

Nevada (The Silver State)

The State of Cannabis in the Silver State

- ▶ Access to medical cannabis in the state constitution since 2000 (approved by voters).
- ▶ Medical cannabis dispensaries since 2014 (approved by the Legislature).
- ▶ Adult use (recreational) cannabis since 2017 (approved by voters in 2016).
- ▶ In sum, a fully legal, well-regulated marketplace.

Assembly Bill 400 (2021)

- ▶ Makes changes to Nevada's per se cannabis DUI laws to try to track with science and make the law fairer.
- ▶ Removal of the per se amounts for THC (2ng) and metabolite (5ng) for misdemeanor offenses only.
- ▶ Prosecutor must prove impairment beyond a reasonable doubt for misdemeanors.
- ▶ Keeps the per se limits for felony offenses.

Nevada Data Challenges

- ▶ One of only two states without a state laboratory (Hawaii is the other).
- ▶ Inconsistent testing protocols. Often no further tests if alcohol registers above the legal limit.
- ▶ Some data suggests an increase in cannabis use and driving, but there might be other explanations.
- ▶ So really too early to tell.
- ▶ And, remember, presence doesn't necessarily mean impairment.
- ▶ Also, COVID.

Assembly Bill 341 (2021)

- ▶ Authorizes cannabis consumption lounges to fill a gap in the law. First one will likely open in October-December 2022.
- ▶ No alcohol can be served in a cannabis lounge.
- ▶ Bill set up a basis framework, but the Cannabis Compliance Board (CCB) developed regulations.
- ▶ Public Safety subcommittee made recommendations to the CCB relating to the issue of impaired driving.

CCB Regulation 15.080 Impaired Driving

- ▶ Each lounge shall develop a plan to mitigate the risk of impaired driving, to include making information readily available to the consumer about transportation options.
- ▶ As part of this plan, each lounge shall adopt practices that discourage impaired driving, including but not limited to a 24 hour no tow policy and/or a potential partnership with ride share to offer discounted rides both to and from the premises.
- ▶ If the Board learns of an increase in impaired driving stemming from the location of a particular lounge, the Board shall require the licensee to update the lounge's impaired driving risk mitigation plan.

The Future

- ▶ Keep an eye on Nevada - potential for a green lab in December at a cannabis consumption lounge.
- ▶ Emerging technology to detect cannabis consumption (and impairment)?
- ▶ Federal government action to pave the way for more in depth cannabis research.
- ▶ Federal legalization and its impact on gaming/cannabis/alcohol.