



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: August 5, 2021

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 111, an ordinance prohibiting the licensing of a cannabis consumption lounge as a business and prohibiting the consumption of cannabis and cannabis products in a public place. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This item is for the second reading of a proposed ordinance which, if enacted, will prohibit the licensing of a cannabis consumption lounge as a business in Carson City and also prohibit the consumption of cannabis and cannabis products in a public place.

Agenda Action: Ordinance - Second Reading

Time Requested: 10 Minutes

Proposed Motion

I move to adopt Ordinance No. 2021- ____.

Board's Strategic Goal

Efficient Government

Previous Action

July 15, 2021: The Board of Supervisors introduced the ordinance by a vote of 4-1.

Background/Issues & Analysis

Assembly Bill (AB) 341 was enacted by the Nevada Legislature during the 81st (2021) Session and signed into law by the Governor on June 4, 2021. AB 341 generally relates to cannabis and establishes, among other things, various provisions governing the licensure of cannabis consumption lounges. Section 30.3 of AB 341, which amends NRS 678D.510, authorizes local governments such as Carson City to adopt and enforce local cannabis control measures pertaining to zoning and land use for adult-use cannabis establishments, including, without limitation, a measure which prohibits the operation of adult-use cannabis establishments. Section 12.9 of AB 341 establishes a new statutory provision that authorizes the Cannabis Compliance Board to adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place, but also expressly reserves for local governments the authority to adopt and enforce an ordinance or rule governing the consumption of cannabis or cannabis products in a public place which is more restrictive than regulations, if any, adopted by the Cannabis Compliance Board.

This proposed ordinance, if approved by the Board of Supervisors, would: (1) prohibit the Business License Division of the Carson City Department of Community Development from issuing to any person a license to operate a cannabis consumption lounge in Carson City; and (2) make it unlawful for any person to consume cannabis or any cannabis product in a public place in Carson City. Because the proposed ordinance would codify the public consumption provision within CCMC Chapter 8.04 - which governs prohibited conduct and also

establishes a penalty as set forth in CCMC 8.04.130 - a conviction for a violation of this ordinance provision, if enacted, could result in punishment by a fine not exceeding \$1,000 or by imprisonment in the City jail for a term not exceeding 6 months, or by both such fine and imprisonment.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 237; art. 2 of the Carson City Charter; Assembly Bill 341 (2021); CCMC Chapter 8.04

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

Do not adopt the ordinance on second reading and/or modify the ordinance.

Attachments:

[Ord_2021_Cannabis_Consumption_Lounge_and_Public_Consumption_SHORT_VERSION \(1\).docx](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

Summary: Establishes various provisions relating to cannabis and cannabis products.

BILL NO. 111

ORDINANCE No. 2021 - _____

AN ORDINANCE RELATING TO CANNABIS; PROHIBITING THE LICENSING OF A CANNABIS CONSUMPTION LOUNGE AS A BUSINESS; PROHIBITING THE CONSUMPTION OF CANNABIS AND CANNABIS PRODUCTS IN A PUBLIC PLACE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 4 (Licenses and Business Regulations), Chapter 4.04 (Business Licenses) is hereby amended by adding thereto a new Section 4.04.0103 (Licensing of cannabis consumption lounges prohibited) (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

4.04.0103 – Licensing of cannabis consumption lounges prohibited.

1. Notwithstanding any other provision of CCMC and pursuant to the authority established by NRS 678D.510, as amended by Section 30.3 of Assembly Bill 341 of the 81st (2021) Session of the Nevada Legislature, the Business License Division shall not issue to any person a license to operate a cannabis consumption lounge.

2. As used in this section, “cannabis consumption lounge” has the meaning ascribed to it in Section 2 of Assembly Bill 341 of the 81st (2021) Session of the Nevada Legislature.

SECTION II:

That Title 8 (Public Peace, Safety and Morals), Chapter 8.04 (Prohibited Conduct) is hereby amended by adding thereto a new Section 8.04.123 (Consumption of cannabis or cannabis in a public place prohibited) (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

8.04.123 – Consumption of cannabis or cannabis products in a public place prohibited.

1. Pursuant to the authority established by Section 12.9 of Assembly Bill 341 of the 81st (2021) Session of the Nevada Legislature, it is unlawful for any person to consume cannabis or any cannabis product in a public place. For the purpose of this subsection, a person consumes cannabis or a cannabis product if such a substance is ingested or inhaled.

2. As used in this section, “cannabis product” has the meaning ascribed to it in NRS 678A.120.

SECTION III:

That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2021.

PROPOSED by _____.

PASSED on _____, 2021.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

Lori Bagwell
Mayor

ATTEST:

Aubrey Rowlatt
Clerk-Recorder

This ordinance shall be in force and effect from the _____ day of the month
of _____ of the year 2021.