

CHAPTER 453A - MEDICAL USE OF MARIJUANA

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GENERAL PROVISIONS

SECTION 453A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [SECTION 453A.020](#) to [453A.170](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 453A.020 “Administer” defined. “Administer” has the meaning ascribed to it in [SECTION 453.021](#).

SECTION 453A.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 453A.040 “Cachexia” defined. “Cachexia” means general physical wasting and malnutrition associated with chronic disease.

SECTION 453A.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; or

- (e) Severe pain; or
 - (f) PTSD
 - (g) Symptoms associated with end of life or long term hospice care: both physical, mental, or emotional.
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 453A.710](#).

SECTION 453A.053 “Crime of violence” defined. “Crime of violence” means any **Category A Offense**:

- 1. Involving the use or threatened use of force or violence against the person or property of another; or
- 2. For which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the **Category A Offense**.

SECTION 453A.056 “Cultivation facility” defined. “Cultivation facility” means a business that:

- 1. Is registered with the **Division** pursuant to [SECTION 453A.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 453A.058 “Board defined” “Board means the Board of the Division as designed by the Ely Shoshone Tribal Council

SECTION 453A.060 “Deliver” and “delivery” defined. “Deliver” or “delivery” has the meaning ascribed to it in [SECTION 453.051](#).

SECTION 453A.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 453A.250](#).
- 2. The term does not include the attending physician of a person diagnosed with a chronic or debilitating medical condition.

SECTION 453A.090 Division defined. Division” means the newly formed division responsible for the oversight and enforcement of the rules that govern the marijuana programs as adopted by the Ely Shoshone Tribe.

SECTION 453A.100 “Drug paraphernalia” defined. [Replaced in revision by [SECTION 453A.125](#).]

SECTION 453A.101 “Edible marijuana products” defined. “Edible marijuana products” means products that:

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

SECTION 453A.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 Division and by registered medical marijuana establishments.

SECTION 453A.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 453A.362](#) and is equipped with locks or other security devices which allow access only by a medical marijuana establishment agent and the holder of a valid registry identification card.

SECTION 453A.104 “Excluded felony offense” “Category A Offense” defined.

1. “Excluded felony offense” “Category A Offense” means:
 - (a) A crime of violence; or
 - (b) A violation of a Tribal, state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted.
2. The term does not include:
 - (a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before; or
 - (b) An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to [SECTION 453A.320](#) to [453A.370](#), inclusive, except that the conduct occurred before April 1, 2014, or was prosecuted by an authority other than the State of Nevada.

SECTION 453A.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 **Division** pursuant to [SECTION 453A.322](#); and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

SECTION 453A.107 “Independent testing laboratory” defined. “Independent testing laboratory” means a facility described in [SECTION 453A.368](#).

SECTION 453A.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 453A.110 “Marijuana” defined. “Marijuana” has the meaning ascribed to it in [SECTION 453.096](#).

SECTION 453A.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 through means other than inhalation or oral ingestion.
2. The term includes, without limitation, topical products, ointments, oils and tinctures.

SECTION 453A.115 “Medical marijuana dispensary” defined. “Medical marijuana dispensary” means a business that:

1. Is registered with the Division pursuant to [SECTION 453A.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 453A.116 “Medical marijuana establishment” defined. “Medical marijuana establishment” means:

1. An independent 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 Board and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.

SECTION 453A.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 453A.118 “Medical marijuana establishment agent registration card” defined. “Medical marijuana establishment agent registration card” means a registration card that is issued by the Division pursuant to [SECTION 453A.332](#) to authorize a person to volunteer or work at a medical marijuana establishment.

SECTION 453A.119 “Medical marijuana establishment registration certificate” defined. “Medical marijuana establishment registration certificate” means a registration certificate that is issued by the **Division** pursuant to [SECTION 453A.322](#) to authorize the operation of a medical marijuana establishment.

SECTION 453A.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 453A.125 “Paraphernalia” defined. “Paraphernalia” means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.

SECTION 453A.130 “Production” defined. “Production” has the meaning ascribed to it in [SECTION 453.131](#).

SECTION 453A.140 “Registry identification card” defined. “Registry identification card” means a document issued by the **Division** or its designee that identifies:

1. A person who is exempt from Tribal, Federal, or State 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 453A.143 “Remote medical care” defined. “Remote medical care” means that an attending physician licensed to practice medicine pursuant to the provisions of chapters 630650 of the NRS, “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, defined in SECTION 453A.145

SECTION 453A.145 “Telemedicine care” defined. “Telemedicine care” means that a physician or nurse practitioner, licensed to practice medicine under chapters 630650 of NRS, 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 453A.150 “Tribal, Federal, or State prosecution” defined. “Tribal, Federal, or State prosecution” means prosecution initiated or maintained by the **Ely Shoshone Tribe** State of Nevada or an agency or political subdivision of the **Ely Shoshone Tribe** State of Nevada.

SECTION 453A.155 “THC” defined. “THC” means delta-9-tetrahydrocannabinol, which is the primary active ingredient in marijuana.

SECTION 453A.160 “Usable marijuana” defined.

1. “Usable marijuana” means:
 - (a) 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
 - (b) The seeds of a plant of the genus *Cannabis*.
2. The term does not include the stalks and roots of the plant.

SECTION 453A.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, FEDERAL, OR STATE PROSECUTION; REGISTRY IDENTIFICATION CARDS

SECTION 453A.200 Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from Tribal, Federal, or State 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, Federal, or State prosecution; affirmative defense; holder of card prohibited from cultivating, growing, or producing marijuana on Tribal lands.

1. Except as otherwise provided in this section and [SECTION 453A.300](#), a person who holds a valid registry identification card issued to the person pursuant to [SECTION 453A.220](#) or [453A.250](#) 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.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to Tribal, Federal, or State 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, Federal, or State 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 paragraph (a) of subsection 1 of [SECTION 453A.220](#) 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, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana **“in any one 14-day period”**

(3) 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 and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from Tribal, Federal, or State 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 453A.310](#).

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to [SECTION 453A.322](#) or a valid medical marijuana establishment agent registration card issued to the person pursuant to [SECTION 453A.332](#), and who confines his or her activities to those authorized by [SECTION 453A.320](#) to [453A.370](#), inclusive, and the regulations adopted by the Board pursuant thereto, is exempt from Tribal, Federal, or State 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.

(a) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(b) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

(c) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are NOT authorized to cultivate, grow or produce marijuana on Tribal land, including homes that are assisted by Federal or State funding.

7. As used in this section, “marijuana” includes, without limitation, edible marijuana products and marijuana-infused products.

SECTION 453A.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 Division 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 453A.225](#), the Division or its designee shall issue a registry identification card to a person who is a Native American Tribal Member and who submits an application on a form prescribed by the Division accompanied by the following:

- (a) Valid, written documentation from the person’s attending physician 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 Division that the person is a Native American Tribal Member.
- (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
- (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 Board 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 21 :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. The form prescribed by the Division to be used by a person applying for a registry identification card pursuant to this section. Upon receipt of an application that is completed and submitted pursuant to this section, the Board shall:

(a) Record on the application the date on which it was received;

(b) Retain the form of the application for the records of the Division;

5. The Division 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 Division 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 Division 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, including, without limitation, the regulations adopted by the Administrator pursuant to [SECTION 453A.740](#);

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in any State 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 Division has prohibited the applicant from obtaining or using a registry identification card pursuant to subsection 2 of [SECTION 453A.300](#);

(f) The Division determines that the applicant, or the applicant’s designated primary caregiver, if applicable, has had a registry identification card revoked pursuant to [SECTION 453A.225](#); or

(g) In the case of a person under 21 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 Division 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 21 years of age whose application has been denied, the person’s parent or legal

guardian, has standing to contest the determination of the Division 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 [chapter 233B](#) of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction 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 Division 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 provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in [SECTION 483.141](#).

SECTION 453A.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 Division approves an application pursuant to subsection 5 of [SECTION 453A.210](#), the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a serially numbered registry identification card to the applicant; and

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 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 paragraph (b) of subsection 1 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;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of [SECTION 453A.200](#); and

(f) Any other information prescribed by regulation of the Board.

4. Except as otherwise provided in [SECTION 453A.225](#), subsection 3 of [SECTION 453A.230](#) and subsection 2 of [SECTION 453A.300](#), a registry identification card issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Board.

SECTION 453A.225 Registry identification cards: Revocation; duties; judicial review; reapplication prohibited for 12 months.

1. If, at any time after the Board or its designee has issued a registry identification card to a person pursuant to paragraph (a) of subsection 1 of [SECTION 453A.220](#), the Board 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 Division or its designee, as described in paragraph (c) of subsection 5 of [SECTION 453A.210](#); the Division 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.

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of [SECTION 453A.210](#), the Division/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. If, at any time after the Board or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of [SECTION 453A.220](#) or pursuant to [SECTION 453A.250](#), the Board determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of [SECTION 453A.210](#), the Board shall immediately revoke the registry identification card issued to that person.

3. The decision of the Division to revoke a registry identification card pursuant to this section is a final decision for the purposes of judicial review.

4. 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.

5. A person whose registry identification card has been revoked pursuant to this section may not reapply for a registry identification card pursuant to [SECTION 453A.210](#) for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

SECTION 453A.230 Registry identification card: Holder to notify Board 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 Board or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of [SECTION 453A.220](#) shall, in accordance with regulations adopted by the Board:

(a) Notify the Board 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 Board:

(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:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

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 Division or its designee issued the card pursuant to paragraph (a) of subsection 1 of [SECTION 453A.220](#) 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 453A.240 Registry identification cards: Card to be returned to Board following diagnosis of absence of chronic or debilitating medical condition. If a person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of [SECTION 453A.220](#) 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 Division within 7 days after notification of the diagnosis.

SECTION 453A.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 Division for a registry identification card or to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of [SECTION 453A.220](#) desires to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of [SECTION 453A.210](#); or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of [SECTION 453A.230](#).

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 Board or its designee shall, except as otherwise provided in subsection 5 of [SECTION 453A.210](#), issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

PROHIBITED ACTS; AFFIRMATIVE DEFENSES

SECTION 453A.300 Acts for which registry identification cardholder is not exempt from Tribal, Federal, or State 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 453A.220](#) or [453A.250](#) is not exempt from Tribal, Federal, or State 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 or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by [SECTION 484C.110](#), [484C.120](#), [484C.130](#), [484C.430](#).

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of [SECTION 202.257](#).

(d) Possessing marijuana in violation of [SECTION 453.336](#) or possessing paraphernalia in violation of [SECTION 453.560](#) or [453.566](#), 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 public place or in any place open to the public or exposed to public view; 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 Division or its designee pursuant to [SECTION 453A.220](#) or [453A.250](#).

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to [SECTION 453A.220](#) or [453A.250](#).

2. Except as otherwise provided in [SECTION 453A.225](#) and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Board “Division” 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 453A.310 Affirmative defenses.

1. Except as otherwise provided in this section and [SECTION 453A.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 paragraph (b) of subsection 3 of [SECTION 453A.200](#) 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 paragraph (b) of subsection 3 of [SECTION 453A.200](#) 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 Division or its designee pursuant to [SECTION 453A.220](#) or [453A.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 paragraph (b) of subsection 3 of [SECTION 453A.200](#) 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 prosecuting attorney 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 453A.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 people of this Tribal, Federal, or State. Any medical marijuana establishment registration certificate issued pursuant to [SECTION 453A.322](#) and any medical marijuana establishment agent registration card issued pursuant to [SECTION 453A.332](#) is a revocable privilege and the holder of such a certificate or card, as applicable, does not acquire thereby any vested right.

SECTION 453A.322 Registration of establishments: Requirements; expiration and renewal.

1. Each medical marijuana establishment must register with the Division
2. A person who wishes to operate a medical marijuana establishment must submit to the Division an application on a form prescribed by the Board. **“Division”**
3. Except as otherwise provided in SECTION 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the Board **“Division”** shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the Division all of the following:

- (1) The application fee, as set forth in SECTION 453A.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 which may not be within 1,000 feet of a public or private 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 establishment was submitted to the Board, 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 Division

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 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 is part of the local school district, and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division, and;

- (a) The 1000 feet is measured from the wall of the unit housing the dispensary to the wall of the public school.

(IV) Evidence that the applicant owns 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;

(V) For the applicant and each person who is proposed to be an owner, 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 Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History 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 owner, 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 Board 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 SECTION 453A.354 and 453A.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 Division;

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony/**Category A Offense**;

(c) None of the persons who are proposed to be owners, 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 owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the Division shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation 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 Division 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 453A.344.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the Board shall consider the criteria of merit set forth in SECTION 453A.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 453A.324 Registration of establishments: Limitation on total number of certificates that can be issued.

- 1. Except as otherwise provided in this section and SECTION 453A 326, the Division shall issue one medical marijuana establishment registration certificate for a medical marijuana dispensary.
- 2. Notwithstanding the provisions of subsection 1, the Division 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 medical marijuana dispensary.
- 3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall issue the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensary to which the Division has granted a medical marijuana dispensary establishment registration certificate.

SECTION 453A.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 453A.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 453A.322, the Division 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 Ely Shoshone 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 Division determines to be relevant.

SECTION 453A.332 Agents required to register with Division; requirements for registration; establishment required to notify Board 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 Division 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 **Division** an application on a form prescribed by the Board. 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 Board to forward the fingerprints.

- (e) The application fee, as set forth in [SECTION 453A.344](#); and
- (f) Such other information as the Board may require by regulation.

3. A medical marijuana establishment shall notify the Division 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/**Category A Offense**, of which the sentence, including any term of probation, incarceration or supervised release, was completed less than 5 years before.

(b) Is less than 21 years of age, shall not serve as a medical marijuana establishment agent.

(c) Has been convicted of distribution of a controlled substance shall not serve as a medical marijuana establishment agent.

5. The Board shall submit the fingerprints, and permission, of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history.

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 Division at the time the establishment was registered with the Board.

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 Division shall issue to the person a medical marijuana establishment agent registration card. If the Division 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 Division 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 453A.344](#).

SECTION 453A.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 453A.336 Payment of child support: Statement by applicant for registration card or registration certificate; grounds for denial; duties of Division. [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 Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Division 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 Division

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the Division 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 district attorney, Tribal Prosecutor, 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 district attorney, Tribal Prosecutor, or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

SECTION 453A.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 Division receives a copy of a court order issued pursuant to [NRS 425.540](#) 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 Ely Shoshone Tribal Code – Medical Marijuana – Amended by Resolution 2016-EST-29 & by Resolution 2016-EST-46

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marijuana establishment registration certificate, the Division 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 Division receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Division shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court, or Tribal Court pursuant to [NRS 425.540](#) if the Division receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) 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 pursuant to [NRS 425.560](#).

SECTION 453A.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 Board, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

SECTION 453A.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 committed or committing any excluded felony offense/**Category A 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 Board, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

SECTION 453A.344 Fees.

1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical dispensary.....	marijuana
\$1,000.00	
For the renewal of a medical marijuana establishment registration certificate for a medical 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 Division:

- (a) A one-time, nonrefundable application fee of \$100.00; and
- (b) The actual costs incurred by the Division 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 Division in carrying out the provisions of [SECTION 453A.320](#) to [453A.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 453A.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 Division.
 - (a) Cultivation Facility can be also located in an agriculture or rural zone.
 - 1. Must have adequate security and resource plan.
 - 2. Comply with all local 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, dignified
 - 4. Have discreet and professional signage

SECTION 453A.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

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(b) To ensure accurate recordkeeping, including, without limitation, the provisions of [SECTION 453A.354](#) and [453A.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 453A.364](#).

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, 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. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana, seeds, cuttings, or marijuana plants from a Tribal Member, a patient who holds a valid registry identification card, or the designated primary caregiver of such a patient, or through tribal law enforcement actions on tribal land, except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the usable marijuana, seeds, cuttings, or marijuana plants. 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, seeds, or cuttings to a cultivation facility one time. The cultivation facility will establish a means for tribal members to donate their plants, seeds or cuttings as Notwithstanding any other provision of law and except as otherwise provided in this subsection, a person who holds a registry identification card or his or her designated primary caregiver if any, or a tribal member, such persons are NOT authorized to cultivate, grow or produce marijuana on Tribal lands.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division 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 Division of the establishment.

SECTION 453A.354 Electronic verification system.

1. Each medical marijuana establishment, in consultation with the Division, 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 Division by regulation regarding persons who are not residents of this Tribe or State 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 Division 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 453A.356 Inventory control system.

1. Each medical marijuana establishment, in consultation with the Division , 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, measured both by weight and potency; and

(d) Such other information as the Division 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 which is contained in an inventory control system is, protected and not divulged for any purpose not specifically authorized by law.

SECTION 453A.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, in any one 14-day period, an amount of marijuana for medical purposes that exceeds the limits set forth in [SECTION 453A.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 453A.200](#).
4. That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously State of Nevada's legal limits on the possession of marijuana for medical purposes, as set forth in the [SECTION 453A.200](#)

SECTION 453A.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 Division, 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.

SECTION 453A.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 453A.364 Recognition of nonresident cards.

1. The Tribal Nation of the Ely Shoshone of the State of Nevada and the medical marijuana dispensaries in this Tribal land which 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 Division 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 Division, and Tribal law enforcement

(e) The state or jurisdiction where the nonresident card was obtained maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;

(f) The Division determines that the database described in paragraph (d) is capable of providing to The Division of this Tribe, or Tribal law enforcement, 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 lawfully to 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 in this State, and on tribal lands of the Ely Shoshone Tribe, as set forth in SECTION 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 in this 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 453A.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 Ely Shoshone Tribe ; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division

SECTION 453A.366 Designation of medical marijuana dispensary.

1. A patient who holds a valid registry identification card and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Board.

SECTION 453A.368 Testing laboratories.

1. The Board shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent 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 in the Ely Shoshone Tribe:

(a) The concentration therein of THC and cannabidiol.

(b) Whether the tested material is organic or inorganic

(c) The presence and identification of molds and fungus.

(d) The presence and concentration of fertilizers and other nutrients.

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to SECTION 453A.322.

- (b) Pay the fees required pursuant to [SECTION 453A.344](#).

SECTION 453A.370 Regulations. The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of [SECTION 453A.320](#) to [453A.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 453A.322](#) and [453A.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 Division.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in [SECTION 453A.344](#) may be reduced over time:

(a) To ensure that the fees imposed pursuant to [SECTION 453A.344](#) are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to [SECTION 453A.720](#).

4. 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, in any one 14-day period. Such an amount must not exceed the limits set forth in [SECTION 453A.200](#).

5. 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.

6. 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.

7. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of [SECTION 453A.200](#). The Division shall ensure that the contents of the log are available for verification by law enforcement personnel.

8. The Board shall ensure that the contents of the log are available for verification by law enforcement personnel during normal business hours.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by [SECTION 453A.320](#) to [453A.370](#), inclusive.

SEARCH AND SEIZURE

SECTION 453A.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.

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Adopted 1/12/2016 – Ordinance No. 2016-EST-01 – Resolution 2016-EST-11

1. The fact that a person possesses a registry identification card issued to the person by the Board or its designee pursuant to [SECTION 453A.220](#) or [453A.250](#), a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to [SECTION 453A.322](#) or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to [SECTION 453A.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 officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(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 district attorney, or Tribal Prosecutor, of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's 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.

(d) Upon a determination by the district attorney, or Tribal Prosecutor, of the County or Tribal Court, in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized was not engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter. Any property interest of the person from whom the marijuana, paraphernalia or other related property, except as part of a sentence imposed after conviction of a criminal offense. This usable marijuana, plants, seeds, or cuttings may be disposed of by donation from law enforcement to a licensed dispensary or cultivation facility.

The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee, or Tribal Prosecutor, 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 453A.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 [SECTION 179.1156](#) to [179.121](#), inclusive, apply insofar as they do not conflict with the provisions of this chapter.

2. As used in this section, “law enforcement agency” has the meaning ascribed to it in [SECTION 239C.065](#).

ACTIONS OF PROFESSIONAL LICENSING BOARDS

SECTION 453A.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 [NRS 630](#) of SECTION or licensed to practice osteopathic medicine pursuant to the provisions of [NRS 633](#) of SECTION:

(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 paragraph (a) of subsection 2 of [SECTION 453A.210](#) for the issuance of a registry identification card or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of [SECTION 453A.230](#) 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 453A.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 paragraph (a) of subsection 1 of [SECTION 453A.220](#).

RESEARCH; APPROVAL OF FEDERAL GOVERNMENT

SECTION 453A.600 Program for evaluation and research of medical use of marijuana: Establishment by The Division; federal approval; participants and subjects; annual report to The Board.

1. The Division 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 Division establishes a program pursuant to subsection 1, The Division, 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 Ely Shoshone Tribal Code – Medical Marijuana – Amended by Resolution 2016-EST-29 & by Resolution 2016-EST-46

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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 Division 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 Division, or its appointed designee, or its contracted designee, and may apply to participate by submitting an application on a form prescribed by The Division.

5. The Division 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.

(b) The progress made in obtaining federal funding for the research program.

SECTION 453A.610 Program for evaluation and research of medical use of marijuana: Duties of The Division, 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 Division shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written materials that the Division creates or receives pursuant to the research program described in SECTION 453A.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 453A.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 Division 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 453A.600 to:

(a) Authorized employees of the Ely Shoshone 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 453A.620 Program for evaluation and research of medical use of marijuana: Authority of The Division and The Board concerning gifts, grants, donations and contributions; deposit of money in Tribal Finance Department

1. The Division, 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 453A.600.

2. Any money received pursuant to subsection 1 must be deposited with the Tribal Finance Department pursuant to SECTION 453A.630.

(Added to SECTION by 2001, 3065)

SECTION 453A.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 of Tribal Finance receives pursuant to [SECTION 453A.620](#) or that is appropriated to carry out the provisions of [SECTION 453A.600](#):

(a) Must be deposited in and accounted for separately in the General Fund;

(b) May only be used to carry out the provisions of [SECTION 453A.600](#), including the dissemination of information concerning the provisions of that section and such other information as is determined appropriate by the Division; and

(c) Does not revert to the Tribal General Fund at the end of any fiscal year.

2. The Tribal 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 453A.700 Duties of Division concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

1. Except as otherwise provided in this section, [NRS 239.0115](#) and subsection 4 of [SECTION 453A.210](#), the Division and any designee of the Division shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the Division 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 Division or its designee has issued a registry identification card.

Except as otherwise provided in [SECTION 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 Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division 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 [SECTION 453A.220](#) or [453A.250](#).

SECTION 453A.710 Addition of diseases and conditions to list of qualifying chronic or debilitating medical conditions: Petition; regulations.

1. A person may submit to the Board 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 453A.050](#).

2. The Division 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:

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- (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 453A.720 Authority of the Administrator of the Division concerning gifts, grants, donations and contributions; deposit of money in State Treasury/Tribal Finance Department;

1The Division may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter.

2Any money the division receives pursuant to subsection 1 must be deposited with the Tribal Finance Department pursuant to SECTION 453A.730.

SECTION 453A.730 Deposit, use and disposition of money; administration of account.

1. Any money the Division receives pursuant to SECTION 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the Treasury/Tribal 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 Administrator; and

(2) Alcohol and drug abuse programs pursuant to SECTION 458.094; and

(c) Does not revert to the Tribal General Fund at the end of any fiscal year.

2. The Tribal 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.

SECTION 453A.800 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 actual instant 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.

SECTION 453A.810 Tribe not responsible for deleterious outcomes. The Tribe must not be held responsible for any deleterious outcomes from the medical use of marijuana by any person.

