



# MEDICAL MARIJUANA ESTABLISHMENTS

## DISPENSARIES

### *RESIDENTS' FREQUENTLY ASKED QUESTIONS*

One of Washoe County's adopted strategic goals for Fiscal Year 2015-16 is to work together to provide a safe, secure and healthy environment for all of Washoe County's residents. To help answer some of the questions, frequently asked questions (FAQs) and answers are provided below about medicinal cannabis establishments and the purpose of these facilities in unincorporated Washoe County.

The County Commission is working to comply with state statutes and regulations to provide medical marijuana dispensaries that look similar to medical businesses in the area. The goal of these facilities is to benefit those individuals who have a medical prescription from a physician for the use of medicinal cannabis for certain chronic or debilitating conditions.

#### ***Question 1: Is medical marijuana legal?***

**Answer 1:** The Board of County Commissioners did not pass law enabling the use of medical marijuana in Nevada. The Nevada Constitution was amended based on a vote of the people in 1998 and 2000. Nevada state law was changed in 2001 to allow qualified patients to use medical marijuana. The state program was created following the strict regulatory model used by the state of Arizona.

Nevada Constitution Article 4, Section 38, requires the Nevada Legislature to authorize the use of medical marijuana by a patient, upon the advice of his or her physician, for certain chronic or debilitating conditions. Nevada state law changed in 2013 to authorize the operation of medical marijuana establishments to produce, test and dispense medical marijuana and marijuana-infused products. Nevada Revised Statute further requires the licensing, taxation and regulation of medical marijuana establishments. Per requirements of the State, Washoe County Code was amended in April of 2014 to meet the requirements for licensing and regulating of medical marijuana facilities.

#### ***Question 2: What are medical marijuana establishments (MME's)?***

**Answer 2:** Nevada State Law and Washoe County Code provide four types of establishments to supply medical marijuana to patients including:

- *Dispensary:* Delivers or sells marijuana, supplies and education materials to patients or care givers with a valid Nevada Medical Marijuana Registry Identification Card.
- *Production Facility:* Supplier of marijuana infused or edible products for dispensaries.
- *Cultivation Facility:* Supplier of cannabis and related supplies to medical marijuana dispensaries and/or production facilities.
- *Testing Laboratory:* Tests marijuana, edible marijuana products and infused products.



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**Question 3: What is Washoe County's role in regulating medical marijuana establishments?**

**Answer 3:** Washoe County regulates medical marijuana establishments the same way as other businesses in unincorporated Washoe County. Prior to Washoe County approval, applicants complete an extensive review process through the State of Nevada Health Division. Establishments are required to comply with all local ordinances and will include inspections by multiple agencies including: Sheriff's Office, Health District, Code Enforcement, Building & Safety and the appropriate fire agency.

**Question 4: Where are dispensaries permitted?**

**Answer 4:** Per state law, unincorporated Washoe County dispensaries are permitted in general commercial, neighborhood commercial, tourist commercial or industrial in unincorporated Washoe County ([See map](#)). Parcels must also be 1,000 feet from a public or private school, and 300 feet from a community facility (e.g., parks, licensed day care facilities, churches, etc.).

**Question 5: How were the locations of dispensaries determined in Washoe County?**

**Answer 5:** Nevada State Law outlines appropriate zoning and location requirements for dispensary locations and these have been adopted into County Code.

**Question 6: Is Washoe County able to require a proposed medical marijuana dispensary be moved?**

**Answer 6:** Washoe County cannot require applicants to move a proposed medical marijuana establishment.

**Question 7: Can an owner of a dispensary request to move?**

**Answer 7:** Yes, as of October 1, 2015, approval of any such request will require a public hearing with the Board of Washoe County Commissioners.

**Question 8: Who can obtain medical marijuana from a medical marijuana dispensary?**

**Answer 8:** A holder of a valid registry identification card in Nevada.

**Question 9: Can patients shop between dispensaries?**

**Answer 9:** No. Individuals holding a valid registry identification card cannot "shop" between dispensaries by state law. Individuals must identify a dispensary as their primary dispensary per state law and must obtain medical marijuana only from this location.

**Question 10: What do medical marijuana dispensaries in Washoe County look like?**

**Answer 10:** Washoe County has adopted Nevada state regulations that provides for medicinal marijuana dispensaries that have the look and feel of a pharmaceutical operation or a professional medical office. Limitations include:



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- Medical marijuana or associated paraphernalia cannot be visible from outside of the licensed establishment (County Code).
- Medical marijuana facilities have an appearance, both as to the interior and exterior that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices (NRS 453A.350 and County Code).
- Medical marijuana facilities must have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices. (NRS 453A.350 and County Code).

***Question 11: What are the hours of operation for a medical marijuana dispensary?***

**Answer 11:** Medical marijuana dispensaries in Washoe County may only be open from 6 a.m. until 8 p.m. The Nevada Division of Public and Behavioral Health can make the hours more restrictive if needed.

***Question 12: How is Washoe County making sure medical marijuana dispensaries are safe and secure?***

**Answer 12:**

- Medical marijuana dispensaries 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 to areas containing marijuana.
- Medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. Medical marijuana can only be removed by an employee or volunteer immediately to be dispensed to an authorized user.
- The Washoe County Sheriff's Office reviews every plan and final certification is granted upon successful demonstration of the functioning security system.

***Question 13: Can a Washoe County medical marijuana establishment business license be revoked or an application denied?***

**Answer 13:** Yes. A medical marijuana establishment business license may be revoked for various reasons including:

- Selling or dispensing medical marijuana to a person without a valid State of Nevada Medical Marijuana Registry Identification Card or a valid out of state card pursuant to the state's reciprocity laws.
- Employing or using an agent, employee or volunteer who does not possess a valid State Medical Marijuana Establishment agent Registration Card or a valid Washoe County Sheriff's Office Registration Card.
- Not allowing Washoe County inspectors to conduct required inspections or to investigate complaints, and/or failing to issue visitor identification cards to Washoe County inspectors.



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**Question 14: What happens if recreational marijuana is legalized in the State of Nevada?**

**Answer 14:** Recreational use is ILLEGAL. If passage occurs in November 2016, the Nevada Legislature will create statute and regulation for implementation in the 2017 legislative session which may or may not involve current dispensaries. This is a legislative issue as it will define what local control exists.

**Question 15: Where do I get additional information on medical marijuana establishments?**

**Answer 15:** Additional information about the Washoe County medical marijuana permitting process is available online at [www.washoecounty.us/mme](http://www.washoecounty.us/mme). Information on the State of Nevada medical marijuana process is available online at: <http://health.nv.gov/medicalmarijuana.htm>