

SENATE BILL NO. 404—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 30, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing cannabis.
(BDR 51-1086)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to cannabis; authorizing the State Sealer of Consumer Equitability to adopt and enforce regulations relating to cannabis weighing and measuring equipment; requiring the State Sealer of Consumer Equitability to ensure cannabis weighing and measuring equipment are suitable for their intended use, properly installed, accurate and maintained by their owner or user; requiring the State Sealer of Consumer Equitability to inspect and test cannabis weighing and measuring equipment; authorizing the State Sealer of Consumer Equitability to establish an annual fee for all cannabis weighing and measuring equipment; prohibiting a person from having or in his or her possession or selling or offering to sell an incorrect weight or measure for use in a cannabis establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the State Sealer of Consumer Equitability to adopt
- 2 regulations for the submission of approval types and designs of weights and
- 3 measures, commercial weighing and measuring equipment. (NRS 581.050) **Section**
- 4 **5** of this bill authorizes the State Sealer of Consumer Equitability to adopt such
- 5 regulations for cannabis weighing and measuring equipment, which is defined by



6 **section 3** of this bill as weights, measures, weighing devices and measuring devices
7 used in cannabis establishments. **Section 4** of this bill makes a conforming change
8 to indicate the placement of **sections 1 and 2** of this bill in the Nevada Revised
9 Statutes. **Section 6** of this bill authorizes the Sealer of Consumer Equitability to
10 enforce such regulations. **Section 7** of this bill requires the State Sealer of
11 Consumer Equitability to ensure that cannabis weighing and measuring equipment
12 are suitable for their intended use, are properly installed and accurate and are so
13 maintained by their owner or user. **Section 8** of this bill requires the State Sealer of
14 Consumer Equitability to inspect and test, to ascertain if they are correct, all
15 cannabis weighing and measuring equipment. **Section 9** of this bill authorizes the
16 State Sealer of Consumer Equitability to establish an annual license fee for all
17 cannabis weighing and measuring equipment. **Section 10** of this bill prohibits a
18 person from having an incorrect weight or measure in his or her possession in a
19 cannabis establishment. **Section 10** additionally prohibits a person from selling or
20 offering for sale an incorrect weight or measure for use in a cannabis establishment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 581 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Cannabis establishment” has the meaning ascribed*
4 *to it in NRS 678A.095.*

5 **Sec. 3.** *“Cannabis weighing and measuring equipment”*
6 *means weights, measures, weighing devices and measuring*
7 *devices used in cannabis establishments.*

8 **Sec. 4.** NRS 581.001 is hereby amended to read as follows:
9 581.001 As used in this chapter, unless the context otherwise
10 requires, the words and terms defined in NRS 581.002 to 581.022,
11 inclusive, *and sections 2 and 3 of this act* have the meanings
12 ascribed to them in those sections.

13 **Sec. 5.** NRS 581.050 is hereby amended to read as follows:
14 581.050 1. The State Sealer of Consumer Equitability may:

15 (a) Adopt regulations necessary to carry out the provisions of
16 this chapter.

17 (b) Ensure that those regulations comply, insofar as practicable,
18 with the specifications, tolerances and regulations recommended by
19 the National Institute of Standards and Technology.

20 (c) Adopt regulations for the submission for approval of types
21 and designs of weights and measures, ~~and~~ commercial weighing
22 and measuring equipment ~~and~~ *and cannabis weighing and*
23 *measuring equipment.*

24 2. The State Sealer of Consumer Equitability shall adopt
25 regulations which prescribe the:

26 (a) Standards for weighing and measuring devices;

27 (b) Requirements for the issuance of a certificate of registration
28 pursuant to NRS 581.103; and




1 (c) Standards for the equipment used to repair or adjust
2 weighing or measuring devices.

3 **Sec. 6.** NRS 581.057 is hereby amended to read as follows:

4 581.057 The State Sealer of Consumer Equitability may, if
5 necessary for the enforcement of this chapter and any regulations
6 adopted pursuant thereto:

7 1. Enter any commercial premises *or cannabis establishment*
8 during normal business hours upon presenting his or her credentials.

9 2. Issue stop-use, hold and removal orders for any weights and
10 measures commercially used  *or used in a cannabis*
11 *establishment*, and issue stop-sale, hold and removal orders for any
12 packaged commodities or bulk sale commodities that are kept,
13 offered or exposed for sale.

14 3. Seize, for use as evidence, without formal warrant, any
15 incorrect or unapproved weight, measure, package or commodity
16 found to be used, retained, offered or exposed for sale, or sold in
17 violation of any provision of this chapter or any regulation adopted
18 pursuant thereto.

19 4. Stop any commercial vehicle and, after presentation of his or
20 her credentials, inspect the contents of the vehicle, require the
21 person in charge of the vehicle to produce any documents in the
22 person's possession concerning the contents of the vehicle, and
23 require that person to proceed with the vehicle to some specified
24 place for inspection.

25 **Sec. 7.** NRS 581.065 is hereby amended to read as follows:

26 581.065 The State Sealer of Consumer Equitability shall:

27 1. Ensure that weights and measures used in commercial
28 services *and cannabis establishments* within this state are suitable
29 for their intended use, are properly installed and accurate, and are so
30 maintained by their owner or user.

31 2. Prevent unfair or deceptive dealing by weight or measure in
32 any commodity or service advertised, packaged, sold or purchased
33 within this state.

34 3. Make available to all users of physical standards, or of
35 weighing and measuring equipment, the precision calibration and
36 related metrological certification capabilities of the facilities of the
37 Division.

38 4. Promote uniformity, to the extent practicable and desirable,
39 between the requirements relating to weights and measures of this
40 state and similar requirements of other states and federal agencies.

41 5. Adopt regulations establishing such requirements relating to
42 weights and measures as are necessary to ensure equity between
43 buyers and sellers, and thereby encourage desirable economic
44 growth while protecting consumers.



1 **Sec. 8.** NRS 581.067 is hereby amended to read as follows:

2 581.067 The State Sealer of Consumer Equitability shall:

3 1. Adopt regulations establishing such primary standards and
4 secondary standards for weights and measures for use in this State
5 as the State Sealer of Consumer Equitability determines appropriate.

6 2. Maintain traceability of the state standards to the national
7 standards of the National Institute of Standards and Technology.

8 3. Enforce the provisions of this chapter.

9 4. Adopt other reasonable regulations for the enforcement of
10 this chapter.

11 5. Establish requirements for:

12 (a) Labeling;

13 (b) The presentation of information relating to cost per unit;

14 (c) Standards of weight, measure or count, and reasonable
15 standards of fill, for any packaged commodity; and

16 (d) Information relating to open dating of packaged food.

17 6. Grant such exemptions from the provisions of this chapter or
18 any regulations adopted pursuant thereto as the State Sealer of
19 Consumer Equitability determines appropriate to the maintenance of
20 good commercial practices within this State.

21 7. Conduct investigations to ensure compliance with this
22 chapter.

23 8. Delegate to appropriate personnel any of the responsibilities
24 of the Division as needed for the proper administration of the
25 Division.

26 9. Adopt regulations establishing a schedule of civil penalties
27 for any violation of NRS 581.415 and for any point-of-sale system
28 or cash register determined not to be in compliance with the
29 provisions of subsection ~~19.~~ **20.**

30 10. Inspect and test commercial weights and measures that are
31 kept, offered or exposed for sale.

32 11. Inspect and test, to ascertain if they are correct, weights and
33 measures that are commercially used to:

34 (a) Determine the weight, measure or count of commodities or
35 things that are sold, or offered or exposed for sale, on the basis of
36 weight, measure or count; or

37 (b) Compute the basic charge or payment for services rendered
38 on the basis of weight, measure or count.

39 **12. Inspect and test, to ascertain if they are correct, all**
40 **cannabis weighing and measuring equipment.**

41 ~~12.~~ **13.** Test all weights and measures used in checking the
42 receipt or disbursement of supplies by entities funded by legislative
43 appropriations.

44 ~~13.~~ **14.** Approve for use such commercial weights and
45 measures **and cannabis weighing and measuring equipment** as the



1 State Sealer of Consumer Equitability determines are correct and
2 appropriate. The State Sealer of Consumer Equitability may mark
3 such commercial weights and measures ~~H~~ *and cannabis weighing*
4 *and measuring equipment*. The State Sealer of Consumer
5 Equitability shall reject and order to be corrected, replaced or
6 removed any commercial weights and measures *and cannabis*
7 *weighing and measuring equipment* found to be incorrect. Weights
8 and measures that have been rejected may be seized if they are not
9 corrected within the time specified or if they are used or disposed of
10 in a manner not specifically authorized. The State Sealer of
11 Consumer Equitability shall remove from service and may seize
12 weights and measures found to be incorrect that are not capable of
13 being made correct.

14 ~~H4.]~~ *15.* Weigh, measure or inspect packaged commodities
15 that are kept, offered or exposed for sale, sold or in the process of
16 delivery to determine whether the packaged commodities contain
17 the amounts represented and whether they are kept, offered or
18 exposed for sale in accordance with this chapter or the regulations
19 adopted pursuant thereto. In carrying out the provisions of this
20 subsection, the State Sealer of Consumer Equitability shall employ
21 recognized sampling procedures, including, without limitation,
22 sampling procedures adopted by the National Conference on
23 Weights and Measures.

24 ~~H5.]~~ *16.* Adopt regulations prescribing the appropriate term or
25 unit of weight or measure to be used whenever the State Sealer of
26 Consumer Equitability determines that an existing practice of
27 declaring the quantity of a commodity, or of setting charges for a
28 service by weight, measure, numerical count or time, or any
29 combination thereof, does not facilitate value comparisons by
30 consumers or may confuse consumers.

31 ~~H6.]~~ *17.* Allow reasonable variations from the stated quantity
32 of contents that entered intrastate commerce, which must include
33 those variations caused by loss or gain of moisture during the course
34 of good distribution practices or by unavoidable deviations in good
35 manufacturing practices.

36 ~~H7.]~~ *18.* Provide for the training of persons employed by any
37 governmental entity within this State, including, without limitation,
38 state, county and municipal personnel, who enforce the provisions
39 of this chapter and chapter 582 of NRS, and any regulations adopted
40 pursuant thereto, relating to weights and measures. The State Sealer
41 of Consumer Equitability may establish by regulation minimum
42 training and performance requirements which must be met by all
43 such persons.

44 ~~H8.]~~ *19.* Verify advertised prices and price representations, as
45 necessary, to determine their accuracy.



1 ~~{19.}~~ 20. Without charging and collecting a fee, conduct
2 random tests of point-of-sale systems and cash registers to
3 determine the accuracy of prices, including advertised prices and
4 price representations, and computations and the correct use of the
5 equipment, and, if such systems utilize scanning or coding means in
6 lieu of manual entry, the accuracy of prices printed or recalled from
7 a database.

8 ~~{20.}~~ 21. Employ recognized procedures for making
9 verifications and determinations of accuracy, including, without
10 limitation, any appropriate procedures designated by the National
11 Institute of Standards and Technology.

12 ~~{21.}~~ 22. Adopt regulations and issue orders regarding
13 standards for the accuracy of advertised prices and automated
14 systems for retail price charging, point-of-sale systems and cash
15 registers, and for the enforcement of those standards.

16 ~~{22.}~~ 23. Conduct investigations to ensure compliance with the
17 regulations adopted pursuant to subsection ~~{21.}~~ 22.

18 **Sec. 9.** NRS 581.075 is hereby amended to read as follows:

19 581.075 The State Sealer of Consumer Equitability may
20 establish:

21 1. A schedule of fees for any tests of weighing and measuring
22 devices that the State Sealer of Consumer Equitability determines to
23 be necessary.

24 2. An annual fee for the issuance of a certificate of registration
25 pursuant to NRS 581.103.

26 3. An annual license fee for all commercial weighing and
27 measuring equipment.

28 4. *An annual license fee for all cannabis weighing and*
29 *measuring equipment.*

30 **Sec. 10.** NRS 581.415 is hereby amended to read as follows:

31 581.415 1. A person shall not:

32 (a) Use in commerce, or have in his or her possession for use in
33 commerce ~~{1}~~ *or in a cannabis establishment*, any incorrect weight
34 or measure;

35 (b) Sell or offer for sale for use in commerce *or for use in a*
36 *cannabis establishment* any incorrect weight or measure;

37 (c) Remove any tag, seal or mark from any weight or measure
38 without specific written authorization from the proper authority;

39 (d) Hinder or obstruct any inspector of the Division in the
40 performance of the inspector's duties; or

41 (e) Violate any provisions of this chapter or any regulation
42 adopted pursuant thereto.

43 2. A person who violates any provision of this section is, in
44 addition to any criminal penalty that may be imposed, subject to a
45 civil penalty in accordance with the schedule of civil penalties



1 established by the State Sealer of Consumer Equitability pursuant to
2 subsection 9 of NRS 581.067.

3 **Sec. 11.** Notwithstanding the provisions of NRS 218D.430 and
4 218D.435, a committee, other than the Assembly Standing
5 Committee on Ways and Means and the Senate Standing Committee
6 on Finance, may vote on this act before the expiration of the period
7 prescribed for the return of a fiscal note in NRS 218D.475. This
8 section applies retroactively from and after March 22, 2021.

9 **Sec. 12.** This act becomes effective on July 1, 2021.

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