothing contained in this Chapter shall be construed for any reason as a waiver of the Tribe's sovereign immunity.

**SECTION 3.16.770 Agreements with State of Nevada.** The Tribe, with the approval of the Tribal Council, may enter into one or more agreements with the State of Nevada to efficiently coordinate the cross-jurisdictional administration of the Tribe's laws and the laws of the State of Nevada relating to the use of marijuana.