

Joe Lombardo
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapter 439, relating to hemp.

The workshop will be conducted via videoconference beginning at 10:00 AM on Wednesday March 1, 2023 at the following locations:

[Click here to join the meeting](#)

Meeting ID: 232 513 297 389

Passcode: uvgRYN

Call 775-321-6111, phone conference ID: 890 107 184#

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments to Nevada Administrative Code Chapter 439.
3. General Public Comment

The proposed changes will revise Chapter 439 of the Nevada Administrative Code. The change is a result of Senate Bill 114 (2021) and SB204 (2019) passed by the Nevada Legislature. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from Retail Food Establishments.

The proposed regulations provide provisions for the following:

Purpose: These regulations will bring NAC Chapter 439 into compliance with federal law and Senate Bill (SB) 114 (2021) and SB 204 (2019).

- 1) Effect from Legislation: SB209 and SB114 provides a definition of what is an approved hemp component in a food product. Further, it allows hemp to be added to a food product if the product has been determined to be safe for human consumption as per federal law in 21 CFR.
- 2) Who is Affected: SB 209 and SB 114 affect anyone who prepares food in Nevada in a licensed food establishment or a cottage food product. Both retail and manufactured food processors will need to ensure that hemp used as a component in the food product meets the definition provided by the U.S. Food and Drug Administration. Further, the regulation requires proper testing, pesticide content and labeling of the food product.
- 3) Fees: These regulations do not add any new fees or increase existing fee.

4) Requirements: These regulations revise various provisions of existing law concerning hemp and the operation of food establishments at which food is not prepared or served for immediate consumption for the purpose of authorizing food that contains an approved hemp component to be produced or sold at such a food establishment under certain circumstances. The regulations require that the product derived from hemp meet the following conditions.

- (1) Is approved and determined by the United States Food and Drug Administration to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption.
- (2) Has been tested by an independent testing laboratory certified by the Department of Taxation under the provisions NRS 453A.368 and NAC 453A.650 through NAC 453A.678, inclusive.
- (3) Is manufactured in accordance with state and federal law and regulation, and the regulations adopted by reference in Section 19; and,
- (4) Is labeled in a manner that is not false or misleading and is in accordance with the applicable provisions of Chapters 446 & 585 of NRS and federal law.

5) Definitions:

- a. “Hemp product” means a commodity or product containing hemp which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law.
- b. “Process” means to manufacture, store for distribution, package or repackage a hemp product.
- c. “Processor” means a person or entity who processes a hemp product.
- d. “Cannabinoid” means THC, tetrahydrocannabinolic acid, cannabidiol or cannabidiolic acid.
- e. “Terpenoid” means alpha-bisabolol, alpha-humulene, alpha-pinene, alphaterpinolene, beta-caryophyllene, beta-myrcene, caryophyllene oxide, limonene or linalool.
- f. “Dietary supplement” means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: (I) A vitamin; (II) A mineral; (III) An herb or other botanical; (IV) An amino acid; (V) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or (VI) A concentrate, metabolite, constituent, extract or combination of any ingredient described in sub-subparagraphs (I) to (V), inclusive; (2) Is intended for ingestion in the form of a tablet, capsule, powder, softgel, gel capsule or liquid or, if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) Is required to be labeled as a dietary supplement in accordance with 21 C.F.R. §

6) Federal Regulation: The proposed regulations do not provide provisions that are more stringent than a federal regulation that regulates the same activity.

7) Highlights: The amendment to the law enables hemp to be used in food, drug or cosmetic products in Nevada.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Teresa Hayes at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
500 Damonte Ranch Parkway, Suite 657
Reno, NV 89521
Teresa Hayes
Phone: (775) 546-5530
Email: thayes@health.nv.gov

Members of the public who require special accommodations or assistance at the workshops are required to notify Teresa Hayes in writing to the Division of Public and Behavioral Health, 500 Damonte Ranch Parkway, Suite 657 Reno, NV 89521, or by calling (775) 546-5530 at least five (5) working days prior to the date of the public workshop.

You may contact Teresa Hayes by calling (775) 546-5530 for further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

List of offices where the proposed regulation will be on file for inspection.

1. Division of Public and Behavioral Health- 4150 Technology Way, First Floor Lobby, Carson City, NV 89706
2. Division of Public and Behavioral Health- 500 Damonte Ranch Parkway, Ste. 657, Reno, NV 89521
3. Southern Nevada Health District- 280 S. Decatur Blvd., Las Vegas, NV 89107
4. State Library and Archives- 100 Stewart St., Carson City, NV 89701

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's web page: https://dpbh.nv.gov/Reg/Trending_EHS/Trending_Health_Topics/

A copy of the public workshop notice can also be found at Nevada Legislature's web page: <https://www.leg.state.nv.us/App/Notice/A/>

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City, NV 89706
2. Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701
3. Legislative Building, 401 S. Carson Street, Carson City, NV 89701
4. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas, 89107

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 546-5530.

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal

reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.