

1 SECOND AMENDMENT

2 BILL NO. 2016-18

3 ORDINANCE NO. 6520

4 AN ORDINANCE TO REVISE VARIOUS REQUIREMENTS AND LIMITATIONS PERTAINING TO
5 MEDICAL MARIJUANA ESTABLISHMENTS, INCLUDING A LICENSE FEE ADJUSTMENT FOR
6 CERTAIN LICENSE CATEGORIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Bob Coffin

Summary: Revises various requirements and
7 limitations pertaining to medical marijuana
8 establishments, including a license fee
adjustment for certain license categories.

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

11 SECTION 1: Title 6, Chapter 95, Section 30, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.95.030:** (A) It shall be unlawful for any person to operate any marijuana establishment in the
14 City without a valid registration certificate duly issued by the State regulating authority, and a license
15 issued pursuant to this Chapter and operating in compliance with any and all applicable state laws and the
16 Las Vegas Municipal Code.

17 (B) Except as otherwise permitted by NRS 453A.352(5), [It] it shall be unlawful for
18 any person to provide marijuana, edible marijuana products or marijuana infused products to a medical
19 marijuana establishment within the City without a registration certification duly issued by the State
20 regulating authority and a license issued by the City.

21 (C) Except for sales pursuant to NRS 453A.352(5), it shall be unlawful for any
22 licensed medical marijuana establishment located within the City to accept for sale any marijuana, edible
23 marijuana products or any marijuana infused products from any person who has not obtained a registration
24 certificate from the State regulating authority, or who is not duly licensed under this Chapter for the
25 provision of such products.

26 (D) It shall be unlawful for a person to engage in any form of business or commerce

1 involving the cultivation, processing, manufacturing, storage, sale, distribution, transportation or
2 consumption of marijuana other than those forms of businesses and commerce that are expressly
3 contemplated by NRS 453A and any administrative rules duly adopted by the State regulating authority.

4 (E) It shall be unlawful for any person to sell medical marijuana at a licensed medical
5 marijuana dispensary at any time other than between the hours of 6:00 a.m. and [10:00 p.m.] midnight
6 daily[.], unless otherwise permitted by the City Council as a condition of licensing.

7 (F) It shall be unlawful for any medical marijuana dispensary to sell medical marijuana
8 without complying with State requirements concerning use of the electronic verification system maintained
9 by the State regulating authority, including authenticating the validity of the medical marijuana registry
10 identification card with the State electronic verification system.

11 SECTION 2: Title 6, Chapter 95, Section 40, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.95.040:** (A) A medical marijuana compliance permit issued by the City Council is required
14 prior to the Director accepting a license application for a medical marijuana establishment.

15 (B) The City Council may consider proposals for a medical marijuana compliance
16 permit from any business or individual applying to the State regulating authority for a registration
17 certificate for a medical marijuana establishment located within the City.

18 (C) Before a medical marijuana license has been issued to an applicant, changes to the
19 corresponding medical marijuana compliance permit that has been issued by the City Council may be made
20 without having to apply for and receive a new compliance permit. However, such changes are subject to
21 the notification and approval requirements of LVMC 6.06.200 and 6.06.210 as if the compliance permit
22 were a business license.

23 SECTION 3: Title 6, Chapter 95, Section 60, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.95.060:** A separate application must be submitted for each license for a medical marijuana
26 establishment. The application for each medical marijuana compliance permit must include:

- 1 (A) A complete application per LVMC Chapter 6.06 for the applicant and each person
2 with an ownership interest in the proposed medical marijuana establishment.
- 3 (B) A detailed personal and business financial history per LVMC 6.06.030(B) for each
4 person with an ownership interest in the proposed medical marijuana establishment.
- 5 (C) A one-time, nonrefundable permit application fee of five thousand dollars.
- 6 (D) A complete special use permit application, all applicable fees pursuant to LVMC
7 Chapters 19.12 and 19.16, and all required accompanying documents.
- 8 (E) A medical marijuana compliance permit application on forms prescribed by the
9 Director.
- 10 (F) A complete description of the products and services to be produced or sold by the
11 medical marijuana establishment.
- 12 (G) A complete and accurate copy of the application and all accompanying documents
13 to be filed pursuant to NRS 453A.322 including, but not limited to:
- 14 (1) All proposals for operations, business plans, attestations, financial
15 documentation, and required tax reports;
- 16 (2) All documents detailing proposed organizational structure, all narratives,
17 and resumes;
- 18 (3) All documentation required concerning the adequacy of the proposed
19 building and construction plans with supporting details in the form specified by the City Building Official
20 and the payment of all required review and inspection fees;
- 21 (4) All testing, transportation, policy and operations manuals, financial plan,
22 and an environmental plan.
- 23 (H) A security plan, including a depiction of the location and configuration of security
24 cameras, indicating how the applicant intends to comply with the requirements related to monitoring and
25 securing the licensed premises as required by this Chapter.
- 26 (I) An accounting plan that includes how sales and inventory will be tracked on a

1 daily, weekly, and monthly basis, and how this information will be stored and safeguarded.

2 (J) A sign and advertising plan, including all proposed interior signage.

3 (K) A copy of all contracts, proposed contracts for consulting, management, renting or
4 leasing the premises for the proposed medical marijuana establishment, including written documentation
5 stating that the property owner of the proposed location for the establishment is fully aware of the
6 property's intended use or a copy of the deed to such property showing ownership vested in the
7 applicant[;].

8 (L) A written statement acknowledging that the applicant understands applicable
9 federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of
10 Nevada and the laws and regulations of the City applicable thereto concerning the operation of a medical
11 marijuana establishment. The written statement shall also acknowledge that any violation of any laws or
12 regulations of the State of Nevada or of the City, or any activity in violation of any guidance or directives
13 issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the
14 commencement of any legal proceeding relating to such medical marijuana establishment by federal
15 authorities, may render the permit and such license subject to immediate suspension or revocation.

16 (M) A written statement to the Director that the applicant will hold harmless,
17 indemnify, and defend the City against all claims and litigation arising from the issuance of a permit and/or
18 license, including any claims and litigation arising from the establishment, operation, or ownership of the
19 medical marijuana establishment, and that a bond to secure such obligation in [the amount of two hundred
20 fifty thousand dollars] an amount required pursuant to LVMC 6.95.090 will be provided prior to the
21 issuance of any license.

22 (N) An acknowledgement that the applicant is seeking a privilege under LVMC
23 Chapter 6.06 and understands that each person with an ownership interest must be found suitable to hold
24 such license by the City Council prior to the issuance of any license; that the applicant understands and
25 acknowledges that the burden of proving qualifications to receive such a permit or license is at all times on
26 the applicant; that the granting of a medical marijuana compliance permit and/or license is at the discretion

1 of the City Council; and that the applicant agrees to abide by the decision.

2 SECTION 4: Title 6, Chapter 95, Section 90, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.95.090:** (A) Following action by the State regulating authority issuing a provisional medical
5 marijuana establishment registration certificate, the City Council shall evaluate whether to grant any
6 proposed medical marijuana establishment that received a medical marijuana compliance permit a medical
7 marijuana business license.

8 (B) The City Council may issue licenses for the following types of medical marijuana
9 establishments:

10 (1) Medical Marijuana Dispensary. A medical marijuana dispensary license
11 allows the licensee to acquire, possess, supply and sell or dispense usable marijuana, edible marijuana
12 products, marijuana infused products, and marijuana paraphernalia exclusively to State regulating
13 authority-designated medical marijuana registry card holders.

14 (2) Cultivation Facility. A cultivation facility license allows the licensee to
15 acquire, possess, cultivate, package, label, deliver, transfer, transport, supply and sell wholesale marijuana
16 and related supplies to a medical marijuana dispensary, medical marijuana production facility, or to other
17 cultivation facilities only.

18 (3) Independent Testing Laboratory. An independent testing laboratory license
19 allows the licensee to independently test marijuana, edible marijuana products and marijuana-infused
20 products that are to be sold at medical marijuana establishments operating in accordance with the
21 requirements of NRS 453A.

22 (4) Medical Marijuana Production Facility. A medical marijuana production
23 facility license allows the licensee to acquire, process, manufacture, deliver, transfer, transport, package,
24 and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana dispensaries
25 only.

26 (C) A medical marijuana establishment license applicant may not exercise any of the

1 privileges of a medical marijuana establishment license until the City Council approves the license and
2 suitability of each person with an ownership interest in the medical marijuana establishment, and final pre-
3 operational inspections have been conducted and all applicable inspection and license fees are paid.

4 (D) Prior to issuance of a license, the licensee must designate one principal, all key
5 employees and all management personnel to demonstrate competence in local regulations as evidenced by a
6 written demonstration administered by the Director.

7 (E) Licenses shall expire two years from the date of issuance and a licensee must apply
8 for biennial review pursuant to LVMC 6.95.170.

9 (F) A medical marijuana establishment licensee shall provide and maintain at all times
10 and at its own expense a certificate of insurance at amounts and terms approved by the [City Attorney]
11 Director prior to issuance or renewal of a license. Any failure to maintain insurance or provide proof of
12 insurance is grounds for the Director to suspend the license.

13 (1) [The minimum amount which may be required by the City Attorney shall
14 be one million dollars per occurrence, two million dollars general aggregate for bodily injury and property
15 damage arising out of licensed activities and one million dollar products and completed operations
16 aggregate, commercial automobile coverage in a minimum of one million dollars and excess liability in a
17 minimum of three million dollars.] As determined appropriate by the Director, the minimum coverage
18 amounts which may be required shall be as follows:

19 (a) Production/Cultivation Facilities: Liability coverage for products
20 and completed operations (one million dollars per occurrence, two million dollars aggregate); commercial
21 automobile coverage (one million dollars per occurrence); and excess liability coverage (one million
22 dollars).

23 (b) Dispensaries: General liability (one million dollars per
24 occurrence, with two million dollars aggregate, for bodily injury and property damage arising out of
25 licensed activities); liability coverage for products and completed operations (one million dollars per
26 occurrence, with two million dollars aggregate); professional liability coverage (one million dollars per

1 occurrence); and excess liability coverage (one million dollars).

2 (c) Independent testing laboratories: Professional liability coverage
3 (one million dollars per occurrence), and excess liability coverage (one million dollars).

4 (2) [Additional insured: The City shall be named as an additional insured on
5 all general liability, umbrella, and excess insurance policies as City, its elected officials, officers, agents,
6 employees and volunteers are included as additional insured.] All required general liability and excess
7 liability policies shall name the City and its elected officials, officers, agents, employees and volunteers as
8 additional insureds. All policies shall be primary over any other valid and collectible insurance.

9 (G) Prior to issuance or renewal of a license, medical marijuana establishment
10 licensees shall provide a surety bond as set forth in this section. The bond must be at the licensee's own
11 expense and remain in force throughout the term of the license. The bond must cover licensee's obligation,
12 for itself and its agents, employees, subcontractors, and the agents and employees of any subcontractors, to
13 indemnify, defend, and hold harmless the City, and any of its elected or appointed officers, agents, or
14 employees, from any and all claims, demands, actions, damages, decrees, judgments, attorney fees, costs,
15 and expenses which the City, or such elected or appointed officers or employees, may suffer, or which may
16 be recovered from, or obtainable against the City, or such elected or appointed officers or employees, as a
17 result of, by reason of, or arising out of the use of the license, or the exercise by the licensee of any or all of
18 the rights, privileges, permission, and authority conferred herein, or as a result of any alleged act or
19 omission on the part of the licensee in performing or failing to perform any of its obligations. Such surety
20 bond shall be in the amount of two hundred fifty thousand dollars[.], or such lesser amount as the City may
21 deem appropriate in particular cases.

22 (H) [Prior to the issuance or renewal of a license, medical marijuana establishment
23 licensees shall file, and must maintain, a bond from a surety company qualified and authorized to do surety
24 business in the State of Nevada in the penal sum of fifty thousand dollars. Such bond must be conditioned
25 to be paid to the City for all license fees and penalties owing against such license.

26 (I) Upon approval by the City Council of a medical marijuana compliance permit and

1 the issuance of a provisional medical marijuana registration certificate by the State regulating authority, the
2 Director shall process a license application pursuant to LVMC Chapter 6.06. The Director shall not issue a
3 temporary license for a medical marijuana establishment.

4 SECTION 5: Title 6, Chapter 95, Section 100, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.95.100:** (A) A medical marijuana cultivation facility, an independent testing laboratory or a
7 medical marijuana production facility which has obtained a business license in a jurisdiction within Nevada
8 other than the City may apply to the Director for a license to provide testing, medical marijuana, edible
9 marijuana products and/or marijuana infused products, if an adequate supply does not exist, to licensed
10 medical marijuana establishments within the City. Except as otherwise provided in Subsection (B), [All]
11 all applications for such licenses will be processed pursuant to LVMC Chapter 6.06, [and shall be required
12 to pay all license fees applicable to medical marijuana establishments located within the City. Medical
13 marijuana establishments located outside of the City shall not be required to comply with the permit
14 process set forth in LVMC 6.95.040.] License fees for such establishments shall be as set forth in LVMC
15 6.95.230(C).

16 (B) A medical marijuana establishment referred to in the first sentence of Subsection
17 (A) shall not be required to:

18 (1) Comply with the permit process set forth in LVMC 6.95.040; or

19 (2) Post the surety bond required by LVMC 6.95.090.

20 SECTION 6: Title 6, Chapter 95, Section 110, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.95.110:** (A) Each medical marijuana establishment licensee shall operate only in compliance
23 with all State regulations, all City regulations, and the plans, procedures and policies submitted with the
24 permit and approved by the Director, and any restrictions imposed in connection with issuance of the
25 license.

26 (B) At least one qualified person shall be on the premises of a medical marijuana

1 dispensary at all times during the hours of operation. For purposes of the preceding sentence, a “qualified
2 person” means a principal who has been approved for suitability pursuant to LVMC 6.06.06 or a key
3 employee who has been approved for suitability pursuant to that Section.

4 (C) A medical marijuana establishment may not allow the use, smoking, ingestion or
5 consumption of any marijuana, edible marijuana, or marijuana-infused product on the licensed premises.

6 (D) Any person or premises licensed as a medical marijuana establishment shall
7 comply with all City ordinances regulating signs and advertising. All signs and advertisements must
8 comply with all requirements of the State regulating authority.

9 (E) Material that is misleading, deceptive, or false, as evidenced either by the content
10 of the advertising material or by the medium or the manner, in which the advertising is disseminated, is
11 designed to appeal to minors or promote the use of marijuana for other than medicinal purposes is
12 prohibited.

13 (F) With respect to issues regarding signs and advertising that are not governed by
14 LVMC Title 19, each medical marijuana establishment shall conform to the approved sign and advertising
15 plan as a condition of the license. The Director shall not recommend for approval any sign and advertising
16 plan that:

17 (1) Has not been approved by the State regulating authority and does not
18 comply with all the requirements of the State regulating authority;

19 (2) Promotes the use of marijuana[,] for other than medicinal purposes, or is
20 appealing to minors;

21 (3) Provides advertising [visible to members of the public from any street,
22 sidewalk, park or other public place, including advertising] utilizing any of the following media:

23 (a) A sign mounted on a vehicle;

24 (b) Any hand-held, human signage or other portable sign; or

25 (c) Any handbill, leaflet or flier directly handed to any person,
26 deposited, fastened, thrown, scattered, cast, or placed in a public place, left upon a motor vehicle, or any

1 handbill, leaflet or flier posted upon any public or private property without the consent of the property
2 owner;

3 (4) Provides advertising in the form of signage that is located:

4 (a) Within one thousand feet of the property line of a church/house of
5 worship, public or private school that provides formal education traditionally associated with preschool or
6 kindergarten through grade twelve, care facility for children, teen dance center, park or playground, as
7 measured from a point on the ground directly beneath the center of the sign structure;

8 (b) On or in a public transit vehicle or public transit shelter; or

9 (c) On or in a publicly owned or operated property.

10 [(4)] (5) Provides advertising by means of any video, print, online media,
11 newspaper, magazine, other periodical of general circulation, radio or broadcast medium which is generally
12 or specifically marketed to minors.

13 The limitations set forth in Paragraph (4) of this Subsection (F) do not apply to any advertising sign that is
14 intended to identify the location of a medical marijuana establishment and that is located on the same parcel
15 as the establishment.

16 (G) The presence of minors on the premises of a medical marijuana establishment is
17 prohibited unless the minor is a qualified patient on the premises of a dispensary and is accompanied by his
18 or her parent or legal guardian. No licensee shall cause, permit or allow, either by act or by failure to act,
19 the violation of this subsection.

20 (H) Medical marijuana, edible marijuana products and/or marijuana infused products
21 may only be transported in accordance with the requirements of this Chapter, and only by a licensed
22 medical marijuana establishment. No other person shall transport medical marijuana, edible marijuana
23 products and/or marijuana infused products on behalf of a licensed medical marijuana establishment.
24 Transportation must meet all requirements of the State regulating authority. Product must be placed in
25 unmarked, non-transparent transportation containers.

26 (1) All required transportation logs must be in the vehicle and made available

1 to law enforcement at any time the log is inspected. Upon being stopped by a law enforcement officer
2 within the City, each driver must identify to the officer that the product contained within the vehicle is
3 medical marijuana, edible marijuana products or marijuana-infused products, as the case may be, from a
4 licensed medical marijuana establishment and must present a state agent registration card, the route the
5 vehicle was authorized to travel and the actual travel log for inspection.

6 (I) Each licensee is responsible to obtain a biennial building inspection from the
7 Building Official prior to renewal of any license.

8 (J) Any closure either temporary or permanent must be noticed in writing to the
9 Director fifteen days prior to such closure, unless an emergency requires the closure of such facility which
10 must be reported to the Director within twenty-four hours of such closure.

11 (K) Each licensee must meet the accounting and auditing procedures established by the
12 Department to track and record all sales for audit purposes. The Department must have access to such
13 records as provided for under LVMC 6.02.020.

14 (1) If an annual audit is required by the State regulating authority, the licensee
15 shall submit the audit report to the City within ninety days of the completion of the audit. All reports or
16 evaluations submitted hereunder shall be confidential and shall not be available for public inspection,
17 except as may be required under State or federal law.

18 (2) In compliance with all State and Federal privacy laws the licensee shall
19 allow the Director or a designee unrestricted access to all financial documents, books, records, facilities,
20 and all audio and video surveillance pertaining to the facilities. Any information obtained pursuant to this
21 section or any statement filed by the licensee shall be deemed confidential in character and shall not be
22 subject to public inspection or as determined by State and Federal privacy laws.

23 SECTION 7: Title 6, Chapter 95, Section 160, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.95.160:** Each licensed medical marijuana dispensary shall comply with the following requirements:

26 (A) Prices for all products shall be prominently posted in the waiting area in a location

1 and manner readily visible to prospective and actual clients. Prices shall not be posted on the exterior of
2 the licensed premises.

3 (B) All edible marijuana products and marijuana infused products offered for sale at
4 licensed dispensaries shall meet the requirements, restrictions and labeling of edible marijuana products
5 and marijuana infused products in accordance with LVMC 6.95.150(B). (see Medical Marijuana
6 Production Facility)

7 (C) Any dispensary that sells edible marijuana products or marijuana infused products
8 must display a placard that states the following:

9 (1) Edible Marijuana and Marijuana Infused Products. There may be health
10 risks associated with consumption of edible marijuana products or marijuana infused products.

11 (2) Edible products and marijuana infused products contain marijuana or
12 active compounds of marijuana.

13 (3) Should not be used by women who are pregnant or breast feeding.

14 (4) When eaten or swallowed, the intoxicating effects of this product can be
15 delayed two or more hours.

16 (5) Follow all recommended dosage and serving guidelines and
17 recommendations.

18 (6) "KEEP OUT OF REACH OF CHILDREN."

19 The placard shall be no smaller than eight inches tall by twelve inches wide, with font size letters no
20 smaller than forty-eight points. The placard shall be clearly visible and readable by customers and shall be
21 written in English.

22 (D) A medical marijuana dispensary is not allowed to sell gifts, novelties or participate
23 in ancillary business sales activity within a medical marijuana dispensary with the exception of the
24 following:

25 (1) Paraphernalia as defined by NRS 453A.125, the sale of which is limited to
26 the consultation room and only to a display area [of ten square feet of gross retail] not to exceed ten percent

1 of the gross floor space in the room.

2 (2) Ancillary services which are services approved in the educational plan by
3 the State regulating authority, and which also must be approved for an ancillary license by the City.

4 (E) A dispensary may locate one automatic teller machine for access to patients only
5 for the dispensing of money if the person operating the machine has been approved by the Director under
6 LVMC 6.06.125 and the business is licensed to operate such by the City. Money and legal tender may not
7 be stored onsite except as detailed in the approved security plan.

8 (F) [The following activities to promote the use of marijuana are prohibited:

9 (1) The giving of free samples or free product to any person, employee or
10 customer;

11 (2) No employee shall be paid for services in the form of marijuana product;

12 (3) Reward programs, customer loyalty programs, promotional activities;

13 (4) No novelty merchandise may be produced or allowed to have any
14 approved logo or business name to be used on such merchandise; and

15 (5) The display of any product in any manner visible to the general public
16 from the right-of-way or outside of the facility.] The following activities are prohibited:

17 (1) The giving of free samples or free product to any person, employee or
18 customer;

19 (2) Compensation to an employee in the form of marijuana product;

20 (3) The display of any product in any manner visible to the general public
21 from the right-of-way or outside of the facility; and

22 (4) The use of reward programs, customer loyalty programs, or merchandise
23 that bears a company logo or business name, unless incidental to the identification or promotion of the
24 dispensary business.

25 (G) Reserved.

26 (H) The following activities are prohibited for all licensed medical marijuana

1 dispensaries:

2 (1) Off-site transportation or sale of medical marijuana, edible marijuana
3 products or marijuana infused products, except to another licensed medical marijuana establishment or the
4 location of the residence of a registry card holder and only to a residential address specified on the
5 registration card. All sales and distribution of medical marijuana, edible marijuana products or marijuana
6 infused products by a licensed medical marijuana dispensary shall occur only upon the licensed premise,
7 and the licensee shall be strictly prohibited from transporting or selling medical marijuana to any person at
8 any other location.

9 (2) A drive-thru or walk-up window for transactions or product transfer.

10 (3) Except as otherwise permitted by Paragraph (1) of this Subsection (H):

11 (a) A dispensary shall not dispense or distribute, sell, transfer or in
12 any other way provide marijuana, edible marijuana products or marijuana infused products other than by
13 direct, face-to face, in-person transaction with the holder of a registry identification card or designated
14 primary caregiver at the licensed facility; and

15 (b) Marijuana shall not be provided by any other means of delivery
16 including, without limitation:

17 (i) Internet sales.

18 (ii) The transport, mail or private delivery of product.

19 (I) Dispensaries must inform each customer either by signage, written receipt or on
20 product labeling that it is illegal to re-sell medical marijuana, edible marijuana products or marijuana
21 infused products to any person.

22 (J) The dispensary shall provide the Director, Metro and all neighbors located within
23 fifty feet of the premises with the name, phone number, and facsimile number of an on-site community
24 relations staff person to whom one can provide notice if there are operating problems associated with the
25 dispensary.

26 (K) No advertising, materials or postings within the waiting areas may advertise

1 locations, devices or activities promoting the consumption of marijuana or other facilities selling or
2 purporting to provide locations for the private or public consumption of marijuana.

3 (L) Medical marijuana, edible marijuana products and/or marijuana infused products
4 shall be obtained from licensed medical marijuana establishments within Clark County if an adequate
5 supply is available from licensed medical marijuana establishments located within Clark County.

6 (M) A medical marijuana dispensary must maintain an electronic verification system in
7 accordance with the requirements of the State regulating authority, which must be used to record data
8 required by the State regulating authority and to validate each registry identification card presented and the
9 allowed amount of medical marijuana to be dispensed.

10 (N) A medical marijuana dispensary's hours of operation shall be limited to between
11 six a.m. and ten p.m.

12 SECTION 8: Title 6, Chapter 95, Section 170, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.95.170:** (A) Every two years from the date of issuance each licensee must submit to a review of
15 the issued license.

16 (B) Documentation required for the biennial review must be submitted at least sixty
17 days prior to the expiration of the license.

18 (C) Documentation for the biennial review must be provided on a form approved by
19 the Director and accompanied by:

- 20 (1) A new license application per LVMC Chapter 6.06;
21 (2) A nonrefundable application renewal fee of one thousand dollars;
22 (3) List of all ownership or affidavit testifying that no changes have occurred;
23 (4) Signed affidavits from each principal attesting to the fact that there have
24 not been any arrests or convictions of a crime in any jurisdiction and they have not had disciplinary action
25 taken against them or an associated business where a business license is held;

26 (5) If changes are requested, a detailed proposal for changes to any of the

1 plans or documents approved with the initial license or previous renewal, including the sign plan, security
2 plan, environmental plan, operational plan, or building plans;

3 (6) A copy of all current and proposed contracts for consulting, management,
4 renting or leasing;

5 (7) A copy of all contracts with any other medical marijuana establishments;
6 and

7 (8) A statement certifying and attesting that no changes have occurred in the
8 ownership, operations or original application with the exception of those specifically noted in the renewal
9 application.

10 (D) The Director may approve the review and approve a renewal of the license based
11 on a determination that no material changes have been made to the original application or refer the review
12 with noted requested changes to the Council for consideration. The City Council may approve, approve
13 with conditions, deny or take such other action as it deems appropriate. [All changes in ownership or
14 location must be referred to the City Council as a new permit application during a posted request for
15 medical marijuana compliance permits.]

16 (E) The Director may deny renewal of a license based on the failure or refusal of a
17 licensee to carry out the policies and procedures or comply with the plans and statements provided to the
18 Department with the application for the license.

19 (F) The Director may deny renewal of a license if the establishment is not in
20 compliance with this Chapter or has any unpaid fees.

21 SECTION 9: Title 6, Chapter 95, Section 230, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.95.230:** (A) Annual License Fee:

24 (1) Each annual fee is due in advance on July 1st of each year. Applicants
25 who receive license approval on a date other than such due date shall have their license fees prorated on a
26 monthly basis. License fees paid pursuant to the code are not refundable.

1 (2) Any annual fee which is not received by the Department on or before the
2 due date shall be assessed a late-payment penalty amount equal to ten percent of the amount of such annual
3 fee.

4 (3) If the annual fee and penalty is not received by the Department within
5 fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such
6 annual fee shall be assessed.

7 (4) If the annual fee and all penalties are not received by the Department
8 within sixty days after the due date, the license shall be automatically revoked.

9 (5) Each licensee shall pay to the Department in advance, the annual fees set
10 forth in the following schedule:

11 License Category	Annual License Fee [(Dollars)]
12 Medical Marijuana Cultivation Facility	\$20,000 for 1st 5,000 square feet of approved cultivation area and \$10,000 for each additional 5,000 square feet, or portion thereof, of approved cultivation area
13 Medical Marijuana Production Facility	[\$25,000.00] \$5,000.00
14 Medical Marijuana Dispensary	\$75,000.00
15 Independent Testing Laboratory [fees per LVMC 6.04]	\$10,000.00, plus the gross revenue fee described in LVMC Chapter 6.04

16 (B) Semi-Annual Gross Revenue Fee for Medical Marijuana Dispensary:

17 (1) Gross revenue fees shall be administered in accordance with LVMC
18 6.02.160 through 6.02.220, LVMC 6.02.240 through LVMC 6.02.260.

19 (2) If the semi-annual fee and all penalties are not received by the Department
20 within sixty days after the due date, the license shall be automatically revoked.

21 (3) A semi-annual license fee based on the gross sales of the medical
22 marijuana dispensary facility according to the following schedule:

23 (a) All medical marijuana products received directly from the medical
24 marijuana cultivation facility for sale shall be calculated on 5% of gross sales.

25 (b) All medical marijuana products received directly from the medical
26 marijuana production facility for sale shall be calculated at 7% of gross sales.

1 (c) Sales other than medical marijuana shall be calculated pursuant to
2 LVMC 6.04.005.

3 (C) Each medical marijuana cultivation facility, medical marijuana production facility,
4 or independent testing laboratory that is described in LVMC 6.95.100(A) and that is based outside the City
5 shall pay to the Department a semi-annual license fee as set forth in the following schedule:

<u>License Category</u>	<u>Semi-Annual License Fee</u>
<u>Medical Marijuana Cultivation Facility</u>	<u>1% of gross revenue of \$5,000.00, whichever is greater</u>
<u>Medical Marijuana Production Facility</u>	<u>1% of gross revenue of \$1,500.00, whichever is greater</u>
<u>Independent Testing Laboratory</u>	<u>1% of gross revenue</u>

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10 SECTION 10: Title 6, Chapter 2, Section 250, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.02.250:** (A) All license fees other than gaming, alcoholic beverage and annual medical
13 marijuana license fees shall become delinquent if not received within fifteen days after the due date. If full
14 payment is not made within fifteen days after the due date, fifteen percent of the entire license fee shall be
15 assessed as a penalty, payable in addition to the license fee; provided, however, if the fifteenth day
16 following the due date is a day that the principal offices of the City are not open to the public, the penalty
17 must not be assessed if the license fee is received before midnight of the next day on which the principal
18 offices of the City are open to the public.

19 (B) Except as otherwise provided in Subsection (E) with respect to ice cream truck and
20 medical marijuana establishment licenses, all licenses for which fees and assessed penalty charges have not
21 been paid within sixty days after the license fee due date are deemed expired and shall not be reinstated
22 until the license fees, assessed penalty charges and a reinstatement fee of fifty dollars have been paid. A
23 license is eligible for reinstatement only within the four-month period following its expiration.

24 (C) The Director may refer any delinquent license fees and assessed penalty charges to
25 a collection agency for collection if they have not been paid within sixty days after the license fee due date.
26 The Director may do likewise regarding any service charges and administrative fees that have been

1 assessed pursuant to LVMC 6.02.020(B)(7) and have not been paid in a timely manner.

2 (D) As a condition of reinstatement of a license deemed expired pursuant to Subsection
3 (B) of this Section, the licensee shall, in addition to payment of any outstanding license fees, penalty
4 charges, service charges, administrative fees, and reinstatement fees, reimburse the City for any expenses it
5 has incurred as a result of referring the licensee's delinquent license fees and assessed penalty charges to a
6 collection agency.

7 (E) The renewal and expiration of ice cream truck licenses shall be in accordance with
8 LVMC 6.47.030(B)(4). The renewal and expiration of medical marijuana licenses shall be in accordance
9 with LVMC 6.95.170.

10 SECTION 11: Nothing in this Ordinance shall diminish the effect or applicability of
11 Ordinance No. 6465, which authorizes the temporary waiver of certain license fees.

12 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
16 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
17 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
18 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

19 SECTION 13: Whenever in this ordinance any act is prohibited or is made or declared to
20 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
21 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
22 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
23 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
24 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
25 of this ordinance shall constitute a separate offense.

26 SECTION 14: All ordinances or parts of ordinances or sections, subsections, phrases,

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
2 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 6th day of April, 2016.

4 APPROVED:

5
6 By CC Goodman
CAROLYN G. GOODMAN, Mayor

7 ATTEST:

8 Luann D Holmes
9 LUANN D. HOLMES, MMC
City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 4-6-16
12 Val Steed, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 2nd day of March, 2016, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 6th day of April, 2016,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Councilmembers Barlow, Tarkanian, Ross, Anthony, Coffin and
Beers

8 VOTING "NAY": None

9 EXCUSED: None

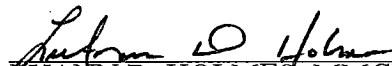
10 ABSTAINED: Mayor Goodman

11 DID NOT VOTE: None

12 APPROVED:

13 
14 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 _____
LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2016 MAR 28 A 11: 23

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000753450

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/24/2016 to 03/24/2016, on the following days:

03 / 24 / 16

FIRST AMENDMENT
BILL NO. 2016-18

AN ORDINANCE TO REVISE VARIOUS REQUIREMENTS AND LIMITATIONS PERTAINING TO MEDICAL MARIJUANA ESTABLISHMENTS, INCLUDING A LICENSE FEE ADJUSTMENT FOR CERTAIN LICENSE CATEGORIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
Summary: Revises various requirements and limitations pertaining to medical marijuana establishments, including a license fee adjustment for certain license categories.

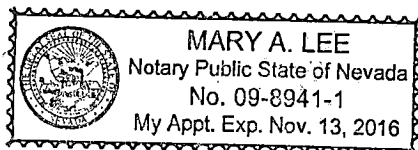
At the City Council meeting of March 2, 2016 BILL NO. 2016-18 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: March 24, 2016
LV Review-Journal

Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of March, 2016

Notary



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 0000768922**

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/09/2016 to 04/09/2016, on the following days:

04 / 09 / 16

**SECOND AMENDMENT
BILL NO. 2016-18
ORDINANCE NO. 6520**

AN ORDINANCE TO REVISE VARIOUS REQUIREMENTS AND LIMITATIONS PERTAINING TO MEDICAL MARIJUANA ESTABLISHMENTS, INCLUDING A LICENSE FEE ADJUSTMENT FOR CERTAIN LICENSE CATEGORIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Revises various requirements and limitations pertaining to medical marijuana establishments, including a license fee adjustment for certain license categories.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of March, 2016, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of April, 2016, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmembers Ross, Tarkanian, Barlow, Anthony, Coffin, and Beers
ABSTAINED: Mayor Goodman
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: April 9, 2016
LV Review-Journal

Eileen Gallagher
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 14th day of April, 2016

Notary *Mary Lee*

