



Gaming officials dig into weeds of pot policies

By Richard N. Velotta

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GAMING regulators don't want the Strip to go to pot. Starting this week, they will start talking about how they intend to keep it from doing so.

Regulators have said for months that because the federal government recognizes the possession and use of marijuana as a crime, resorts should stand clear of associating with the budding recreational marijuana industry.

State Gaming Control Board member Terry Johnson has outlined some of the issues associated with marijuana use as it applies to the gaming industry, and the board has asked the Nevada Gaming Commission to address them.

Commission Chairman Tony Alamo said that would start with a discussion 1 p.m. Thursday at the boardroom in the Sawyer Building.

Initially, Alamo thought commissioners could wade through the issues in one sitting, but he said after seeing some of the questions about various topics that it's likely there will be multiple meetings.

He used one of his favorite phrases to describe how the five-member commission will address topics.

"We're going to start with the less controversial ones," Alamo said, "and then work our way—excuse the pun—into the weeds."

Multiple meetings

Alamo said topics are too broad to

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Placards in Colorado hotel rooms discourage smoking and marijuana use.

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address them in one meeting.

“It needs a good policy discussion by the commission,” he said. “We simply can’t do it in one meeting.”

How long it will take is a work in progress. Depending how the first discussion goes, he said, he might accelerate or decelerate the pace.

And it won’t be a hearing: It will be a discussion among the commissioners, so any remarks from the audience will have to come in public comment periods before or after the discussion.

After the discussions are over, commissioners will consider whether they believe there is a need for additional regulations and, if so, start drafting them.

Philip Mannelly, an employment law attorney with the Las Vegas office of McDonald Carano who has become an expert in Nevada’s new recreational marijuana law, said the issues facing regulators and licensees go well beyond the conflict between federal and state views on pot use.

Policymakers, he said, will have to address issues regarding impairment of both casino workers and patrons and clarify a resort’s responsibilities when it discovers marijuana on its premises.

‘Everything’s legal’ “You get people coming here thinking everything’s legal in Nevada and you can smoke marijuana in the casino,” Mannelly said. “But with the stance that the state Gaming Control Board has taken, casinos are taking a pretty hard line against not condoning any use or possession.

“If they (customers) are using it on site, just as if a patron at a casino is overly intoxicated or is being unruly or obnoxious or card counting, a casino has every right to ask them to leave their private premises, and if they don’t, they’re trespassing,” he said. “Those become business decisions of the casino.” Many resorts have policies on smoking in guest rooms. In some resorts in Colorado, which has had recreational marijuana on the books since January 2014, placards are displayed in some hotel rooms indicating marijuana use is banned as well as smoking. But Mannelly said banning smoking doesn’t necessarily banish marijuana with edible pot in play.

“You can tell someone not to smoke in their room, but can you really police someone bringing edibles in their suitcase and eating marijuana-infused Gummi Bears? To be honest, there’s really not a lot of policing that can be done,” he said.

Hard to police

“I kind of liken it to underage drinking in a hotel room. Everybody knows it happens and it’s hard to police, and when you do find it, you can ask them to leave the premises. A lot of these things are a little harder to detect.”

Then, there is the question of what to do about customers who are gambling when they appear to be high. That was a topic of discussion by a panel that gathered at UNLV for the American Gaming Association’s West Coast unveiling of a new code of conduct for casino operators.

The association’s conduct code says casinos should not knowingly serve alcoholic beverages to visibly intoxicated persons nor permit gambling by a visibly intoxicated person. But Johnson, one of the event’s panelists, said spotting a patron high on marijuana might prove more challenging.

“It’s definitely harder to spot than alcohol impairment,” Mannelly said. “And you certainly don’t want to get into any profiling.”

So what happens if regulators catch licensees looking the other way when a patron is caught using marijuana? Could a casino company be fined or lose its license? It’s all part of the murky policy regulators hope to clear up.

Decriminalization law

There also are issues related to employees. Mannelly said he believes it’s a misconception that statutes are pro-employment. It’s actually a decriminalization law, he said.

“It becomes a larger problem in the fact that consumers and employees may treat (marijuana use) similarly to alcohol (use),” he said.

But it isn’t.

“I get off work on Friday night and can go and have a couple cocktails in the privacy of my own home and then show up at work on Monday and there are no lingering signs of what you may have been consuming on Friday night,” he said.

“However, with marijuana, you could go home Friday night and consume it and you show up at work on Monday, and whether or not you’re still showing signs of physical impairment, you take a (drug) test and marijuana is going to be found in your system.”

With recreational marijuana use now legal in Nevada, what role should employers take? The question goes well beyond the casino workplace, but it remains to be seen what stance regulators will take when it comes to making judgments about a company’s privileged gaming license.

Changes ahead?

Will views on marijuana use in resort settings evolve over time? Mannelly said it’s possible.

“Attitudes could change as more and more states (decriminalize) it and more and more states are moving in that direction,” Mannelly said.

“However, the current administration does not seem too eager to give a wholesale sign-off on it,” he said. “It seems that a wait-and-see approach is in order.”

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