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.
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.