



DIVISION OF PUBLIC and BEHAVIORAL HEALTH Policy

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1.0 POLICY

This policy supersedes the Division Policy MME0018 entitled, *Pesticides Use and Testing*, dated June 30, 2015. Pursuant to Senate Bill (SB) 447, signed by the Governor on June 10, 2015, a medical marijuana establishment (MME) shall only use a pesticide if the pesticide has been approved by the Nevada Department of Agriculture (NDA) for use on medical marijuana.

Independent Testing Laboratories must analyze for pesticides designated by the Division of Public and Behavioral Health (DPBH or Division) at detection levels specified by the Division. Further, at its discretion, the Division may require Independent Testing Laboratories to test for other substances including fungicides, herbicides, or growth regulators that are not identified above.

2.0 PURPOSE

The purpose of this policy is to provide all MMEs with direction on pesticide use and testing procedures to be utilized by all Independent Testing Laboratories.

3.0 SCOPE

This policy applies to all Medical Marijuana Establishments (MMEs).

4.0 PROCEDURE

4.1 Each Independent Testing Laboratory will collect a random sample from a cultivation or production facility for pesticide testing, as specified in Nevada Administrative Code (NAC) 453A.658 (1).

4.2 Each Independent Testing Laboratory shall perform a Mass Spectrometry pesticide analysis test using a combination of both Gas Chromatography-Mass Spectrometry (GC-MS) and Liquid Chromatography-Mass Spectrometry (LC-MS) techniques to detect the pesticides designated by the Division. The methodologies used by the laboratory must be able to detect all identified pesticides at the detection levels specified by the Division. Any batch with pesticide residue above the specified detection levels for NDA approved products is deemed failed.

4.3 Any measurable and positively verified detection of a pesticide/analyte not on the list of pesticides approved by the NDA, will result in a failed test.

4.4 The results of all failed pesticide tests will be reported to the Division via hard copy to the MME's assigned Inspector, and electronic copy to the Inspector, Auditor and Program Manager. The report will include the analyte name and concentration of residue detected.



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4.5 If a batch fails a pesticide test, it shall not be manufactured, packaged, labeled for sale or otherwise processed, but shall be destroyed. Upon notification of the failed test, the MME will continue to quarantine the batch per NAC 453A.658, and schedule an appointment with the Medical Marijuana Program (MMP) for its destruction. An MMP staff member shall witness the destruction of the batch. If this destruction procedure is not strictly complied with, disciplinary action may be taken pursuant to NAC 453A.658 (12).

4.6 If an MME believes that the results of the pesticide testing were not accurate, the MME may request one retest at its own expense from the Nevada Department of Agriculture.

4.7 If the MME wishes to reserve the option of requesting a retest from the Nevada Department of Agriculture per Section 4.6, then twice the "Sample Size Needed to Complete all Tests" from the table in NAC 453A.654 must be provided to the Independent Testing Laboratory at the time of sample collection.

5.0 RELATED DOCUMENTS

[Nevada Department of Agriculture Medical Marijuana Pesticide List
http://agri.nv.gov/Plant/Environmental_Services/Pesticide_Use_on_Medical_Marijuana/](http://agri.nv.gov/Plant/Environmental_Services/Pesticide_Use_on_Medical_Marijuana/)

DPBH Pesticide Monitoring List

[http://dpbh.nv.gov/Reg/MME/dta/Policies/Medical_Marijuana_Establishments_\(MME\)_-Policies/](http://dpbh.nv.gov/Reg/MME/dta/Policies/Medical_Marijuana_Establishments_(MME)_-Policies/)