

NEVADA MEDICAL MARIJUANA PROGRAM



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AUTHORIZATION

Statutory Mandate

Nevada Constitution, Article 4, Section 38. Use of plant of genus Cannabis for medical purposes. Codified in NRS Chapter 453A, Medical Use of Marijuana.

Program Description

The Nevada Marijuana Health Registry is a state registry program within the Nevada Department of Health and Human Services, Nevada State Health Division. The role of the program is to administer the provisions of the Medical Use of Marijuana law as approved by the Nevada Legislature and adopted in 2001. Individuals can apply for the registry and, if found eligible, are issued an identification card to show approval, within limitations, for the cultivation and use of the Cannabis plant for personal use. Eligibility is determined through physician certification of a qualifying medical condition, acceptable criminal background check, and Nevada residency.

ADMINISTRATION

- Nevada Legislature passed medical marijuana legislation in 2001 with amendments in the 2003, 2005 and 2009 sessions.
- Has been administered by both the Health Division and the Department of Agriculture but is currently operated by the Health Division. The program moved to the Health Division in 2006.
- The 2001/2005 regulations adopted by Agriculture and 2003 regulations adopted by the Board of Health remain in effect.

PROGRAM OVERVIEW

What does Nevada's medical marijuana law do?

- Limited exemption from state prosecution for a person who holds a valid registry identification card or the designated caregiver of a card holder for crimes related to the possession, delivery, or production of marijuana or drug paraphernalia (NRS 453A.200)
- Allows possession of one ounce of usable marijuana, three mature plants and four immature plants (NRS 453A.200)
 - Definitions of “mature” and “immature” are in regulations (NAC 453A.080)
- Defines “usable marijuana” as dried leaves, flowers, seeds, any mixture or preparation of Cannabis, but not the stalks or roots (NRS 453A.160)

WHAT PROGRAM DOES NOT DO

What Nevada's medical marijuana law does NOT do:

- Cannot provide exemption from federal prosecution
- No exemption from state prosecution for driving under the influence, use in a public place or correctional facility, and other crimes (NRS 453A. 300)
- No authorization of the sale of marijuana
- No authorization of dispensaries
- Does not require insurance provider to pay for costs (NRS 453A.800)
- Does not require any employer to accommodate use in the workplace (NRS 453A.800)

APPLYING FOR A CARD

- Pay \$50 fee (NRS 453A.740 sets limits for fees)
- Provisions related to the application packet are specified by NRS 453A.210 and include:
 - Valid documentation from attending physician stating:
 - Patient diagnosed with chronic or debilitating medical condition
 - Medical use of marijuana may mitigate symptoms or effects
 - Physician has explained possible risks and benefits
 - Name, address, phone number, social security number, and date of birth
 - Proof of residency
 - Name, address and phone number of person's attending physician
 - Caregiver if person chooses to delegate at time of application

ADDITIONAL REQUIREMENTS

Pursuant to NAC 453A.100, provide confirmation that identification was presented by person and caregiver, and submit:

- Complete set of fingerprints of the applicant and designated caregiver
- Notarized waiver and liability release and acknowledgement forms
- Parent or guardian must provide statement for those under 18 years
- Proof of residency with photocopy of driver's license or identification card issued by the Department of Motor Vehicles

WHAT IS A CHRONIC OR DEBILITATING CONDITION? (NRS 453.050)

- Acquired immune deficiency syndrome (AIDS)
- Cancer
- Glaucoma
- Condition or treatment for a medical condition that produces
 - Cachexia (general physical wasting and malnutrition)
 - Persistent muscle spasms (including multiple sclerosis)
 - Seizures (including epilepsy)
 - Severe nausea
 - Severe pain
- Any other medical condition or treatment classified as chronic/debilitating by the Division or pursuant to a petition under NRS 453A.710 (regulations govern petition process at NAC 453A.200 through NAC 453A.240)

WHO CAN BE A DESIGNATED PRIMARY CAREGIVER?

Pursuant to NRS 453A.080

- Must be 18 years or older
- Has a significant responsibility for well-being of person diagnosed with condition
- Must not include attending physician

Further, pursuant to NRS 453A.250

- Must be designated on application, or in writing, to the Division
- Can only be designated for one person (each person can only have one designated caregiver at any one time and caregivers can only have one patient at a time)

PROCESS OF OBTAINING ACTUAL CARD

- Patient pays \$50 fee to get a application
- Patient pays \$150 fee when application is returned to the program
- Patient is deemed to be on the program at the point application is accepted
- Program verifies the application and initiates the background check
- If no disqualifying conditions, the program issues an acceptance letter
- Patient takes acceptance letter to the DMV to get the card
- Applications must be approved or denied within 30 days per NRS 453.210

GROUNDINGS FOR DENIAL

- Denials may be issued for any of the following:
 - Failure to establish a qualified condition or document consultation with physician
 - Failure to comply with regulations
 - Information provided by the applicant was falsified
 - Attending physician is not licensed or not in good standing
 - Applicant or caregiver has been convicted of knowingly or intentionally selling a controlled substance
 - Applicant has been prosecuted for willful violations pursuant to NRS 453A.300
 - Applicant or caregiver had a card revoked in prior 12 months
 - Parent has not signed the written statement for applicant under age of 18 years
- If denied, the applicant is prohibited from reapplying for six months

REVOKING A CARD

Pursuant to NRS 453A.225, the Health Division may revoke the card of a cardholder and caregiver if:

- It's discovered the cardholder falsified information on application
- The card holder has been convicted of knowingly or intentionally selling a controlled substance
- May not reapply for 12 months if a card is revoked

APPEALING DENIALS & REVOCATIONS

- Decisions of denial or revocation of a card and denials of petitions for additional qualifying medical conditions are governed by NRS 453A.210, NRS 453A.225 and NRS 453A.710
- Such decisions are considered final for the purposes of judicial review
- Applicant can file a petition for judicial review under NRS 233B
- Judicial review is limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion

RENEWALS

- Renewals are authorized by NRS 453A.220
 - A card is valid for a period of one year
- Regulations govern the renewal process at NAC 453A.130
 - Must submit a renewal form (but no further fingerprints required) and return expired card to the DMV
 - Must notify the Division of any changes within 7 days
 - Must return card if attending physician no longer finds qualifying condition

DUTY TO MAINTAIN CONFIDENTIALITY

Pursuant to NRS 453A.700, the Division shall not disclose:

- Contents of any applications, records or documentation that the Division creates or receives pursuant to the provisions of NRS 453A
- The names or any other identifying information of an attending physician, a person who has applied for a card, or of a person to whom the Division has issued a registry identification card
- Except as otherwise provided in NRS 239.0115 related to public records older than 30 years, information is confidential, not subject to subpoena or discovery and not subject to inspection by the general public
- May disclose to authorized employees of the Division as necessary to perform official duties and authorized employees of state and local law enforcement agencies only as necessary to verify person is a lawful holder of card

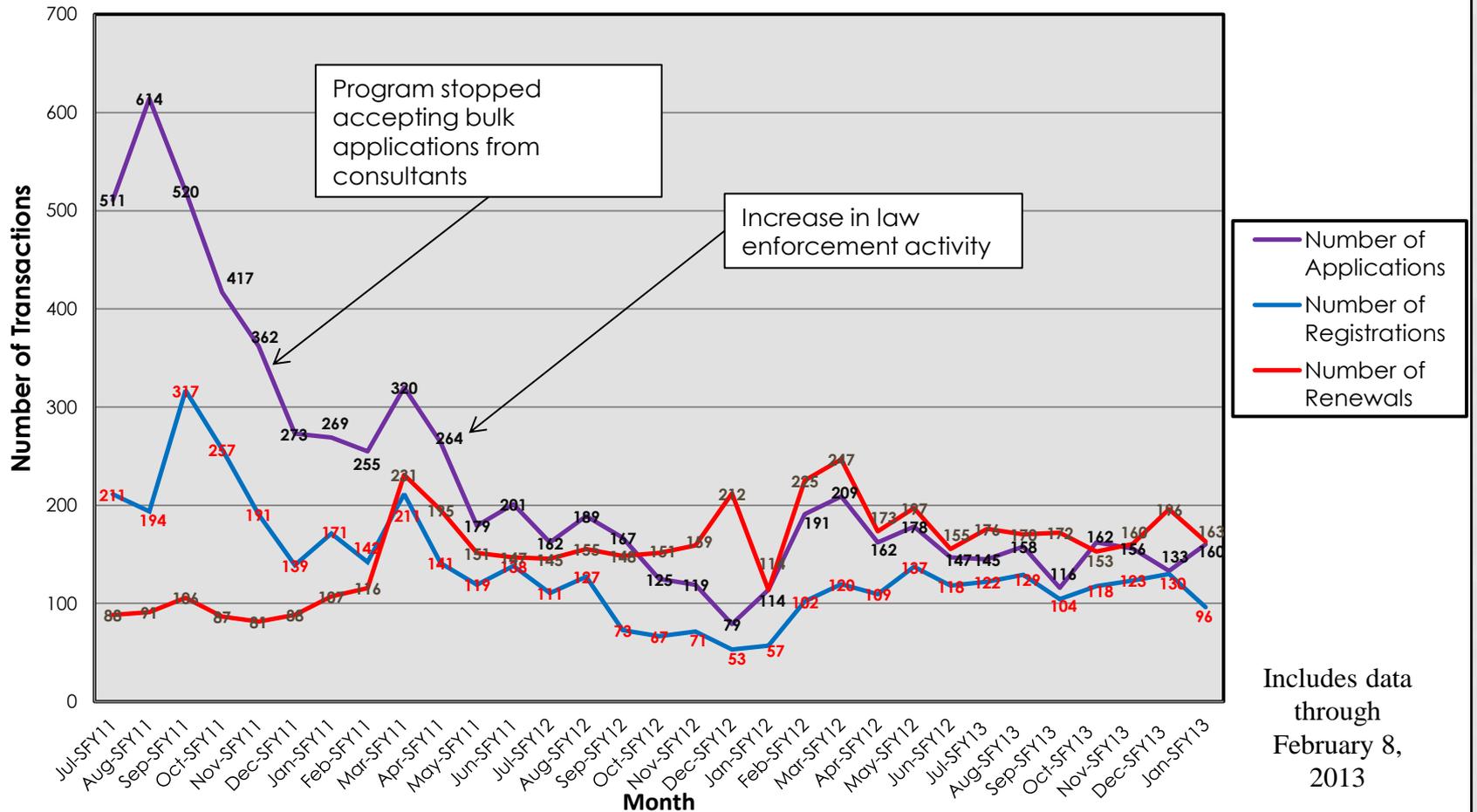
INTERACTION WITH LAW ENFORCEMENT

Law enforcement may request information concerning a person who is a lawful holder of a registration application or card pursuant to NRS 453A.700

- The program receives calls from law enforcement requesting status checks for individuals
- Protocol is that law enforcement call, identify themselves, and then provide the name(s) to check
- The program staff confirms if the individual is an active patient or not
- Information provided is limited by citation provided in previous slide

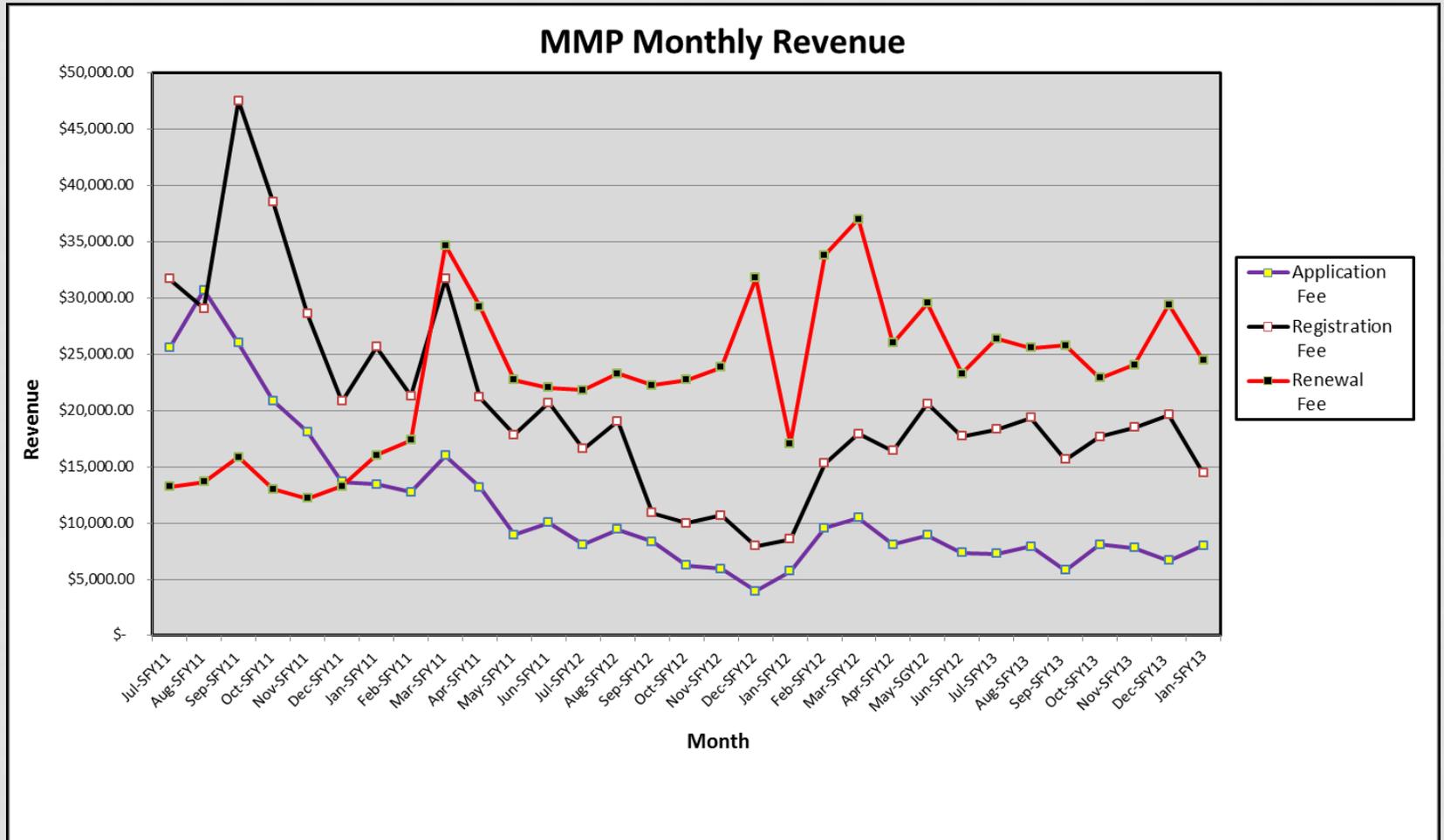
Nevada Medical Marijuana Program, Enrollment Trends

MMP Monthly Volume



PROGRAM REVENUE

Includes data through February 8, 2013



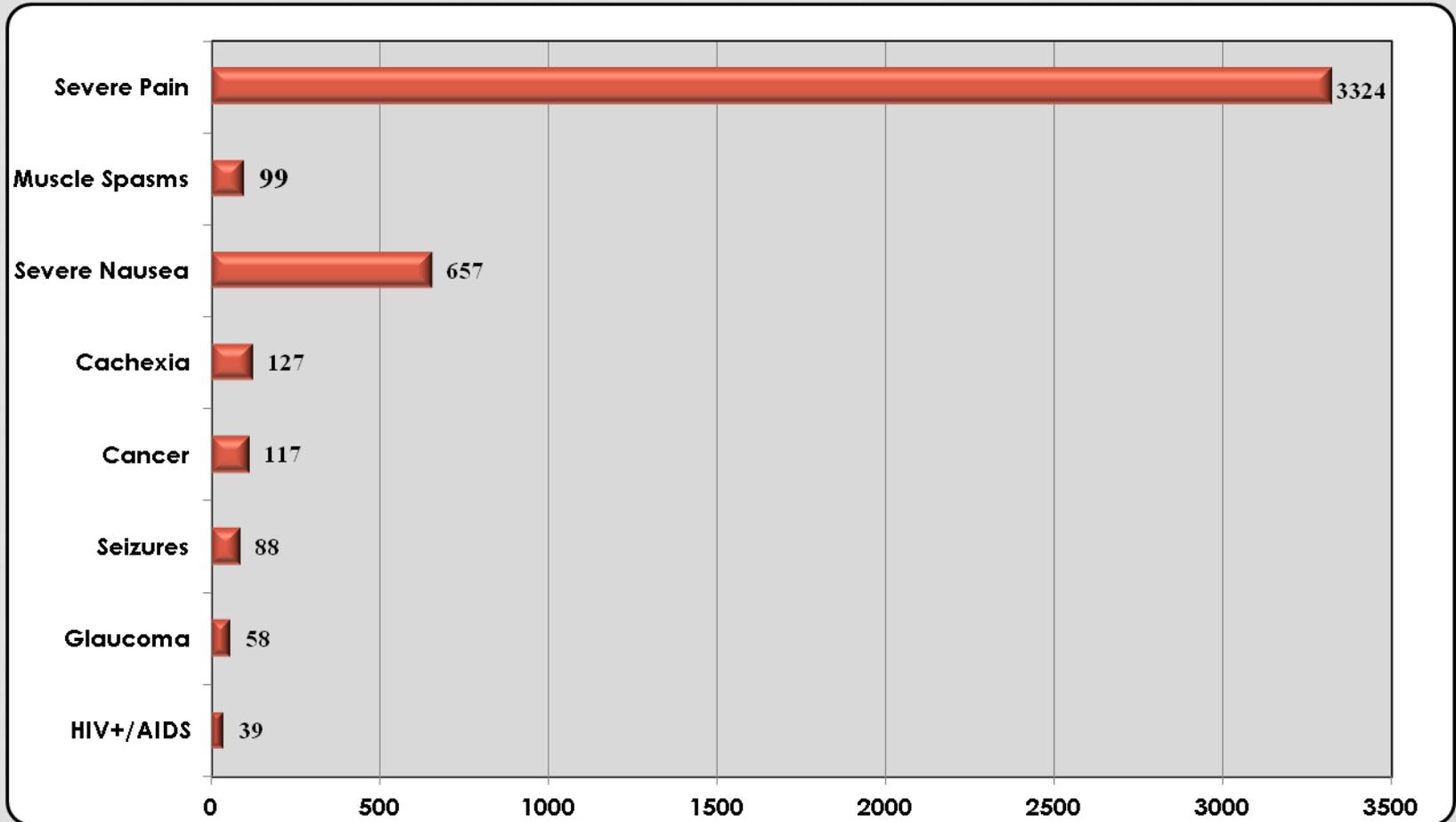
DESCRIPTIVE STATISTICS

Includes data through February 8, 2013

- Total number of active patients as of 2/06/2013: 3,645
- Total number of pending applications: 27
- Total number of active patients by region:
 - Clark County: 2,509 (68%)
 - Washoe County: 487 (14%)
 - Remainder of State: 649 (18%)
- Total number of licensed physicians who have signed applications: 414

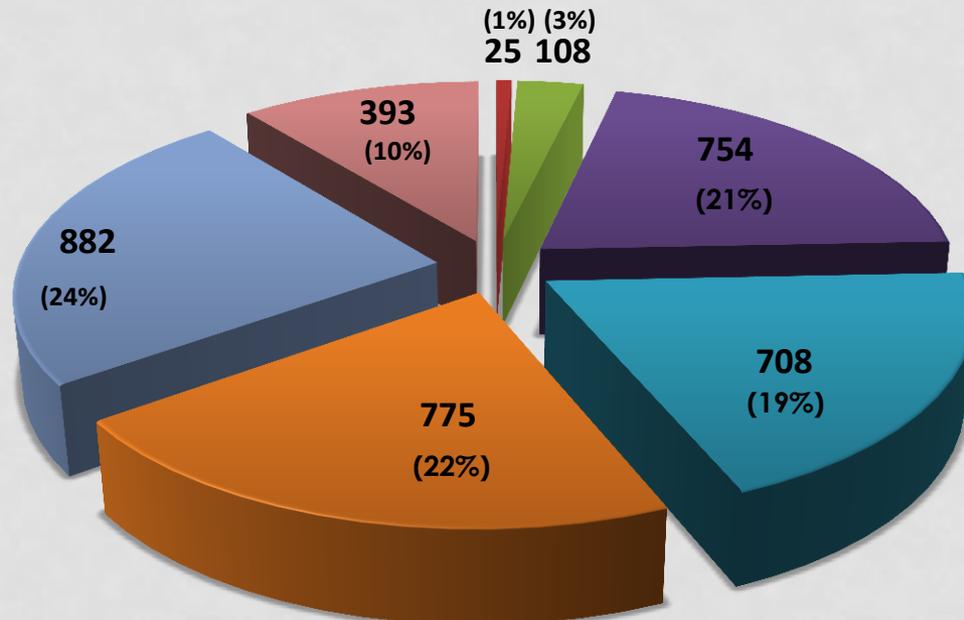
CURRENT CARDHOLDER'S CONDITIONS

Includes data through February 8, 2013



CURRENT CARDHOLDERS BY AGE GROUP

Includes data through February 8, 2013

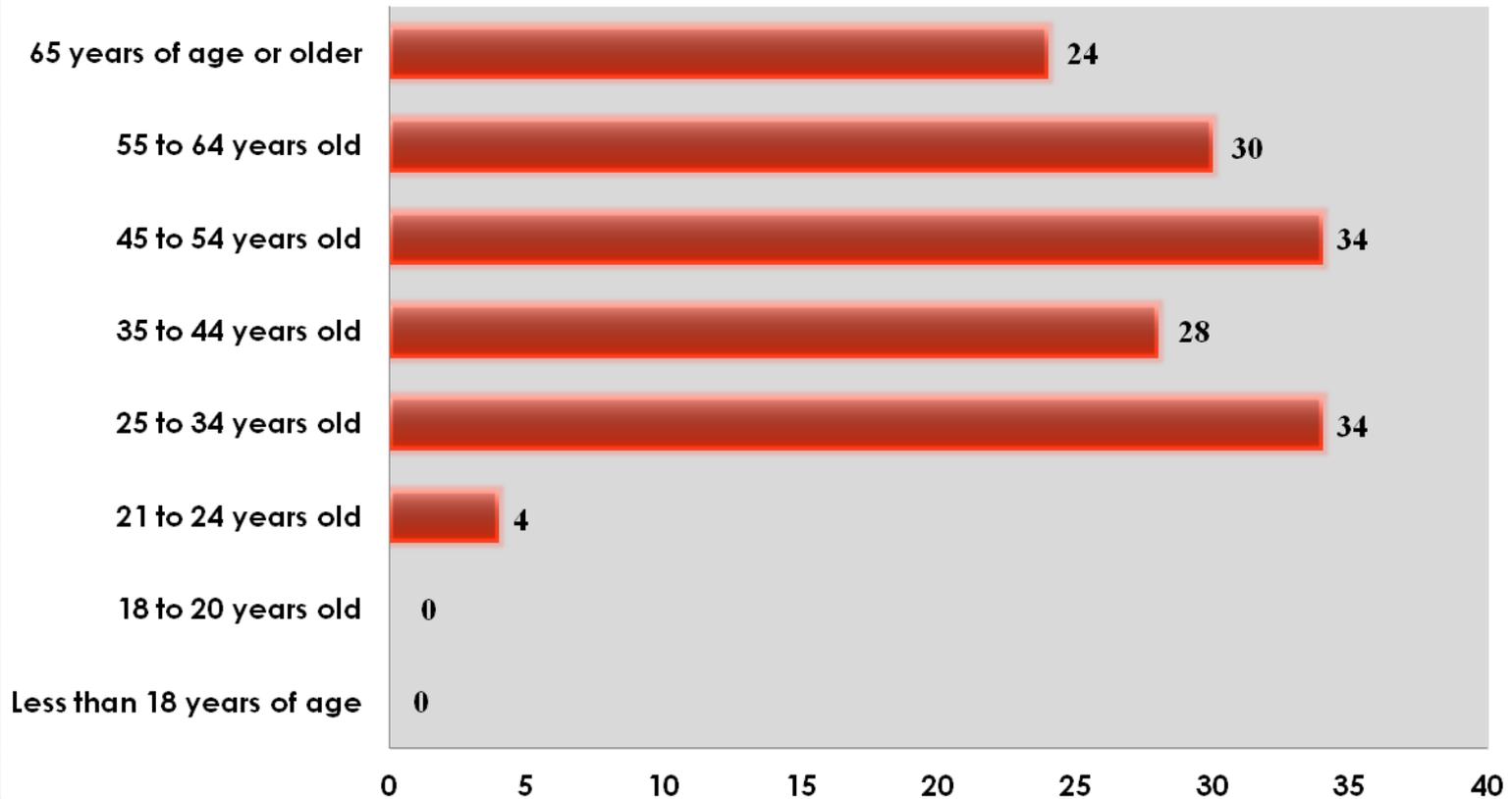


Age Group	Total	
	Patients	Percentage
Less than 18 years of age	0	0%
18 to 20 years old	25	1%
21 to 24 years old	108	3%
25 to 34 years old	754	21%
35 to 44 years old	708	19%
45 to 54 years old	775	22%
55 to 64 years old	882	24%
65 years of age or older	393	10%

CAREGIVER STATISTICS

Includes data through February 8, 2013

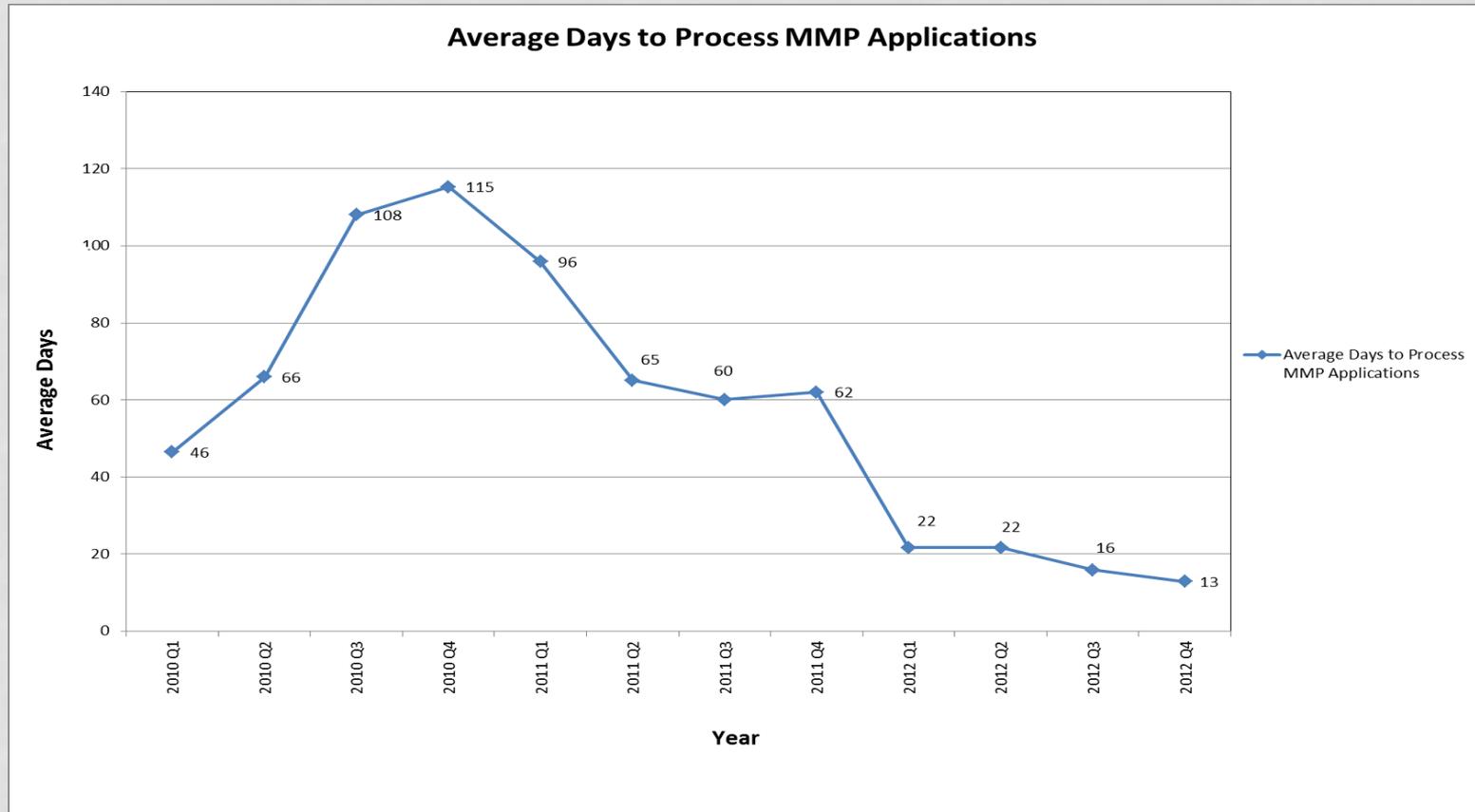
Total Caregivers Per Age Group



Number of caregivers holding cards for patients: 157

AVERAGE DAYS TO PROCESS APPLICATIONS

Includes data through January 2010 to December 2012 (Calendar Year)

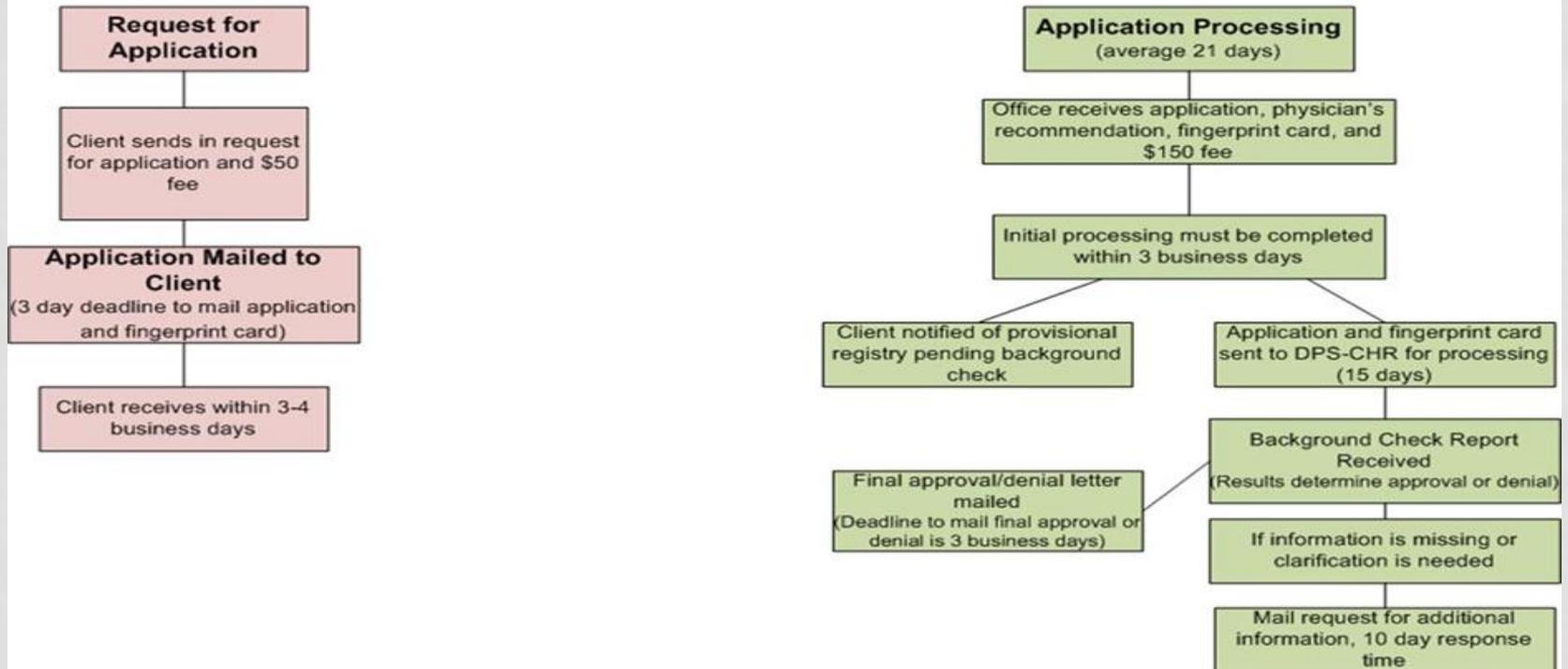


The program takes an average of 13 days to process new patient applications.

PATIENT APPLICATION PROCESS

Medical Marijuana Registry Application Processes

Overall Time for Processing
Average 13 days from receipt of completed application



QUESTIONS?