

BILL NO. 2017-22

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF LIMITED-DURATION LICENSES BY WHICH HOLDERS OF MEDICAL MARIJUANA ESTABLISHMENT LICENSES MAY OPERATE AS DUAL USE MARIJUANA BUSINESSES UNDER NRS CHAPTERS 453A (MEDICAL MARIJUANA) AND 453D (RETAIL MARIJUANA), AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
(by request)

Summary: Authorizes the issuance of limited-duration licenses by which holders of medical marijuana establishment licenses may operate as dual use marijuana businesses under NRS Chapters 453A (medical marijuana) and 453D (retail marijuana).

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: For purposes of this Ordinance, each of the following terms shall have the corresponding meaning set forth in NRS 453D.030:

- (A) Dual licensee
- (B) Marijuana cultivation facility
- (C) Marijuana distributor
- (D) Marijuana establishment
- (E) Marijuana product manufacturing facility
- (F) Marijuana testing facility
- (G) Retail marijuana store

SECTION 2: For purposes of this Ordinance, “dual use marijuana business” means a dual licensee that holds a medical marijuana establishment license pursuant to LVMC Chapter 6.95 and that has been issued a license to operate as a dual use marijuana business pursuant to this Ordinance.

SECTION 3: In accordance with and subject to this Ordinance, a person who holds a valid medical marijuana establishment license pursuant to LVMC Chapter 6.95 may apply for and obtain a license to operate as a dual use marijuana business. The dual use marijuana license is a separate license

1 from any license issued pursuant to LVMC Chapter 6.95 and authorizes the following:

2 (A) The holder of a medical marijuana dispensary license under LVMC Chapter 6.95
3 to operate a retail marijuana store.

4 (B) The holder of a medical marijuana cultivation facility license under LVMC
5 Chapter 6.95 to operate a marijuana cultivation facility.

6 (C) The holder of a medical marijuana testing facility license under LVMC Chapter
7 6.95 to operate a marijuana testing facility.

8 (D) The holder of a medical marijuana production facility license under LVMC
9 Chapter 6.95 to operate a marijuana product manufacturing facility.

10 SECTION 4: (A) Pursuant to this Ordinance, the Director may issue a limited-
11 duration business license to operate as a dual use marijuana business to a person who meets all the
12 following criteria:

13 (1) Possesses a valid state issued Medical Marijuana Establishment
14 Registration Certificate and is operating in good standing under such Certificate as defined in the Nevada
15 Administrative Code;

16 (2) Possesses a valid state issued temporary license to operate a marijuana
17 establishment pursuant to NRS Chapter 453D;

18 (3) Possesses a valid City medical marijuana establishment license issued
19 pursuant to LVMC Chapter 6.95 and is in compliance with that chapter, including the payment of all
20 required business license fees and any delinquent civil penalties that have been assessed to the business in
21 connection with the operation of a medical marijuana establishment; and

22 (4) Has opened and is operating the City-licensed medical marijuana
23 establishment as of May 31, 2017.

24 (B) A limited-duration business license to operate as a dual use marijuana business
25 pursuant to this Ordinance shall expire on April 1, 2018, or such earlier expiration date as may be
26 established by the license.

1 SECTION 5: Each dual use marijuana business licensed under this Ordinance shall pay
2 applicable origination, semi-annual and annual license fees in accordance with the fee schedule set forth in
3 LVMC 6.95.230, with gross sales-based fees to be calculated regarding medical and retail operations. Any
4 flat fees that have been paid by the licensee pursuant to LVMC Chapter 6.95 for the period between July 1,
5 2016, and June 30, 2017, may be credited towards the origination fee for the dual marijuana business
6 license.

7 SECTION 6: Any dual use marijuana business licensed under this Ordinance must
8 conform to all applicable rules set forth in LVMC Chapter 6.95, as well as applicable provisions of NRS
9 Chapter 453D, and Chapter 453D of the Nevada Administrative Code.

10 SECTION 7: The Director shall have authority to apply provisions of LVMC Chapter
11 6.06 to applicants for a license under this Ordinance, including the authority to waive any or all principals
12 from the requirements of suitability.

13 SECTION 8: (A) Unless extended by the City Council and except as otherwise
14 provided in Subsection (B) of this Section, this Ordinance shall expire by limitation on April 25, 2018.

15 (B) As deemed necessary or appropriate, the Director shall retain ongoing enforcement
16 authority regarding licenses issued under this Ordinance, even after this Ordinance and licenses issued
17 thereunder have expired.

18 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
19 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
20 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
21 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
22 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
23 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
24 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

25 SECTION 10: Whenever in this ordinance any act is prohibited or is made or declared to
26 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

1 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
2 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
3 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
4 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
5 of this ordinance shall constitute a separate offense.

6 SECTION 11: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
8 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2017.

10 APPROVED:

11 By _____
12 CAROLYN G. GOODMAN, Mayor

13 ATTEST:

14 _____
15 LUANN D. HOLMES, MMC
City Clerk

16 APPROVED AS TO FORM:

17 Val Steed
18 Val Steed,
Deputy City Attorney

5-8-17
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2017, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2017, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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