

CANNABIS COMPLIANCE BOARD STATE OF NEVADA



STEVIE SISOI, JR.
Governor

ccb.nv.gov
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Carson City, Nevada 89706
Phone: (775) 687 6299

HON. MICHAEL DOUGLAS
Chair

LAS VEGAS OFFICE
700 East Warm Springs Road, Suite 100
Las Vegas, Nevada 89119

TYLER KILMAS
Executive Director

September 1, 2022

The City of Ely

*Via Certified Mail: 7019 2280 0002 0378 5730,
First Class-U.S. Mail, and email*

*Via Certified Mail: 7019 2280 0002 0378 5747,
First Class U.S. Mail, and email*

Ely City Attorney

Leo Cahoon Esq.
501 Mill Street
Ely, NV 89301
attorney@cityofelynv.gov

City Council City of Ely

c/o Jennifer Lee, City Clerk
Ely City Hall
501 Mill Street
Ely, NV 89301
CityClerk@cityofelynv.gov

Dear Mr. Cahoon & The City of Ely, City Council:

This correspondence is in follow up to prior correspondence the Cannabis Compliance Board (the “CCB”), sent to The City of Ely’s Mayor, Mayor Nathan Robertson, dated September 15, 2021, regarding Assembly Bill (“AB”) 341, which authorized the CCB to license cannabis consumption lounges in Nevada.

It has been brought to the CCB’s attention that, as of the date of this correspondence, the ELY CITY CODE provides the following:

3-15-2: DEFINITIONS:

Unless the context otherwise requires, the scope of all words in this chapter shall be liberally construed in order to effectuate the purpose of this chapter, and, in particular, the following words shall have the meaning ascribed to them as follows:

..

MARIJUANA ESTABLISHMENT:

Has the meaning ascribed to it in **Nevada Revised Statutes 453D.030(11)** and means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

(Ord. 715, 11-22-2018)

(emphasis added)

3-15-6: CONDITIONS APPLYING TO SPECIFIC LOCATION/BUSINESS TYPES:

- A. General requirements for all marijuana establishments except independent testing laboratories:
- ... 5. **A marijuana establishment may not allow the use, smoking, ingestion or consumption of any marijuana, edible marijuana product, or marijuana-infused product on the licensed premises.**

(Ord. 715, 11-22-2018)
(emphasis added)

3-15-26: PUBLIC CONSUMPTION OF MARIJUANA; PROHIBITION:

The consumption of marijuana shall be prohibited in any public place including, but not limited to any business licensed by Title 3.

(Ord. 715, 11-22-2018)
(emphasis added)

As noted above, in 2021, the Nevada Legislature passed AB 341, authorizing the CCB to license cannabis consumption lounges in Nevada and revising the definition of “Adult-use cannabis establishment”¹ to include “Retail cannabis consumption lounges” and “Independent cannabis consumption lounges.” *See* NRS 678B.322-328, NRS 678D.455-480, & NRS 678A.035(6)-(7).

Please be advised, given the above, the CCB seeks specific clarification from a person authorized to bind The City of Ely regarding its intent to allow consumption lounges in The City of Ely. Attached to this correspondence is a Response Form to that effect. The CCB requests that a representative with the requisite authority to bind The City of Ely executes this Response Form and email the executed Response Form to CCBConsumptionLounge@ccb.nv.gov by **Friday, September 9, 2022**.

Absent the receipt of the executed Response Form by **Friday, September 9, 2022**, the CCB will keep The City of Ely as an available location in the application for this initial 2022 cannabis consumption lounge licensing round.

Please be advised that this correspondence and the executed Response Form will be public documents and shall be published on the CCB’s website for the sake of clarity and transparency.

Thank you for your attention to this matter, and please do not hesitate to contact me directly at (702) 486-0606, or by email at tklimas@ccb.nv.gov with any questions.

Sincerely,



Tyler Klimas
Executive Director
Nevada Cannabis Compliance Board

CC:

Mayor Nathan Robertson
mayor@cityofelynv.gov

Attachments:

[Response Form For The City of Ely For The CCB's 2022 Cannabis Consumption Lounge Licensing Round](#)

¹ “Marijuana Establishment” under NRS 453D.030(11) was replaced with “Cannabis establishment” under NRS 678A.095, which includes “Adult-use cannabis establishment” under NRS 678A.035.

Response Form For The City of Ely For The CCB's 2022 Cannabis Consumption Lounge Licensing Round

It is the intent of The City of Ely that, ~~regarding the 2022 cannabis consumption lounge licensing round~~ **only**:

- it will not issue cannabis consumption lounge business licenses in its jurisdiction based on either the provisions in the ELY CITY CODE as of the date this form was executed and/or any future amendments or revisions to the ELY CITY CODE.
- it will issue cannabis consumption lounge business licenses in its jurisdiction, and the ELY CITY CODE will be amended or revised to reflect that intent.

This form reflects The City of Ely's intent to participate or opt out of the Cannabis Compliance Board's (the "CCB") 2022 cannabis consumption lounge licensing round **only**. This form will not bind nor exclude The City of Ely as a participating jurisdiction in any future cannabis establishment licensing rounds held by the CCB.

By executing this form, I affirm and attest I have the requisite legal authority to bind The City of Ely regarding the above matter.

Title	(printed name)	Signature	Date
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Jennifer Lee

From: Jennifer Lee
Sent: Wednesday, September 7, 2022 8:40 AM
To: Amber Virkler; Leo Cahoon
Cc: Nathan Robertson; Tyler Klimas; Emily Bordelove
Subject: RE: Cannabis Consumption Lounge - City of Ely

Amber:

The City's legal counsel has advised that our response to CCB be delayed until our new board has an opportunity to amend the Code relative to cannabis consumption lounges; with the Holidays, the earliest I could notify you of their decision would be January 13, 2023.

Jennifer Lee, City Clerk
City of Ely
501 Mill Street
Ely, Nevada 89301
Office: (775) 289-2430
Mobile: (775) 293-1395
CityClerk@cityofelynvgov

Please note my new email address.

From: Amber Virkler <avirkler@ccb.nv.gov>
Sent: Thursday, September 1, 2022 9:56 AM
To: Leo Cahoon <Attorney@cityofelynvgov>; Jennifer Lee <CityClerk@cityofelynvgov>
Cc: Nathan Robertson <Mayor@cityofelynvgov>; Tyler Klimas <tklimas@ccb.nv.gov>; Emily Bordelove <ebordelove@ag.nv.gov>
Subject: Cannabis Consumption Lounge - City of Ely

Please see the attached correspondence from the Nevada Cannabis Compliance Board dated September 1, 2022. A response is respectfully requested by September 9, 2022.

Thank you,

Amber Virkler
Executive Assistant
Nevada Cannabis Compliance Board
700 E. Warm Springs Rd., Suite 100
Las Vegas, NV 89119
E-Mail: avirkler@ccb.nv.gov
Web: <https://ccb.nv.gov/>