

BILL NO. 2023-13

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 6.82, RELATING TO SMOKING AND VAPING LOUNGES AND SMOKE OR VAPE SHOPS; TO REGULATE HEMP AND HEMP DERIVED PRODUCTS, REVISE RELATED ZONING PROVISIONS AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Cedric Crear

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

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

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

6.82.010: As used in this Chapter, the following terms shall have the meanings indicated:

“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.] has the meaning ascribed to the term “marijuana” in and as defined in NRS 453.096.

“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.] accessories, devices and/or other equipment that is necessary or useful for a person to engage

1 in the use of cannabis.

2 “Cannabis products” means products comprised of cannabis or concentrated cannabis and other ingredients
3 that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

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

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

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

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

17 Hookah means a type of water pipe, used to smoke shisha or other tobacco products, with a long flexible tube
18 for drawing aerosol through water. Components of a hookah may include heads, stems, bowls, and hoses.

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

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

1 “Smoking or vaping lounge” means a business that offers, [as its principal activity or a primary activity
2 location and], an area or equipment specifically for [the] on premise consumption of tobacco products,
3 hookah products (whether or not tobacco related), or vape products sold by the business. This only applies to
4 the smoking of tobacco, and hookah products and does not allow the smoking of hemp, cannabis, cannabis
5 derived products, synthetic cannabinoids or other synthetic derivatives of cannabis within such premises.

6 “Synthetic cannabinoid” means a cannabinoid that is:

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

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

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

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

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

26 “Vape or vaping products” include electronic devices or devices that by other means heat up items and products

1 such as dry herbs, oils, or liquids (including nicotine or other related liquids, but does not include cannabis, and
2 or cannabis derived products, or synthetic cannabinoids or other synthetic derivatives of cannabis) to create
3 a vapor for inhalation purposes, such as a vape pen, e-hookah, e-pipe, etc.

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

5 SECTION 2: Title 6, Chapter 82, Section 20, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.82.020:** (A) No person shall engage in business as a smoke or vape shop within the City without
8 first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a
9 privileged license subject to the provisions of LVMC Chapter 6.06.

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

14 SECTION 3: Title 6, Chapter 82, of the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 6.82.025, reading as
16 follows:

17 **6.82.025:** (A) All hemp and hemp-derived products must clearly identify all THC concentrations
18 on the label or by a valid certificate of analysis from a certified Nevada testing laboratory.

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

22 (C) No products containing synthetic cannabinoids or other synthetic derivatives of
23 Cannabis including other products or materials that are in a form that allows for human consumption by
24 inhalation of smoke or vapors, ingestion, injection or application, that contain chemical substances,
25 compounds, or agents that cause or may cause an intoxicating, narcotic, stimulant, depressant, and/or
26 hallucinogenic effect and an imminent threat to the safety of persons that consume such products or materials

1 and/or persons they come in contact with, are allowed to be produced, sold, or offered as per state law NRS
2 557.

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

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

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

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

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

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

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

23 **6.82.030:** It is unlawful for any business subject to licensing as a smoke or vape shop to:

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

26 (B) Sell tobacco paraphernalia or [any designated substance] cannabis paraphernalia to a person

1 under the age of [eighteen] twenty-one.

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

4 (D) [Sell cannabis paraphernalia to a person under the age of twenty-one.] Produce, distribute,
5 sell or offer to sell any synthetic cannabinoid products, or other products or materials that are in a form that
6 allows for human consumption by inhalation of smoke or vapors, ingestion, injection or application that
7 contain chemical substances, compounds, or agents that cause or may cause an intoxicating, narcotic,
8 stimulant, depressant, and/or hallucinogenic effect and an imminent threat to the safety of persons that
9 consume such products or materials and/or persons they come in contact with.

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

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

22 [(B) In any smoke shop that sells cannabis paraphernalia, such paraphernalia must be
23 stored or displayed in an area within the business premises that is not open to view by persons under the age
24 of twenty-one. Any such smoke shop shall have a sign clearly posted at each entrance, in letters not less than
25 three inches tall, indicating that persons under the age of twenty-one are not permitted entry. Such signage is
26 subject to prior approval by the Director as part of the license approval process.] No principal or employee

1 of a smoke or vape shop [described in this Subsection (B)] shall permit a person under the age of twenty-one
2 years to enter or remain within the smoke or vape shop, unless they are continuously accompanied by a parent
3 or legal guardian, or as otherwise permitted by the Director.

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

6 **6.82.050:** (A) No person shall engage in business as a smoking or vaping lounge within the City
7 without first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall
8 be a privileged license subject to the provisions of LVMC Chapter 6.06.

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

13 SECTION 7: Title 6, Chapter 82, Section 60, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.82.060:** It is unlawful for any business subject to licensing as a smoking or vaping lounge to:

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

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

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

26 SECTION 8: Title 6, Chapter 82, Section 70, of the Municipal Code of the City of Las

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

6.82.070: Within a smoking or vaping lounge:

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

(B) [No live entertainment may be provided unless the establishment has a night club license or other appropriate license for that activity.] 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.

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

(1) Live music (with or without dancing);

(2) Live disc jockey (with dancing);

(3) Karaoke entertainment; or

(4) Stage shows, such as a magician, comedian other similar type of performance artist.

(D) This Section does not apply to any establishment licensed as a nightclub pursuant to LVMC Chapter 6.39.

(E) Only products that are sold by the business may be consumed. This does not restrict cigars, brought in by consumers, in its original manufacturer’s packaging.

SECTION 9: Title 6, Chapter 82, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 6.82.075, reading as follows:

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

SECTION 10: Title 6, Chapter 82, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.82.080: Except as otherwise provided in this Section, a business that desires to operate both as a smoke or vape shop and a smoking or vaping 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

1 activity. Under a combination license, the licensee must comply with the provisions of this Chapter that apply
2 to both types of operations. [A smoke shop that sells cannabis paraphernalia is not eligible for a smoking
3 lounge or a combined license.]

4 SECTION 11: Title 6, Chapter 82, Section 100, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.82.100:** Nothing in this Chapter is intended to limit the application of State law and regulations
7 governing tobacco products, drug paraphernalia, hemp, hemp-derived products, cannabis or other synthetic
8 cannabinoid paraphernalia or substances that are classified or to be classified as controlled substances under
9 State law and regulations, including without limitation NRS Chapters 453, 678A through 678D, and
10 regulations adopted thereunder. Businesses subject to this Chapter are subject to compliance with State law
11 and regulations in accordance with the terms thereof, notwithstanding any provisions of this Chapter
12 that pertain specifically to and are an exercise of the City's licensing and regulatory powers and jurisdic

13 SECTION 12: Title 19, Chapter 16, Section 180, Subsection (G), Paragraph (1), of the
14 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, which pertains to Operational Standards, is
15 hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

d. There shall be no signage or other advertising of any kind, whether on the property or elsewhere, which advertises the address or physical location of the property or identifies the existence of a Home Occupation on the property. A home telephone number or a post office box may be advertised by any medium other than on-site signage;

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

i. On-site repair, painting or body work pertaining to motor vehicles or trailers. Off-site repair work performed by a mobile repair service is subject to the limitations contained in the Conditional Use Regulations applicable to the use “Vehicle Parking, Storage or Repair in Residential Zoning Districts,” as found in Section 19.12.070;

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

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

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

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

- 1 vi. A beauty parlor or barber shop; or
- 2 vii. An ambulance or related emergency service.
- 3 f. A Home Occupation shall not create pedestrian, automobile or truck traffic in excess
- 4 of the normal amount associated with residential uses in the district;
- 5 g. A Home Occupation shall be conducted exclusively within the main dwelling or
- 6 within an enclosed accessory structure which has been approved for the Home Occupation Permit, except for
- 7 horticultural activities and the breeding of domestic dogs and cats. No more than 25 percent of the total floor
- 8 area of all enclosed structures may be devoted to the home occupation activity, and no more than 5 percent of
- 9 the total floor area of all enclosed structures may be devoted to the storage of stock in trade. No outside
- 10 storage related to the home occupation activity is permitted;
- 11 h. No more than one vehicle and one trailer that are used in connection with a Home
- 12 Occupation Permit shall be parked or stored at or near the residence. The permitted vehicle and trailer are
- 13 subject to the following additional limitations:
- 14 i. The permitted vehicle must be a passenger vehicle with a maximum capacity
- 15 of one ton;
- 16 ii. Vehicles and trailers permitted by this Subparagraph (h) to be parked or
- 17 stored at or near the residence do not include vehicles or trailers designed or intended solely for commercial
- 18 use, including without limitation tow trucks, dump trucks, buses, taxis, limousines, food trucks or trailers,
- 19 ice cream trucks or trailers, forklifts, backhoes, concrete mixers and mobile sign trucks or trailers;
- 20 iii. The parking or storage of vehicles and trailers permitted by this
- 21 Subparagraph (h) must comply with the Conditional Use Regulations applicable to the use "Vehicle Parking,
- 22 Storage or Repair in Residential Zoning Districts," as found in Section 19.12.070;
- 23 i. The number of on-site parking spaces shall not be reduced to less than two;
- 24 j. There shall be no outdoor storage or use of any toxic chemicals or hazardous
- 25 materials of any type or in any amount not normally found in a residential structure;
- 26 k. There shall be no electrical or mechanical equipment which is not normally found

1 in a residential structure, and no equipment found on the premises shall cause a change in the fire safety or
2 occupancy classification of the dwelling unit; and

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

5 SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
6 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
7 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
8 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
9 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
10 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
11 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

12 SECTION 14: Whenever in this ordinance any act is prohibited or is made or declared to
13 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
14 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
15 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
16 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
17 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
18 of this ordinance shall constitute a separate offense.

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1 SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2023.

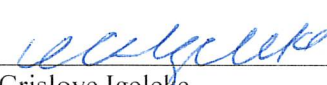
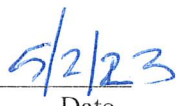
5 APPROVED:

6
7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12  
13 Crislove Igeleke, Date
Deputy City Attorney

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

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