

Summary 22-0555-TXT1: Amends LVMC Chapter 6.82, relating to smoking lounges and smoke or vape shops, and revises related zoning provisions

LVMC	Subject	Existing Language	Proposed Language
6.82.010	<p>Definitions Updates definitions for “Cannabis,” “Cannabis Paraphernalia” includes “Vape” and “Vaping,” adds definition for “Synthetic Cannabinoid” and “THC”</p>	<p>“Cannabis” means all parts of any plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include: (A)The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or (B)The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products.</p> <p>“Cannabis paraphernalia” means any equipment, products, and materials of any kind which are used, intended for use, or designed to be used for ingesting, inhaling, or otherwise introducing cannabis into the human body.</p>	<p><u>“Cannabis” has the meaning ascribed to the term “marijuana” in and is defined in NRS 453.096.</u></p> <p><u>“Cannabis paraphernalia” means any accessories, devices and/or other equipment that is necessary or useful for a person to engage in the use of cannabis.</u></p> <p><u>“Hemp” has the meaning ascribed to it per NRS 557.160 and means any plant of the Cannabis sativa L. and any part of such a plant, including without limitation, the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration that does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp. It does not include any commodity or product made using hemp.</u></p> <p><u>“Hemp-derived products” means a commodity or product containing hemp, which is intended for human or pet consumption (whether ingested or inhaled), or any other product that purports to contain any cannabinoid</u></p>

		<p>"Smoke shop" means a business which has, as its principal activity or a primary activity, the sale of tobacco paraphernalia, cannabis paraphernalia or designated substances, or a business that holds itself out to the public as a business engaging in that activity.</p> <p>"Smoking lounge" means a business which offers, as its principal activity or a primary activity, a location and equipment for the consumption of tobacco products.</p> <p>"Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for use in the smoking, preparation or consumption of tobacco products. The term does not include tobacco products.</p>	<p><u>(CBD) with a THC concentration that does not exceed the maximum THC concentration established by the State Department of Agriculture.</u></p> <p>"Smoke <u>or vape shop</u>" means a business that <u>does or will derive ten percent or more of its gross revenue from the sale of smoking or vaping paraphernalia, cannabis paraphernalia, hemp, hemp-derived products, and or at any particular time devotes ten percent or more of its gross retail floor space to tobacco paraphernalia, cannabis paraphernalia, hemp, or hemp-derived products</u> or a business that holds itself out <u>through advertising</u> to the public as a business engaging in that activity.</p> <p>"Smoking <u>or Vaping lounge</u>" means a business that offers, <u>an area or equipment specifically for on premise consumption of tobacco products, hookah products (whether or not tobacco related), or vape products sold by the business. Only products that are sold by the business may be consumed. This does not restrict cigars, brought in by consumers, in its original manufacturers packaging.</u></p> <p><u>"Synthetic cannabinoid" means a cannabinoid that is:</u></p> <ol style="list-style-type: none"> <u>1. Produced artificially, whether from chemicals or from recombinant</u>
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			<p><u>biological agents, including without limitation, yeast and algae; and</u> <u>2. Is not derived from a plant of the genus Cannabis, including, without limitation, biosynthetic cannabinoids.</u></p> <p><u>“THC” – has the meaning ascribed to it in NRS 453.139 and means delta-9-tetrahydrocannabinol and any structural, optical or geometric isomer thereof, including, without limitation; 1. Delta-9-tetrahydrocannabinol, 2. Delta-7-tetrahydrocannabinol, and Delta-10-tetrahydrocannabinol.</u></p> <p><u>“Smoking and vaping paraphernalia” includes rolling papers or wrappers, pipes, holders of smoking materials of all types, rolling machines, and any other item designed for use in the smoking, preparation or consumption of tobacco products, THC or nicotine products. This term includes water pipes and electronic devices that enable the introduction of tobacco, nicotine, or other chemicals, flavorings, and other substances not including cannabis or cannabis related products into the body, such as an e-cigarette or hookah. This term does not allow cannabis or cannabis-related substances to be added. The term does not include tobacco products.</u></p> <p><u>“Vape or vaping products” include electronic devices or devices that by</u></p>
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			<p><u>other means heat up items and products such as dry herbs, oils, or liquids (including nicotine or other related liquids) to create a vapor for inhalation purposes, such as a vape pen, e-hookah, e-pipe, etc.</u></p> <p><u>“Vaping” means the inhaling and exhaling of vapors through the mouth using an electronic device.</u></p>
6.82.020	Smoke or <u>Vape</u> shops-License/Work Card Required	<p>((A)No person shall engage in business as a smoke shop within the City without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a privileged license subject to the provisions of LVMC Chapter 6.06.</p> <p>(B)Each employee of a smoke shop who sells or handles tobacco paraphernalia, cannabis paraphernalia or designated substances, or has daily control of the operations of the smoke shop shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.</p>	<p>(A) No person shall engage in business as a smoke <u>or vape</u> shop within the City without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a privileged license subject to the provisions of LVMC Chapter 6.06.</p> <p>(B) Each employee of a smoke <u>or vape</u> shop who sells or handles tobacco paraphernalia, cannabis paraphernalia, <u>hemp, or hemp-derived</u> products or has daily control of the operations of the smoke or vape shop shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.</p>
6.82.025	<u>Smoke or Vape Shops-Hemp or Hemp-Derived Product Sales</u>	N/A-This is a new section	<p><u>(A) All hemp and hemp-derived products must clearly identify all THC concentrations on the label or by a valid certificate of analysis from a certified Nevada testing laboratory.</u></p> <p><u>(B) All hemp and hemp-derived products must be tested by an</u></p>

			<p><u>independent testing laboratory certified by the Nevada Cannabis Compliance board pursuant to NRS 678B.290 in the same manner as an equivalent cannabis product is required to be tested.</u></p> <p><u>(C) No products containing synthetic cannabinoids or other synthetic derivatives of Cannabis including other products or materials that are in a form that allows for human consumption by inhalation of smoke or vapors, ingestion, injection or application that contain chemical substances, compounds, or agents that cause or may cause an intoxicating, narcotic, stimulant, depressant, and/or hallucinogenic effect and an imminent threat to the safety of persons that consume such products or materials and/or persons they come in contact with, are allowed to be produced, sold, or offered as per state law NRS 557.</u></p> <p><u>(D) All hemp and hemp-derived products must be kept in their original unopened container or packaging with a label indicating the product is hemp or hemp- derived and identifies the THC concentration limits. The THC concentration limits must be under the limit set by the State Department of Agriculture.</u></p> <p><u>(E) Any smoke or vape shop selling hemp or hemp-derived products must:</u></p> <p><u>1) Post signs that indicate “ALL HEMP</u></p>
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			<p><u>PRODUCTS CONTAIN LESS THAN THE LEGAL LIMIT OF THC.” Signs shall be posted no higher than 7’ and no lower than 3’ at any and all sales stations. All signs must be prominently displayed and must be clearly discernable with non-italicized black lettering not less than 3/8” high for each letter.</u></p> <p><u>2) Post signs outside the establishment on each customer entrance with letters not less than 1” high stating “THIS LOCATION IS NOT LICENSED TO SELL CANNABIS.” Each sign must be illuminated sufficiently to be visible by persons with eyesight corrected to 20/20, and from thirty feet from the sign.</u></p> <p><u>3) Request approval from the Director for any deviation from any signage requirement prior to implementation.</u></p> <p><u>(F) All hemp or hemp-derived products that contain CBD as an ingredient or identified on the packaging contain CBD must not have medical claims, nor advertise for such, and cannot be introduced into any food product or dietary supplement.</u></p>
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6.82.030-	Smoke or <u>Vape</u> shops-Unlawful Acts	<p>It is unlawful for any business subject to licensing as a smoke shop to:</p> <p>(A)Employ a person under the age of eighteen (or allow such an employee) to sell or handle tobacco paraphernalia or designated substances</p> <p>(B)Sell tobacco paraphernalia or any designated substance to a person under the age of eighteen.</p> <p>(C)Employ a person under the age of twenty-one (or allow such an employee) to sell or handle cannabis paraphernalia.(D)Sell cannabis paraphernalia to a person under the age of twenty-one.</p>	<p>It is unlawful for any business subject to licensing as a smoke or vape shop to:</p> <p>(A) Employ a person under the age of <u>twenty-one</u> (or allow such an employee) to sell or handle tobacco paraphernalia or <u>cannabis paraphernalia</u></p> <p>(B) Sell tobacco paraphernalia or <u>cannabis paraphernalia</u> to a person under the age of <u>twenty-one</u>.</p> <p>(C) Employ a person under the age of twenty-one (or allow such an employee) to sell or handle cannabis paraphernalia.</p> <p>(D) <u>Produce, distribute, sell or offer to sell any synthetic cannabinoid products, or other products or materials that are in a form that allows for human consumption by inhalation of smoke or vapors , ingestion, injection or application that contain chemical substances, compounds, or agents that cause or may cause an intoxicating, narcotic, stimulant, depressant, and/or hallucinogenic effect and an imminent threat to the safety of persons that consume such products or materials and/or persons they come in contact with.</u></p>
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6.82.040	Smoke <u>or Vape</u> shop-Age Restrictions	<p>(A)In any smoke shop, tobacco paraphernalia must be stored or displayed in a designated area within the business premises that is not open to view by persons under the age of eighteen and to which such persons do not have access. Except in an establishment that does not permit entry to persons under the age of eighteen, each entrance to the designated area shall have a sign clearly posted in letters not less than three inches tall indicating that persons under the age of eighteen are not permitted within that area unless accompanied by a parent or legal guardian. Any such designated area and signage are subject to prior approval by the Director as part of the license approval process. No principal or employee of a smoke shop described in this Subsection (A) shall permit a person under the age of eighteen years to enter or remain within the designated area described in this Subsection (A) unless that person is accompanied by his or her parent or legal guardian.</p> <p>(B)In any smoke shop that sells cannabis paraphernalia, such paraphernalia must be stored or displayed in an area within the business premises that is not open to view by persons under the age of twenty-one. Any such smoke shop</p>	<p>No principal or employee of a smoke <u>or vape</u> shop shall permit a person under the age of twenty-one years to enter or remain within the smoke <u>or vape</u> shop, <u>unless they are continuously accompanied by a parent or legal guardian, or as otherwise permitted by the Director.</u></p>
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		<p>shall have a sign clearly posted at each entrance, in letters not less than three inches tall, indicating that persons under the age of twenty-one are not permitted entry. Such signage is subject to prior approval by the Director as part of the license approval process. No principal or employee of a smoke shop described in this Subsection (B) shall permit a person under the age of twenty-one years to enter or remain within the smoke shop.</p>	
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6.82.050	Smoking <u>or vaping</u> lounges- License/work card required	<p>(A) No person shall engage in business as a smoking lounge within the City without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a privileged license subject to the provisions of LVMC Chapter 6.06.</p> <p>(B) Each employee of a smoking lounge who serves patrons of the establishment, handles tobacco products or tobacco paraphernalia, or has daily control of the operations of the smoking lounge shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.</p>	<p>(A) No person shall engage in business as a smoking <u>or vaping</u> lounge within the City without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a privileged license subject to the provisions of LVMC Chapter 6.06.</p> <p>(B) Each employee of a smoking <u>or vaping</u> lounge who serves patrons of the establishment, handles tobacco products or tobacco paraphernalia, <u>or vape products</u>, or has daily control of the operations of the smoking <u>or vaping</u> lounge shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.</p>
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6.82.060	Smoking <u>or vaping</u> Unlawful acts	<p>It is unlawful for any business subject to licensing as a smoking lounge to:</p> <p>(A)Employ a person under the age of twenty-one years (or allow such an employee) to sell or handle tobacco products or tobacco paraphernalia;</p> <p>(B)Allow a person under the age of twenty-one years to consume tobacco products; or(C)Allow patron consumption of cannabis, concentrated cannabis or cannabis products.</p>	<p>It is unlawful for any business subject to licensing as a smoking lounge to:</p> <p>(A) Employ a person under the age of twenty-one years (or allow such an employee) to sell or handle tobacco products or tobacco paraphernalia, <u>or vape products</u>;</p> <p>(B) Allow a person under the age of twenty-one years to consume tobacco products; or</p> <p>(C) Allow patron consumption of <u>hemp or hemp-derived products</u>, cannabis, concentrated cannabis or cannabis products <u>or synthetic cannabinoids, or other products or materials that are in a form that allows for human consumption by inhalation of smoke or vapors, ingestion, injection or application that contain chemical substances, compounds, or agents that cause or may cause an intoxicating, narcotic, stimulant, depressant, and/or hallucinogenic effect and an imminent threat to the safety of persons that consume such products or materials and/or persons they come in contact with. The use, sale or offering of Hemp and hemp-derived products in consumption lounges is strictly prohibited.</u></p>
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6.82.070	Smoking <u>or vaping</u> lounges-Open to View-Live Entertainment	<p>Within a smoking lounge:</p> <p>(A)All smoking areas must be open to view by employees and patrons.</p> <p>(B)No live entertainment may be provided unless the establishment has a night club license or other appropriate license for that activity.</p>	<p>Within a smoking or vaping lounge:</p> <p>(A) All smoking <u>or vaping</u> areas must be open to view by employees and patrons.</p> <p>(B) <u>Except as otherwise provided in Subsection (D) of this Section, no live entertainment, as defined in Subsection (C), may be offered in any establishment licensed under this Chapter unless that form of entertainment has been approved in advance by the Director.</u></p> <p>(C) <u>For purposes of this Section, "live entertainment" means one or more of the following:</u></p> <p>(1) <u>Live music (with or without dancing);</u></p> <p>(2) <u>Live disc jockey (with dancing);</u></p> <p>(3) <u>Karaoke entertainment; or</u></p> <p>(4) <u>Stage shows, such as a magician, comedian other similar type of performance artist.</u></p> <p>(D) <u>This Section does not apply to any establishment licensed as a nightclub pursuant to LVMC Chapter 6.39.</u></p>
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6.82.075	<u>Fee for license</u>	N/A-This is a new section	<u>Each smoke or vape shop and smoke or vaping lounge applicant shall pay, in advance, a semiannual fee based on gross sales as specified in LVMC 6.04.005.</u>
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6.82.080	Combined Licenses	Except as otherwise provided in this Section, a business that desires to operate both as a smoke shop and a smoking lounge may apply for and obtain a license for each operation under this Chapter, or the Department may at its option issue a combined license to authorize both types of activity. Under a combination license, the licensee must comply with the provisions of this Chapter that apply to both types of operations. A smoke shop that sells cannabis paraphernalia is not eligible for a smoking lounge or a combined license.	Except as otherwise provided in this Section, a business that desires to operate both as a smoke <u>or vape</u> shop and a smoking <u>or vaping</u> lounge may apply for and obtain a license for each operation under this Chapter, or the Department may at its option issue a combined license to authorize both types of activity. Under a combination license, the licensee must comply with the provisions of this Chapter that apply to both types of operations
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6.82.100	Application of State laws	<p>Nothing in this Chapter is intended to limit the application of State law and regulations governing tobacco products, drug paraphernalia, cannabis paraphernalia or substances that are classified or to be classified as controlled substances under State law and regulations, including without limitation NRS Chapters 453, 678A through 678D, and regulations adopted thereunder. Businesses subject to this Chapter are subject to compliance with State law and regulations in accordance with the terms thereof, notwithstanding any provisions of this Chapter that pertain specifically to and are an exercise of the City's licensing and regulatory powers and jurisdiction.</p>	<p>Nothing in this Chapter is intended to limit the application of State law and regulations governing tobacco products, drug paraphernalia, <u>hemp, hemp-derived products</u>, cannabis <u>or other synthetic cannabinoid</u> paraphernalia or substances that are classified or to be classified as controlled substances under State law and regulations, including without limitation NRS Chapters 453, 678A through 678D, and regulations adopted thereunder. Businesses subject to this Chapter are subject to compliance with State law and regulations in accordance with the terms thereof, notwithstanding any provisions of this Chapter that pertain specifically to and are an exercise of the City's licensing and regulatory powers and jurisdiction.</p>
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19.16.180	Home Occupation Permit-Operational Standards	v. The sale or storage of tobacco products, tobacco paraphernalia	v. The sale or storage of tobacco products, tobacco paraphernalia, <u>cannabis products, cannabis paraphernalia, synthetic cannabinoid or synthetic cannabinoid paraphernalia, hemp products, hemp-derived products, and hemp paraphernalia or alcoholic beverages;</u>
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1 **BILL NO. 2022-**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND LVMC CHAPTER 6.82, RELATING TO SMOKING LOUNGES AND
4 SMOKE OR VAPE SHOPS; TO REVISE RELATED ZONING PROVISIONS AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Cedric Crear

Summary: Amends LVMC Chapter 6.82, relating
to smoking lounges and smoke or vape shops, and
revises related zoning provisions.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
8 FOLLOWS:

9 SECTION 1: Title 6, Chapter 82, Section 10, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.82.10:** As used in this Chapter, the following terms shall have the meanings indicated:

12 “Cannabis” [means all parts of any plant of the genus cannabis, whether growing or not, the seeds thereof,
13 the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or
14 preparation of the plant, its seeds, or resin. The term does not include:

15 (A) The mature stems of the plant, fiber produced from the stems, oil, or cake made from
16 the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the
17 mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which
18 is incapable of germination; or

19 (B) The weight of any other ingredient combined with cannabis to prepare topical or oral
20 administrations, food, drink, or other products.] has the meaning ascribed to the term “marijuana” in and as
21 defined in NRS 453.096.

22 “Cannabis paraphernalia” means any [equipment, products, and materials of any kind which are used,
23 intended for use, or designed to be used for ingesting, inhaling, or otherwise introducing cannabis into the
24 human body.] accessories, devices and/or other equipment that is necessary or useful for a person to engage
25 in the use of cannabis.

26 “Cannabis products” means products comprised of cannabis or concentrated cannabis and other ingredients

1 that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

2 “Concentrated cannabis” means the separated resin, whether crude or purified, obtained from cannabis.

3 [“Designated substance” means salvia divinorum or Salvinorum A, including all parts of the plant botanically
4 classified as salvia divinorum, whether growing or not; any extract thereof; the seeds thereof; and every
5 compound, manufacture, salts derivative, mixture or preparation of the plant or its seeds or extracts.]

6 “Hemp” has the meaning ascribed to it per NRS 557.160 and means any plant of the Cannabis sativa L. and
7 any part of such a plant, including without limitation, the seeds thereof and all derivatives, extracts,
8 cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration
9 that does not exceed the maximum THC concentration established by the State Department of Agriculture
10 for hemp. It does not include any commodity or product made using hemp.

11 “Hemp-derived products” means a commodity or product containing hemp, which is intended for human or
12 pet consumption (whether ingested or inhaled), or any other product that purports to contain any cannabinoid
13 (CBD) with a THC concentration that does not exceed the maximum THC concentration established by the
14 State Department of Agriculture.

15 “Sell” (and related forms of the word) refer to the sale, offer to sell, exchange or offer to exchange for any
16 form of consideration.

17 “Smoke or vape shop” means a business that [has, as its principal activity or primary activity, the sale of]
18 does or will derive ten percent or more of its gross revenue from the sale of smoking or vaping paraphernalia,
19 cannabis paraphernalia, hemp, hemp-derived products, and or at any particular time devotes ten percent or
20 more of its gross retail floor space to tobacco paraphernalia, cannabis paraphernalia, hemp, or [designated
21 substances] hemp-derived products, or a business that holds itself out through advertising to the public as a
22 business engaging in that activity.

23 “Smoking or vaping lounge” means a business that offers, [as its principal activity or a primary activity
24 location and], an area or equipment specifically for [the] on premise consumption of tobacco products,
25 hookah products (whether or not tobacco related), or vape products sold by the business. Only products that
26 are sold by the business may be consumed. This does not restrict cigars, brought in by consumers, in its original

1 manufacturer’s packaging.

2 “Synthetic cannabinoid” means a cannabinoid that is:

3 1. Produced artificially, whether from chemicals or from recombinant
4 biological agents, including without limitation, yeast and algae; and

5 2. Is not derived from a plant of the genus Cannabis, including, without
6 limitation, biosynthetic cannabinoids.

7 “THC” – has the meaning ascribed to it in NRS 453.139 and means delta-9-tetrahydrocannabinol and any
8 structural, optical or geometric isomer thereof, including, without limitation; 1. Delta-9-
9 tetrahydrocannabinol, 2. Delta-7- tetrahydrocannabinol, and Delta-10- tetrahydrocannabinol.

10 “[Tobacco] Smoking and vaping paraphernalia” [means cigarette] includes rolling papers or wrappers, pipes,
11 holders of smoking materials of all types, [cigarette] rolling machines, and any other item designed for use
12 in the smoking, preparation or consumption of tobacco products[.], THC or nicotine products. This term
13 includes water pipes and electronic devices that enable the introduction of tobacco, nicotine, or other
14 chemicals, flavorings, and other substances, not including cannabis, or cannabis related products into the
15 body, such as an e-cigarette or hookah. This term does not allow cannabis or cannabis-related substances to
16 be added. The term does not include tobacco products.

17 “Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes,
18 cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation
19 of tobacco. The term does not include any cessation product specifically approved by the United States Food
20 and Drug Administration for use in treating nicotine or tobacco dependence, or any electronic device that
21 enables the introduction of nicotine into the human body but without the presence of tobacco.

22 “Vape or vaping products” include electronic devices or devices that by other means heat up items and products
23 such as dry herbs, oils, or liquids (including nicotine or other related liquids) to create a vapor for inhalation
24 purposes, such as a vape pen, e-hookah, e-pipe, etc.

25 “Vaping” means the inhaling and exhaling of vapors through the mouth using an electronic device.

26 SECTION 2: Title 6, Chapter 82, Section 20, of the Municipal Code of the City of Las

1 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.82.020:** (A) No person shall engage in business as a smoke or vape shop within the City without
3 first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a
4 privileged license subject to the provisions of LVMC Chapter 6.06.

5 (B) Each employee of a smoke or vape shop who sells or handles tobacco paraphernalia,
6 cannabis paraphernalia, hemp, or [designated substances] hemp-derived products, or has daily control of the
7 operations of the smoke or vape shop shall obtain a work card pursuant to LVMC Chapter 6.86, unless that
8 person has been approved for suitability as a principal.

9 SECTION 3: Title 6, Chapter 82, of the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 6.82.25, reading as
11 follows:

12 **6.82.025:** (A) All hemp and hemp-derived products must clearly identify all THC concentrations
13 on the label or by a valid certificate of analysis from a certified Nevada testing laboratory.

14 (B) All hemp and hemp-derived products must be tested by an independent testing
15 laboratory certified by the Nevada Cannabis Compliance board pursuant to NRS 678B.290 in the same
16 manner as an equivalent cannabis product is required to be tested.

17 (C) No products containing synthetic cannabinoids or other synthetic derivatives of
18 Cannabis including other products or materials that are in a form that allows for human consumption by
19 inhalation of smoke or vapors, ingestion, injection or application that contain chemical substances,
20 compounds, or agents that cause or may cause an intoxicating, narcotic, stimulant, depressant, and/or
21 hallucinogenic effect and an imminent threat to the safety of persons that consume such products or materials
22 and/or persons they come in contact with, are allowed to be produced, sold, or offered as per state law NRS
23 557.

24 (D) All hemp and hemp-derived products must be kept in their original unopened
25 container or packaging with a label indicating the product is hemp or hemp-derived and identifies the THC
26 concentration limits. The THC concentration limits must be under the limit set by the State Department of

1 Agriculture.

2 (E) Any smoke or vape shop selling hemp or hemp-derived products must:

3 (1) Post signs that indicate “ALL HEMP PRODUCTS CONTAIN LESS
4 THAN THELEGAL LIMIT OF THC.” Signs shall be posted no higher than 7' and no lower than 3' at any
5 and all sales stations. All signs must be prominently displayed and must be clearly discernable with non-
6 italicized black lettering not less than 3/8" high for each letter.

7 (2) Post signs outside the establishment on each customer entrance with letters
8 not less than 1" high stating “THIS LOCATION IS NOT LICENSED TO SELL CANNABIS.” Each sign
9 must be illuminated sufficiently to be visible by persons with eyesight corrected to 20/20, and from thirty
10 feet from the sign.

11 (3) Request approval from the Director for any deviation from any signage
12 requirement prior to implementation.

13 (F) All hemp or hemp-derived products that contain CBD as an ingredient or identified
14 on the packaging as containing CBD must not have medical claims, nor advertise for such, and cannot be
15 introduced into any food product or dietary supplement.

16 SECTION 4: Title 6, Chapter 82, Section 30, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.82.030:** It is unlawful for any business subject to licensing as a smoke or vape shop to:

19 (A) Employ a person under the age of [eighteen] twenty-one (or allow such an employee) to sell
20 or handle tobacco paraphernalia or [designated substances] cannabis paraphernalia.

21 (B) Sell tobacco paraphernalia or [any designated substance] cannabis paraphernalia to a person
22 under the age of [eighteen] twenty-one.

23 (C) Employ a person under the age of twenty-one (or allow such an employee) to sell or handle
24 cannabis paraphernalia.

25 (D) [Sell cannabis paraphernalia to a person under the age of twenty-one.] Produce, distribute,
26 sell or offer to sell any synthetic cannabinoid products, or other products or materials that are in a form that

1 allows for human consumption by inhalation of smoke or vapors, ingestion, injection or application that
2 contain chemical substances, compounds, or agents that cause or may cause an intoxicating, narcotic,
3 stimulant, depressant, and/or hallucinogenic effect and an imminent threat to the safety of persons that
4 consume such products or materials and/or persons they come in contact with.

5 SECTION 5: Title 6, Chapter 82, Section 40, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.82.040:** (A) [In any smoke shop, tobacco paraphernalia must be stored or displayed in a designated
8 area within the business premises that is not open to view by persons under the age of eighteen and to which
9 such persons do not have access. Except in an establishment that does not permit entry to persons under the
10 age of eighteen, each entrance to the designated area shall have a sign clearly posted in letters not less than
11 three inches tall indicating that persons under the age of eighteen are not permitted within that area unless
12 accompanied by a parent or legal guardian. Any such designated area and signage are subject to prior approval
13 by the Director as part of the license approval process. No principal or employee of a smoke shop described
14 in this Subsection (A) shall permit a person under the age of eighteen years to enter or remain within the
15 designated area described in this Subsection (A) unless that person is accompanied by his or her parent or
16 legal guardian].

17 [(B) In any smoke shop that sells cannabis paraphernalia, such paraphernalia must be
18 stored or displayed in an area within the business premises that is not open to view by persons under the age
19 of twenty-one. Any such smoke shop shall have a sign clearly posted at each entrance, in letters not less than
20 three inches tall, indicating that persons under the age of twenty-one are not permitted entry. Such signage is
21 subject to prior approval by the Director as part of the license approval process.] No principal or employee
22 of a smoke or vape shop [described in this Subsection (B)] shall permit a person under the age of twenty-one
23 years to enter or remain within the smoke or vape shop, unless they are continuously accompanied by a parent
24 or legal guardian, or as otherwise permitted by the Director.

25 SECTION 6: Title 6, Chapter 82, Section 50, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.82.050:** (A) No person shall engage in business as a smoking or vaping lounge within the City
2 without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall
3 be a privileged license subject to the provisions of LVMC Chapter 6.06.

4 (B) Each employee of a smoking or vaping lounge who serves patrons of the
5 establishment, handles tobacco products or tobacco paraphernalia, or vape products, or has daily control of
6 the operations of the smoking or vaping lounge shall obtain a work card pursuant to LVMC Chapter 6.86,
7 unless that person has been approved for suitability as a principal.

8 **6.82.060:** It is unlawful for any business subject to licensing as a smoking lounge to:

9 (A) Employ a person under the age of twenty-one years (or allow such an employee) to sell or
10 handle tobacco products or tobacco paraphernalia, or vape products;

11 (B) Allow a person under the age of twenty-one years to consume tobacco products; or

12 (C) Allow patron consumption of hemp or hemp-derived products, cannabis, concentrated
13 cannabis or cannabis products or synthetic cannabinoids, or other products or materials that are in a form that
14 allows for human consumption by inhalation of smoke or vapors, ingestion, injection or application that
15 contain chemical substances, compounds, or agents that cause or may cause an intoxicating, narcotic,
16 stimulant, depressant, and/or hallucinogenic effect and an imminent threat to the safety of persons that
17 consume such products or materials and/or persons they come in contact with. The use, sale or offering of
18 Hemp and hemp-derived products in consumption lounges is strictly prohibited.

19 **6.82.070:** Within a smoking or vaping lounge:

20 (A) All smoking or vaping areas must be open to view by employees and patrons.

21 (B) [No live entertainment may be provided unless the establishment has a night club
22 license or other appropriate license for that activity.] Except as otherwise provided in Subsection (D) of this
23 Section, no live entertainment, as defined in Subsection (C), may be offered in any establishment licensed
24 under this Chapter unless that form of entertainment has been approved in advance by the Director.

25 (C) For purposes of this Section, “live entertainment” means one or more of the
26 following:

- 1 (1) Live music (with or without dancing);
- 2 (2) Live disc jockey (with dancing);
- 3 (3) Karaoke entertainment; or
- 4 (4) Stage shows, such as a magician, comedian other similar type of performance artist.
- 5 (D) This Section does not apply to any establishment licensed as a nightclub pursuant to
- 6 LVMC Chapter 6.39.

7 SECTION 7: Title 6, Chapter 82, of the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 6.82.75, reading as
9 follows:

10 **6.82.075:** Each smoke or vape shop and smoking or vaping lounge applicant shall pay, in advance, a
11 semiannual fee based on gross sales as specified in LVMC 6.04.005.

12 SECTION 8: Title 6, Chapter 82, Section 80, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.82.080:** Except as otherwise provided in this Section, a business that desires to operate both as a
15 smoke or vape shop and a smoking or vaping lounge may apply for and obtain a license for each operation
16 under this Chapter, or the Department may at its option issue a combined license to authorize both types of
17 activity. Under a combination license, the licensee must comply with the provisions of this Chapter that apply
18 to both types of operations. [A smoke shop that sells cannabis paraphernalia is not eligible for a smoking
19 lounge or a combined license.]

20 SECTION 9: Title 6, Chapter 82, Section 100, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.82.100:** Nothing in this Chapter is intended to limit the application of State law and regulations
23 governing tobacco products, drug paraphernalia, hemp, hemp-derived products, cannabis or other synthetic
24 cannabinoid paraphernalia or substances that are classified or to be classified as controlled substances under
25 State law and regulations, including without limitation NRS Chapters 453, 678A through 678D, and
26 regulations adopted thereunder. Businesses subject to this Chapter are subject to compliance with State law

1 and regulations in accordance with the terms thereof, notwithstanding any provisions of this Chapter
2 that pertain specifically to and are an exercise of the City's licensing and regulatory powers and jurisdic

3 SECTION 10: Title 19, Chapter 16, Section 180, Subsection (G), Paragraph (1), of the
4 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, which pertains to Operational Standards, is
5 hereby amended to read as follows:

6 1. In order to approve a Home Occupation Permit, the Director (or if appealed, the Planning
7 Commission) must be satisfied that the proposed Home Occupation can and will comply with the following
8 operational standards:

9 a. At or upon the property, only the occupants of the dwelling unit shall be engaged in
10 the business activity approved for the Home Occupation Permit;

11 b. No employees shall report to work at or be physically dispatched from the property;

12 c. There shall be no transacting of business or offers to transact business with
13 customers or clients who have come to the property except in connection with:

14 i. A cottage food operation that complies with the following limitations;

15 a. Except as permitted as part of a garage or yard sale under
16 Subsubparagraph b) below, no more than two customers may be present on the property at any one time;

17 b. The outdoor sale of food items may occur with no restriction on the
18 number of customers present, but only in accordance with the garage or yard sale provisions of LVMC
19 19.12.020(B)(1); or

20 ii. The breeding of domestic dogs and cats, but only to the extent in compliance
21 with the following limitations:

22 a. No more than two customers may be present on the property at any
23 one time; and

24 b. The use must comply with all applicable provisions of LVMC Title
25 7;

26 d. There shall be no signage or other advertising of any kind, whether on the property or

1 elsewhere, which advertises the address or physical location of the property or identifies the existence of a
2 Home Occupation on the property. A home telephone number or a post office box may be advertised by any
3 medium other than on-site signage;

4 e. The following activities are not permitted as a Home Occupation:

5 i. On-site repair, painting or body work pertaining to motor vehicles or trailers.

6 Off-site repair work performed by a mobile repair service is subject to the limitations contained in the
7 Conditional Use Regulations applicable to the use “Vehicle Parking, Storage or Repair in Residential Zoning
8 Districts,” as found in Section 19.12.070;

9 ii. The sale or storage of vehicles by a vehicle dealer as defined in NRS Chapter
10 482;

11 iii. On-site commercial preparation of food for service on or off the premises,
12 except as permitted for a cottage food operation;

13 iv. The sale or storage of explosives, ammunition or firearms;

14 v. The sale or storage of tobacco products, tobacco paraphernalia, cannabis
15 products, cannabis paraphernalia, synthetic cannabinoid or synthetic cannabinoid paraphernalia, hemp products,
16 hemp-derived products, and hemp paraphernalia or alcoholic beverages;

17 vi. A beauty parlor or barber shop; or

18 vii. An ambulance or related emergency service.

19 f. A Home Occupation shall not create pedestrian, automobile or truck traffic in excess
20 of the normal amount associated with residential uses in the district;

21 g. A Home Occupation shall be conducted exclusively within the main dwelling or
22 within an enclosed accessory structure which has been approved for the Home Occupation Permit, except for
23 horticultural activities and the breeding of domestic dogs and cats. No more than 25 percent of the total floor
24 area of all enclosed structures may be devoted to the home occupation activity, and no more than 5 percent of
25 the total floor area of all enclosed structures may be devoted to the storage of stock in trade. No outside
26 storage related to the home occupation activity is permitted;

1 h. No more than one vehicle and one trailer that are used in connection with a Home
2 Occupation Permit shall be parked or stored at or near the residence. The permitted vehicle and trailer are
3 subject to the following additional limitations:

4 i. The permitted vehicle must be a passenger vehicle with a maximum capacity
5 of one ton;

6 ii. Vehicles and trailers permitted by this Subparagraph (h) to be parked or
7 stored at or near the residence do not include vehicles or trailers designed or intended solely for commercial
8 use, including without limitation tow trucks, dump trucks, buses, taxis, limousines, food trucks or trailers,
9 ice cream trucks or trailers, forklifts, backhoes, concrete mixers and mobile sign trucks or trailers;

10 iii. The parking or storage of vehicles and trailers permitted by this
11 Subparagraph (h) must comply with the Conditional Use Regulations applicable to the use “Vehicle Parking,
12 Storage or Repair in Residential Zoning Districts,” as found in Section 19.12.070;

13 i. The number of on-site parking spaces shall not be reduced to less than two;

14 j. There shall be no outdoor storage or use of any toxic chemicals or hazardous
15 materials of any type or in any amount not normally found in a residential structure;

16 k. There shall be no electrical or mechanical equipment which is not normally found
17 in a residential structure, and no equipment found on the premises shall cause a change in the fire safety or
18 occupancy classification of the dwelling unit; and

19 l. No Home Occupation shall create or cause noise, dust, light, vibration, gas, fumes,
20 toxic/hazardous materials, smoke, glare, electrical interference or other hazards or nuisances.

21 SECTION 11: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
22 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
23 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
24 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
25 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
26 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,

1 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

2 SECTION 12: Whenever in this ordinance any act is prohibited or is made or declared to
3 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
4 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
5 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
6 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
7 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
8 of this ordinance shall constitute a separate offense.

9 SECTION 13: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this ____ day of _____, 2022.

13 APPROVED:

14
15 By _____
CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 _____
18 LUANN D. HOLMES, MMC
City Clerk

19 APPROVED AS TO FORM:

20 _____
21 Crislove Igeleke, Date
Deputy City Attorney

22
23
24
25
26

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2023, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2023, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk