



Washoe County Medical Marijuana Establishment Business License Common Questions

1. What is a medical marijuana establishment?

The Nevada State Constitution authorizes patients, on the advice and with written authorization of their physicians, to obtain and use marijuana for medical purposes. State Law and County Code provide for four types of establishments to provide medical marijuana:

- *Facility for the production of edible marijuana products or marijuana-infused products.* This facility acquires, manufactures, delivers, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries. These facilities are not open to the public.
- *Medical marijuana cultivation facility.* A cultivation facility acquires, cultivates, delivers, supplies or sells marijuana and related supplies to other medical marijuana establishments. These facilities are not open to the public.
- *Medical marijuana dispensary.* A dispensary delivers or sells marijuana or related supplies and educational materials to patients or care givers with a valid Nevada medical marijuana identification card. The Nevada Division of Public and Behavioral Health may authorize patients or caregivers with valid medical marijuana identification cards from other States to receive medical marijuana under specified situations.
- *Medical marijuana independent testing laboratory.* A testing laboratory tests marijuana, edible marijuana products and marijuana-infused products that are to be sold in Nevada. These facilities are not open to the public.

2. Do I need a license to operate a medical marijuana establishment in unincorporated Washoe County?

Yes. However, you must obtain a provisional registration certificate from the Nevada Division of Public and Behavioral Health before you can apply for a Washoe County business license.

3. How do I obtain a provisional registration certificate?

You must apply directly to the Nevada Division of Public and Behavioral Health. That State Division is part of the Nevada Department of Health and Human Services. The Division maintains a web page exclusively for its medical marijuana program at health.nv.gov/medicalmarijuana.htm. The Division also maintains frequently asked questions on the medical marijuana establishment program on its web page at health.nv.gov/MedicalMarijuana/MME_FAQs.pdf.

The State Division's medical marijuana establishment program offices are located at 4150 Technology Way, Suite 200 in Carson City. Their telephone number is 775.684.3487. Their e-mail address is medicalmarijuana@health.nv.gov.

The Division will advertise the annual 10 day application period at least 45 days before the application period commences. You will be required to submit your State Division application within that 10 day period. The State Division will evaluate all medical marijuana establishment applications after the application period closes, and will provide a ranked listing of qualified establishments within 90 days. Qualified medical marijuana establishment applicants will then be provided with a provisional State registration certificate.

You must provide a copy of the provisional registration certificate with your Washoe County medical marijuana establishment business license application. Your Washoe County business license application cannot be accepted without a copy of the certificate.

If you are licensed by Washoe County, then you must provide proof of that licensure to the State Division. The State should then issue the State registration certificate for your medical marijuana establishment.

4. I must provide a local jurisdiction's zoning verification and/or public safety approval of my proposed medical marijuana establishment business as part of the State application process. How do I obtain that approval?

The Nevada Division of Public and Behavioral Health requires zoning verification of your proposed medical marijuana establishment as part of the initial application for a registration certificate. Washoe County will provide a Potential MME Zoning Information Letter to satisfy this requirement for properties located in the unincorporated County and outside of an exerted sphere of influence (see more information below). You should contact:

- Washoe County Planning & Development Division, Community Services Department. Their offices are located at 1001 East Ninth Street, Building A, Second Floor in Reno. Their telephone number is 775.328.3600.

Exerted Sphere of Influence properties. Certain areas of unincorporated Washoe County are within the exerted sphere of influence for either the City of Reno or the City of Sparks. These sphere areas are required by the Truckee Meadows Regional Plan and governed by an interlocal agreement. Developments within a sphere of influence must obtain any planning approvals from the appropriate City. This means that any zoning verification of your proposed medical marijuana establishment must be obtained from the appropriate City if your proposed location is within an exerted sphere of influence. Washoe County planning staff will assist you to determine if your proposed location is within such a sphere area.

- For areas within the *City of Reno's* exerted sphere of influence, contact the City of Reno Building, Planning and Engineering Division, Community Development Department. Their offices are located at 1 East First Street, Second Floor in Reno. Their telephone number is 775.321.8309. The City of Reno will charge \$ 500 for the zoning verification letter.

- For areas within the *City of Sparks'* exerted sphere of influence, contact the City of Sparks Planning/Zoning Division, Community Services Department. Their offices are located at 431 Prater Way in Sparks. Their telephone number is 775.353.2340. The City of Sparks will charge \$ 80.50 for the zoning verification letter.

The Division will not issue its registration certificate until you provide proof that your proposed medical marijuana establishment is in full compliance with and completion of all applicable local jurisdiction public safety inspections. You should contact the following Washoe County public safety agency for information to satisfy this requirement:

- Washoe County Building & Safety Division, Community Services Department. Their offices are located at 1001 East Ninth Street, Building A, Second Floor in Reno. Their telephone number is 775.328.2020.
- Fire agencies:
 - Lake Tahoe basin: North Lake Tahoe Fire Protection District. Their offices are located at 866 Oriole Way in Incline Village. Their telephone number is 775.831.0351.
 - All other areas of unincorporated Washoe County: Truckee Meadows Fire Protection District. Their offices are located at 1001 East Ninth Street in Reno. Their telephone number is 775.326.6000.
- Washoe County Environmental Health Services Division, Heath District. Their offices are located at 1001 East Ninth Street, Building B, Second Floor in Reno. Their telephone number is 775.328.2434.
- Washoe County Air Quality Management Division, Health District. Their offices are located at 1001 East Ninth Street, Building B, Suite 171 in Reno. Their telephone number is 775.328.7200.

Buildings location within the City of Reno's exerted sphere of influence. If the building you propose to use for the medical marijuana establishment is within the City of Reno's exerted sphere of influence, you should contact the City of Reno for public safety agency information on the building:

- City of Reno Building, Planning and Engineering Division, Community Development Department. Their offices are located at 1 East First Street, Second Floor in Reno. Their telephone number is 775.334.2063.

5. I have my provisional State registration certificate. How do I obtain a Washoe County business license?

You must apply for a Washoe County medical marijuana establishment business license. This is a revocable privilege business license issued specifically for medical marijuana establishments. Each type of medical marijuana establishment requires a separate Washoe County medical marijuana establishment business license. The business license is valid for one year and must be renewed annually (see question 9). The medical marijuana establishment business license application packet contains all of the information required for your license application. In summary, you must submit:

- A copy of your valid provisional State registration certificate.
- A completed Washoe County medical marijuana establishment application form.

- A copy of your State Division medical marijuana establishment application (with a few exceptions noted in the application packet).
- A list of persons associated with your medical marijuana establishment who have been issued, or will be issued, a State medical marijuana establishment agent registration card.
- A site plan of your medical marijuana establishment. Details of the information to include with the site plan are contained in the application packet.
- The name and physical address of any other medical marijuana establishments within Washoe County in which you (or any owner, officer, manager or director of your establishment) have ownership interest in, or a contractual relationship with, or otherwise associated with.
- A certificate signed and attested by you that the establishment meets the distance requirements established in Washoe County Code. The application packet contains more details on this certificate.
- The names and locations of the cultivation facility and independent testing laboratory providing services for your establishment (if applicable).
- A description of all regulated toxic, flammable or other materials used in or kept at your establishment. The application packet provides more details on the information required as part of the description.
- An approved Washoe County Air Quality Management Division plan for your establishment.
- A copy of the lease, rental agreement, license or authorization from the property owner on which your establishment is located (if you are not the property owner) giving you permission to use the property for use as a medical marijuana establishment. You must also include information on the property owner (see the application packet for details).

Before your Washoe County business license can be issued, you must also obtain:

- An approved Industrial Waste Permit from the Washoe County Environmental Health Services Division.
- A commercial kitchen permit from the Washoe County Environmental Health Services Division if your establishment produces edible or drinkable marijuana products.

If a criminal history inquiry is required of the property owner, the business license cannot be issued until results from the inquiry are received and evaluated by the Washoe County license division.

Your medical marijuana establishment business license application will be reviewed by several agencies. The agency may charge separate review or permitting fees, and it is your responsibility to pay any such fees. These agencies include:

- Truckee Meadows Fire Protection District or North Lake Tahoe Fire Protection District.
- Washoe County Community Services Department:

- Building and Safety Division;
- Engineering and Capital Projects Division; and,
- Planning & Development Division.
- Washoe County Health District:
 - Air Quality Management Division; and,
 - Environmental Health Services Division.
- Washoe County Sheriff's Office.
- Any appropriate water and/or sanitary sewer service provider.
- City of Reno staff if the proposed location is within Reno's exerted sphere of influence for the following:
 - Zoning verification;
 - Signage;
 - Distance restrictions; and,
 - Commercial building standards.
- City of Sparks staff if the proposed location is within Sparks' exerted sphere of influence for the following:
 - Zoning verification; and,
 - Distance restrictions.

Conditions may be established on your business license by any of these reviewing agencies and/or by the Washoe County license division. You must pay all applicable business license and agency license/permit and/or inspection fees prior to issuance of your business license.

The Washoe County license division will issue your business license after all review and inspections have been successfully completed, after receiving positive results from any required criminal history inquiry, and after all fees have been paid.

You must provide a copy of your issued Washoe County business license to the Nevada Division of Public and Behavioral Health. The State Division should then issue your State registration certificate.

Medical marijuana establishments must be fully certified by the Nevada Division of Public and Behavioral Health and licensed by Washoe County before commencing business operations in unincorporated Washoe County. Additionally, the establishment must meet all local jurisdiction public safety standards and operating requirements prior to commencing business operations. Businesses and other organizations or individuals operating without the required certificates, permits or licenses are subject to enforcement actions.

6. Is the Washoe County business license all that is required from Washoe County to operate a medical marijuana establishment?

No. Refer to question 5 for Washoe County Health District permits and for other County agency approvals required for a medical marijuana establishment.

7. Are there any requirements for employees or volunteers working at a medical marijuana establishment?

Yes. State Law requires that any employee, contractor, or volunteer working at a medical marijuana establishment obtain and maintain a State medical marijuana establishment agent registration card. Agent registration cards are issued for each type of medical marijuana establishment (i.e., the four types of medical marijuana establishments, see question 1). This card is obtained from the Nevada Division of Public and Behavioral Health. More information on the agent registration card is available on the Division's web page at health.nv.gov/medicalmarijuana.htm.

Additionally, Washoe County Code requires that any agent, employee or volunteer working at a medical marijuana establishment obtain and maintain a Washoe County Sheriff's Office registration card. To apply for a registration card, the agent, employee or volunteer must provide:

- A copy of their valid State medical marijuana establishment agent registration card.
- A completed personal history on a form provided by the Sheriff's Office.
- The proper fees as required by the Sheriff's Office.

The registration card will note the agent, employee or volunteer's role at the medical marijuana establishment. Agents, employees and volunteers must display the valid registration card on their person while working at the establishment.

8. Are there Washoe County regulations governing the operation of a medical marijuana establishment business?

Yes. Washoe County regulations governing the operation of a medical marijuana establishment business include:

- The Washoe County license division may require warning signs to be posted in the establishment. Any such warning signs are stipulated in the business license application packet.
- Medical marijuana dispensaries may only be open from 6:00 a.m. until 8:00 p.m., or the hours of operation approved by the Nevada Division of Public and Behavioral Health, whichever time frame is shorter. Hours of operation must be visible to people entering the dispensary.
- Any graffiti appearing on a medical marijuana establishment must be removed or covered. Such removal or coverage must happen within 48 hours after it is discovered or when notice is given by the Washoe County Sheriff's Office.
- Medical marijuana may not be smoked, eaten or consumed on the premises of a medical marijuana establishment.
- No person under 18 years of age may be in a medical marijuana establishment unless accompanied by a parent or guardian.
- Medical marijuana paraphernalia or other supplies may only be sold or given to patients or caregivers with a valid State medical marijuana registry identification card.

- Medical marijuana or associated paraphernalia cannot be visible from outside of the licensed medical marijuana establishment.
- The medical marijuana establishment must prominently display its current State registration certificate, its current Washoe County business license, and any other State or County permits or licenses required to operate the establishment.
- The medical marijuana establishment must maintain a valid industrial waste permit from the Washoe County Environmental Health Division.
- A medical marijuana establishment producing edible or drinkable medical marijuana products must maintain a valid commercial kitchen permit from the Washoe County Environmental Health Division.

The Nevada Division of Public and Behavioral Health regulates the operations of medical marijuana establishments. You must also comply with these State regulations.

9. I plan to operate a medical marijuana cultivation facility in unincorporated Washoe County. How do I obtain marijuana plants, seeds or clippings to start operating?

Washoe County is not a resource for the marijuana growing process and does not have any information to provide patients or cultivation facility operators. You should contact the Nevada Division of Public and Behavioral Health or a private attorney for the rules and regulations pertinent to the marijuana growing process.

10. I plan to operate a medical marijuana dispensary and a medical marijuana cultivation facility at the same address in unincorporated Washoe County. Do I need a separate Washoe County business license for each establishment?

Yes. Each proposed medical marijuana establishment requires a separate Washoe County medical marijuana business license application, and separate review and approvals. State Law (NRS 453A.350) requires that each medical marijuana establishment be in a separate building or facility. The Nevada Division of Public and Behavioral Health has provided regulations and policies to better define this section of State Law. The Division or a private attorney should be consulted for any opportunities or limitations for more than one medical marijuana establishment at the same address.

11. I operate a licensed medical marijuana dispensary in the City of Reno (or Sparks). I want to deliver medical marijuana to authorized patients living in unincorporated Washoe County. Do I need a separate Washoe County business license?

Yes. However, you only need a Washoe County general business license, and not a Washoe County medical marijuana establishment business license.

As long as you have a valid State registration certificate and valid City licenses and/or permits, you must obtain a Washoe County general business license to deliver medical marijuana to a:

- Registered and licensed medical marijuana establishment,
- Patient with a valid State medical marijuana registry identification card; or

- Designated primary caregiver with a valid State medical marijuana registry identification card,
within unincorporated Washoe County.

12. Do I have to allow County officials to inspect my license medical marijuana establishment?

Yes. County Code states that your submission of, and subsequent approval of, a Washoe County medical marijuana establishment business license constitutes permission for certain County officials to inspect your licensed establishment. These County officials include:

- The Washoe County license division;
- The Washoe County Sheriff;
- The Truckee Meadows Fire Protection District Fire Marshall;
- The North Lake Tahoe Fire Protection District Fire Marshall;
- The Washoe County District Health Officer; and/or
- The designated staff of these agencies and officials.

These inspections may be with or without notice, and include required annual inspections for business license, safety, health, and sanitation.

13. What is required to renew my Washoe County medical marijuana establishment business license?

All Washoe County business license holders must provide their preceding year's annual gross receipts as part of their license renewal. The renewal fee is based on the reported annual gross receipts. Additionally, a medical marijuana establishment business license holder must provide a copy of their valid, renewed State registration certificate. The license will be renewed after all fees are paid and the registration certificate is validated.

14. What happens to my Washoe County medical marijuana establishment business license if my State registration certificate is revoked or not renewed?

Your Washoe County medical marijuana establishment business license is immediately revoked when Washoe County is notified that your State registration certificate is revoked, has not been renewed, or is no longer valid. There is no appeal to the Washoe County Board of County Commissioners for this type of business license revocation. The revocation is, however, subject to judicial review.

15. Can my Washoe County medical marijuana establishment business license be revoked or my application denied?

Yes. In addition to the revocation provision discussed in question 10, your Washoe County medical marijuana establishment business license may be revoked for various events. These events are outlined in Washoe County Code Section 25.700(12) and include the following as examples (please read the Code section for the complete list):

- Selling or dispensing medical marijuana to a person without a valid State medical marijuana registry identification card.
- 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.

Revocation action requires a public hearing before the Washoe County Board of County Commissioner following a process outlined in the Washoe County business license ordinance.

Washoe County will notify the Nevada Division of Public and Behavioral Health if your Washoe County medical marijuana establishment business license is revoked.

The Washoe County license division may deny your Washoe County medical marijuana establishment business license application or your establishment's license renewal. The factors which cause an application or license renewal denial are outlined in Washoe County Code Section 25.700(14). The denial may be appealed to the Washoe County Board of County Commissioners.

I did not see my question, now what?

Please contact the Business License offices, Monday through Friday, 8:00 a.m. through 5:00 p.m. Pacific Time at 775.328.3733. We will be happy to help you.