



# Technical Bulletin

## Division of Public and Behavioral Health



**Date:** August 3, 2016

**Topic:** Identification Cards for Nonresident Medical Marijuana Patients; Using Copies of Applications

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**To:** Nevada Medical Marijuana Dispensaries

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### Current Situation

#### Identification Cards for Nonresident Medical Marijuana Patients

Pursuant to the State of Nevada Office of the Attorney General Opinion No. 2016-05, a recommendation from a California physician cannot be used to obtain marijuana from a Nevada dispensary. The opinion explains NRS 453A.394(3) and directs nonresidents desiring access to medical marijuana in Nevada to present a card or other identification which is specific to the lawful use of medical marijuana and issued by a state or local jurisdiction. Even when accompanied by a driver's license, a recommendation by a California physician does not satisfy these requirements.

California medical marijuana patients must present their State of California Medical Marijuana Information Card in order to purchase marijuana from a Nevada dispensary.

#### Using Copies of Applications

Also pursuant to the State of Nevada Office of the Attorney General Opinion No. 2016-05, a patient cannot use a copy of a completed application at a Nevada dispensary to obtain medical marijuana. Under NRS 453A.210(8), a registry applicant is deemed to hold a registry identification card *upon presentation to a law enforcement officer* of a copy of the application. Accordingly, a copy of the application is authorized for official use only in connection with interactions between the applicant and law enforcement officers.

### Process

The Division will not take enforcement action for violations of NRS 453A.394 that occurred prior to August 15, 2016, but the Division will expect compliance from that date going forward.

The Division maintains a current list of states that have medical marijuana programs with cards that are functionally equivalent to the Nevada registration card. The list is provided in the state's portal, accessed by dispensary agents. Dispensaries should verify that a nonresident's card is a functional equivalent prior to admitting them into the dispensary consultation area. Patients from states without registry programs or that operate under CBD bills\* are not included and may not participate.

Inspectors will check for adherence to NRS453A.364 by reviewing the following dispensary procedures for nonresident sales:

1. Ensure that the expiration date on the cardholder's state- or jurisdiction-issued medical marijuana card, functional equivalent is displayed and is unexpired.
2. Check an additional government-issued, photo identification to verify the patient's identity.

3. Complete a Nonresident Medical Marijuana Declaration.
4. Make a copy of the Declaration for the patient.
5. Retain the original Declaration and copies of patient documents for dispensary audit records.
6. In the Out-of-State Medical Marijuana Sales section of the portal, enter the purchase into the electronic verification system at the time of the transaction. (Only states with medical marijuana programs appear in the portal dropdown for nonresident sales. Patients from states without registry programs or that operate under CBD bills are not included and may not participate.) Sales transaction entries must include:
  - a. The patient number that appears on the nonresident card
  - b. The date of issue of the nonresident card
  - c. The expiration date of the nonresident card
  - d. The Agent Card number of the agent who entered the transaction

As with resident patient records, nonresident patient records should be retained per NAC 453A.452.

## Resources

State of Nevada Office of the Attorney General Opinion No. 2016-05:

[http://ag.nv.gov/uploadedFiles/agnv.gov/Content/Publications/AGO\\_2016-05.pdf](http://ag.nv.gov/uploadedFiles/agnv.gov/Content/Publications/AGO_2016-05.pdf)

State of California Medical Marijuana Identification Card Program (MMIC)

<http://www.cdph.ca.gov/programs/mmp/Pages/default.aspx>



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\* Nevada recognizes states that have legalized use of the marijuana plant for medical purposes. States that limit use to the nonpsychoactive marijuana extract called cannabidiol (CBD) are not included on this list.