

Nevada to allow medical marijuana dispensaries

By Matt Woolbright, AP

After 13 years of waiting, medical marijuana patients in Nevada will soon have a legal way to obtain the drug without growing it themselves.

Republican Gov. Brian Sandoval signed SB374 into law Wednesday. The measure establishes the framework to make pot available to medical marijuana card holders, imposing fees and requirements for growers, processors and dispensaries of pot. It also contains provisions to continue to allow home-growing until 2016.

Nevadans voted to legalize medical marijuana in 2000 and a year later were able to obtain medical marijuana cards. However, legislative efforts to create a legal way for users to obtain the drug – aside from growing a small number of plants at home – have all failed over the years.

Now, their wait is over.

“This new law will provide patients with the safe and reliable access to medical marijuana that they deserve,” Karen O’Keefe, director of state policies for the Marijuana Policy Project, said in a statement shortly after the bill’s signing. “Regulating medical marijuana sales will also generate revenue and take a bite out of the state’s underground marijuana market.”

Nevada becomes 14th state to legalize medical marijuana dispensaries, and it’s one of 19 states and the District of Columbia with medical marijuana laws, according to the National Conference on State Legislatures. Illinois lawmakers passed a bill legalizing medical marijuana this year that is

awaiting the governor's final decision.

Lawmakers crafted the legislation largely after the Arizona model. In fact, several members of the Senate Judiciary Committee traveled to Arizona during the session to get a better sense of what Nevada's law should look like.

The product will be taxed at the growing, processing and selling stages. The revenue created will first fund the regulation of the dispensaries with any remaining revenue being funneled to education. Hefty application fees are also expected to help defray some of the costs.

That group was led by the committee chairman, Sen. Tick Segerblom, D-Las Vegas, who was also the bill's primary sponsor. Also in attendance was Assemblywoman Michele Fiore, R-Las Vegas, who ended up being the deciding vote in the bill passing the Assembly.

Because of the tax components, supporters needed a two-thirds majority to approve the bill. With Sen. Mark Hutchison, R-Las Vegas, championing the effort in the Senate that was not a problem, but Assembly Republicans had no appetite for the bill – and without at least one voting for it, it would have failed.

But Fiore, a freshman legislator, sided with the Democrat majority to propel the dispensaries to Sandoval's desk. She told the Associated Press at the time that she swung the vote because her allegiance to the state constitution – which mandates a distribution system for medicinal marijuana – was her top priority.

Republican Minority Leader Pat Hickey, R-Reno, said during the floor debate that the law would benefit the Silver State economically, but he feared society would decline because the availability of the drug would lead to misuses.

Other Republicans objected on federal grounds, because

marijuana – whether used medicinally or recreationally – is illegal under federal law. State lawmakers had an obligation to uphold the U.S. Constitution before state laws, they argued in hearings and during the floor debate.

Federal authorities would have legal grounds to intervene, but that has not happened in other states with operating medical pot dispensaries.

Dispensaries in the Silver State would open fully aware of potential federal prosecution, Hutchison said.