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APPLICANT SUPPLEMENTAL AFFIDAVIT

AFFIDAVIT OF COMPLIANCE WITH STATE AND FEDERAL CANNABIS

Nevada Concealed Firearm Permit Application | Hemani Update

Supplemental Statement for Legal Clarification and Preservation of Rights

Use this form only if every factual statement is true. This template is intended to preserve an applicant's rights and provide context where a binary cannabis-related application question does not allow a complete answer. It is not individualized legal advice. Applicants with uncertainty about federal firearm status, recent cannabis use, or criminal exposure should consult qualified counsel before signing.

Applicant Name

Date of Birth

Address

Phone

City / State / ZIP

Email

Application Date

Sheriff's Office / Receiving Agency

APPLICANT FACTUAL CLARIFICATION - SHORT DESCRIPTION OF CANNABIS USE

Complete this small section only if it is true and helpful to clarify the cannabis-related application answer. Briefly describe the nature, timing, frequency, and current/ceased status of the use. Do not guess. Attach additional pages only if needed.

Short description:

I. PURPOSE OF THIS SUPPLEMENTAL AFFIDAVIT

1. I am the applicant submitting, or having submitted, an application for a Nevada concealed firearm permit.
2. The application form presented to me includes a cannabis-related question asking whether I consumed or used cannabis during the year immediately preceding the application.
3. Because that question is binary and does not allow a full legal explanation, factual clarification, or individualized statement of compliance, I submit this Supplemental Affidavit of Compliance with State and Federal Cannabis Law to provide additional context, prevent misunderstanding, preserve my rights, and ensure that my application is evaluated under governing law rather than any unstated, overbroad, or extra-statutory administrative presumption.
4. This affidavit is submitted as part of my application materials and should be maintained in my application file.

II. EXPRESS PRESERVATION OF RIGHTS

5. I expressly preserve all rights, claims, objections, and remedies available to me under the United States Constitution, the Nevada Constitution, federal statute, Nevada statute, and all applicable civil-rights laws.
6. Nothing in my application, nothing in my response to the cannabis-related application question, and nothing in this affidavit shall be construed as:
 - a. a waiver of any constitutional right;
 - b. a waiver of my right to have my application evaluated under the actual statutory standards enacted by Congress and the Nevada Legislature;
 - c. an admission that any cannabis-related fact automatically disqualifies me from a Nevada concealed firearm permit;
 - d. consent to the use of extra-statutory standards, unpublished agency policies, or categorical abstinence rules not authorized by law; or
 - e. consent to denial based on any unsupported inference, undisclosed data source, or non-individualized conclusion.

III. AFFIRMATION OF COMPLIANCE WITH NEVADA LAW

7. I affirm that, to the best of my knowledge and belief, I am in compliance with Nevada law concerning cannabis, including all applicable restrictions governing possession, use, and conduct under Nevada law.
8. Nevada law does not create a categorical concealed-firearm-permit disqualification for every person who has ever used cannabis or for every person who has used cannabis within the previous 12 months.
9. Under NRS 202.3657, the relevant Nevada disqualification concerns a person who has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired.
10. I affirm that I do not fall within that Nevada statutory disqualification.
11. Specifically, I affirm that I have not habitually used cannabis or any controlled substance to the extent that my normal faculties are impaired within the meaning of NRS 202.3657.
12. I further affirm that I am not subject to any known Nevada statutory concealed-firearm-permit disqualification based on habitual controlled-substance use, impairment, or any related presumption recognized by Nevada law.

IV. AFFIRMATION OF COMPLIANCE WITH FEDERAL FIREARM-DISABILITY LAW

13. I understand that 18 U.S.C. § 922(g)(3) prohibits firearm possession by a person who is an unlawful user of or addicted to any controlled substance.

14. I further understand that 27 C.F.R. § 478.11 defines an unlawful user of a controlled substance, in relevant part, as a person who regularly uses a controlled substance over an extended period of time continuing into the present, without a lawful prescription or in a manner substantially different from that prescribed by a licensed physician.
15. I further understand that 27 C.F.R. § 478.11 states that a person is not an unlawful user if the person has ceased regularly unlawfully using the substance, or if the person's unlawful use is isolated or sporadic or does not otherwise demonstrate a pattern of ongoing use.
16. I affirm that I am not an unlawful user of or addicted to any controlled substance within the meaning of 18 U.S.C. § 922(g)(3) and 27 C.F.R. § 478.11.
17. I affirm that I do not regularly use a controlled substance over an extended period of time continuing into the present in a manner that renders me a federally prohibited person under 18 U.S.C. § 922(g)(3).
18. I affirm that I am not addicted to cannabis or any controlled substance within the meaning of federal firearm-disability law.
19. I affirm that I am not disqualified from possessing firearms under 18 U.S.C. § 922(g)(3).

V. EFFECT OF UNITED STATES v. HEMANI

Important legal update: On June 18, 2026, the Supreme Court decided *United States v. Hemani*, No. 24-1234, 608 U.S. ____ (2026). This affidavit is revised to preserve the applicant's rights under that decision and to prevent a cannabis answer from being treated as an automatic waiver of Second Amendment protection.

20. I understand that the Supreme Court held in *United States v. Hemani* that the government's prosecution of Mr. Hemani under 18 U.S.C. § 922(g)(3)'s unlawful-user provision was inconsistent with the Second Amendment.
21. I further understand that *Hemani* involved admitted marijuana use about every other day, but the government did not assert that Mr. Hemani was addicted, did not contend that his marijuana use had made him dangerous to himself or others, and did not claim that he had done anything with his firearm other than possess it in his home.
22. I further understand that the Supreme Court rejected the government's effort to justify automatic disarmament of a marijuana user merely by analogy to historical laws governing habitual drunkards, because those historical laws targeted different persons, served different purposes, and operated through different procedures.
23. I further understand that *Hemani* emphasized that the historical laws cited by the government generally involved some form of proceeding or process before liberty was restricted, while the government's reading of § 922(g)(3) would automatically divest an individual of Second Amendment rights without pre-deprivation process.
24. I further understand that *Hemani* does not mean every cannabis user is automatically qualified to possess firearms or receive a concealed firearm permit. The decision leaves room for individualized proof that a person's drug use renders that person dangerous to self or others, or for other lawful disqualifying proof recognized by controlling law.
25. I therefore expressly invoke *Hemani* for the limited but important proposition that cannabis use, including occasional, isolated, sporadic, ceased, or non-dangerous use, cannot be converted into an automatic firearm or concealed-carry disqualification without the individualized legal and factual showing required by state law, federal law, and the Second Amendment.

VI. NO CATEGORICAL 12-MONTH CANNABIS ABSTINENCE DISQUALIFICATION APPEARS IN THE GOVERNING LAW

26. I object to any denial of my Nevada concealed firearm permit application based solely on a claimed 12-month cannabis abstinence period unless the agency identifies the specific statute, duly promulgated regulation, or controlling legal authority that expressly creates such a categorical disqualification.
27. Neither NRS 202.3657, the text of 18 U.S.C. § 922(g)(3), 27 C.F.R. § 478.11, nor *United States v. Hemani* states that any person who used cannabis at any time within the previous 12 months is automatically disqualified from receiving a Nevada concealed firearm permit.
28. Nevada law uses the statutory standard of habitual use of intoxicating liquor or a controlled substance to the extent that normal faculties are impaired. See NRS 202.3657.
29. Federal law uses the statutory standard of being an unlawful user of or addicted to a controlled substance. See 18 U.S.C. § 922(g)(3).
30. The current federal regulatory definition requires evidence of regular use over an extended period of time continuing into the present, and expressly states that a person is not an unlawful user where the person has ceased regularly unlawful use, where use was isolated or sporadic, or where the facts do not demonstrate a pattern of ongoing use. See 27 C.F.R. § 478.11.
31. *Hemani* further confirms that the government may not automatically strip a cannabis user of Second Amendment rights based on marijuana use alone without a constitutionally sufficient justification and, where applicable, individualized proof.
32. Accordingly, I object to any effort to treat the cannabis-related application question, standing alone, as creating a blanket, automatic, or extra-statutory 12-month permit disqualification.
33. I request that my application be evaluated under the actual legal standards enacted by the Nevada Legislature and Congress, and under controlling constitutional limits, not under any broader informal practice, unpublished policy, administrative shortcut, categorical abstinence condition, or presumption not authorized by law.

VII. REQUEST FOR INDIVIDUALIZED DETERMINATION AND DISCLOSURE OF ANY ADVERSE BASIS

34. If the receiving agency believes that I am disqualified from obtaining a concealed firearm permit based on cannabis, controlled-substance use, or any related issue, I request a written determination that identifies:
- the exact statutory, regulatory, or constitutional provision relied upon;
 - whether the determination is based on Nevada law, federal law, *Hemani*, or some other asserted authority;
 - the specific facts relied upon;
 - the specific evidence relied upon;
 - the source of any evidence not provided directly by me;
 - whether the agency contends that I am disqualified under NRS 202.3657;
 - whether the agency contends that I am a prohibited person under 18 U.S.C. § 922(g)(3);
 - whether the agency contends that I am an unlawful user under 27 C.F.R. § 478.11;
 - whether the agency contends that I am addicted to a controlled substance under federal law;
 - whether the agency contends that my cannabis use renders me dangerous to myself or others within the meaning of *Hemani* or any other controlling authority; and
 - the process available to contest, rebut, or appeal that determination.



35. I further request that no adverse determination be based on undisclosed records, unexplained data sources, third-party inferences, or any information that I am not provided a meaningful opportunity to review and rebut.

VIII. NOTICE REGARDING EXTRA-STATUTORY DENIALS, SECOND AMENDMENT RIGHTS, AND CIVIL-RIGHTS LITIGATION

36. I respectfully provide notice that a denial of my concealed firearm permit application based on a categorical 12-month cannabis abstinence rule, without lawful statutory or regulatory authority and without an individualized determination under the governing standards, may violate rights secured by the United States Constitution and laws of the United States, including the Second Amendment, the Fourteenth Amendment, and 42 U.S.C. § 1983.

37. 42 U.S.C. § 1983 provides a civil cause of action against persons who, under color of state law, deprive another person of rights, privileges, or immunities secured by the Constitution and laws of the United States.

38. If my application is denied based on any extra-statutory cannabis disqualification, including an unsupported categorical 12-month abstinence rule, an automatic treatment of my cannabis answer as dispositive, or an undisclosed data-based inference, I reserve the right to pursue all available administrative, judicial, declaratory, injunctive, and civil-rights remedies, including litigation under 42 U.S.C. § 1983, as appropriate.

39. This section is not intended as a threat. It is formal notice that I do not waive my rights and that I expect my application to be evaluated according to the law as written and as limited by the United States Constitution.

IX. AFFIRMATION

40. I submit this affidavit in good faith to clarify my application, preserve my legal rights, and request a lawful, individualized determination based on the statutes, regulations, and constitutional authorities that actually govern Nevada concealed firearm permit eligibility.

41. I declare under oath that the factual statements made in this affidavit are true and correct to the best of my personal knowledge, information, and belief.

Applicant Signature: _____

Date: _____

Printed Name: _____

X. NOTARY ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me on this _____ day of _____, 20____, by _____, who is personally known to me or who produced satisfactory identification.

Notary Public Signature: _____

Printed Name of Notary: _____

My Commission Expires: _____

Notary Seal:

XI. CITATIONS REFERENCED IN THIS AFFIDAVIT

1. NRS 202.3657 - Nevada concealed firearm permit eligibility and disqualifications, including habitual use of intoxicating liquor or a controlled substance to the extent that normal faculties are impaired.
2. 18 U.S.C. § 922(g)(3) - Federal firearm disability for a person who is an unlawful user of or addicted to any controlled substance.
3. 27 C.F.R. § 478.11 - Federal regulatory definition of unlawful user of or addicted to any controlled substance.
4. *United States v. Hemani*, No. 24-1234, 608 U.S. ____ (June 18, 2026) - Supreme Court decision holding the prosecution of Mr. Hemani under § 922(g)(3)'s unlawful-user provision inconsistent with the Second Amendment as applied.
5. 42 U.S.C. § 1983 - Civil action for deprivation of rights under color of state law.