

Assembly Bill No. 75—Committee on Natural Resources,  
Agriculture, and Mining

CHAPTER.....

AN ACT relating to agriculture; revising the provisions governing the certification of organic agricultural products; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

*“Agricultural product” has the meaning ascribed to it in 7 U.S.C. § 6502, as that section existed on July 1, 2003.*

**Sec. 2.** NRS 587.700 is hereby amended to read as follows:

587.700 As used in NRS 587.700 to ~~587.850,~~ *587.830*, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS ~~587.720 to 587.790, inclusive,~~ *587.740, 587.750 and 587.780 and section 1 of this act* have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 587.750 is hereby amended to read as follows:

587.750 “Handler” ~~means a person who processes, packages, stores, transports or sells animal or vegetable products. The term does not include a final retailer who does not process animal or vegetable products.~~ *has the meaning ascribed to it in 7 U.S.C. § 6502, as that section existed on July 1, 2003.*

**Sec. 4.** NRS 587.780 is hereby amended to read as follows:

587.780 “Producer” ~~means a person who engages in the business of growing or producing an animal or vegetable product.~~ *has the meaning ascribed to it in 7 U.S.C. § 6502, as that section existed on July 1, 2003.*

**Sec. 5.** NRS 587.800 is hereby amended to read as follows:

587.800 1. The Director ~~shall~~ *may* establish a program for the certification of *producers and handlers of* organic agricultural products. ~~The program must include all vegetable products and may include animal products.~~

~~2. The~~

*2. If such a program is established, the* Governor and the Director shall submit the program to the Secretary of Agriculture for approval ~~[-] pursuant to the Federal Act.~~

**Sec. 6.** NRS 587.810 is hereby amended to read as follows:

587.810 1. An Advisory Council for Organic Agricultural Products is hereby created in the Department. The Advisory Council consists of:

(a) Four members who are producers or handlers of organic agricultural products;

(b) One member who is a purchaser, consumer, or wholesale or retail seller of organic agricultural products; and

(c) One member who represents an agricultural interest other than organic agricultural products.

2. The Director shall nominate members for the Advisory Council, and the State Board of Agriculture shall appoint the members.

3. The Advisory Council ~~[shall advise]~~ *may:*

(a) *Advise* the Director and the State Board of Agriculture concerning the ~~[administration of]~~ *provision of information and educational services to the public and to producers and handlers of organic agricultural products concerning* the program for the certification of *producers and handlers of* organic agricultural products ~~[ ]~~ *established by the Director pursuant to NRS 587.800, if such a program is established; and*

(b) *Provide information and educational services to the public and to producers and handlers of organic agricultural products.*

**Sec. 7.** NRS 587.820 is hereby amended to read as follows:

587.820 1. The State Board of Agriculture shall appoint three of the first members of the Advisory Council for Organic Agricultural Products for terms of 2 years and three for terms of 3 years. After the expiration of the initial term, the term of office of each member is 3 years. A vacancy must be filled, for the unexpired term, by appointment of a member whose qualifications are the same as those of the member replaced. The Advisory Council shall elect a Chairman and Vice Chairman from among its members. The Director shall provide appropriate secretarial support and a place for the meetings of the Advisory Council.

2. The Advisory Council shall meet at least ~~[quarterly,]~~ *annually*, upon the call of the Director or the Chairman. A majority of the members appointed to the Advisory Council constitutes a quorum.

3. For each day or portion of a day necessarily spent on the business of the Advisory Council, each member is entitled to receive:

(a) Compensation, to be fixed by regulation of the State Board of Agriculture, which must not exceed \$80 per day; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

**Sec. 8.** NRS 587.830 is hereby amended to read as follows:

587.830 ~~[The]~~ *If the Director establishes a program for the certification of producers and handlers of organic agricultural products pursuant to NRS 587.800, the* State Board of Agriculture shall adopt appropriate regulations ~~[for]~~ :

1. *For* the administration of the program ~~[for the certification of organic agricultural products, including:~~

~~—1.] , including, without limitation:~~

(a) Standards for the analysis ~~[, inspection and certification]~~ *and inspection* of organic agricultural products;

~~[2.]~~ (b) Records required of producers and handlers of organic agricultural products;

~~[3.]~~ (c) Standards for the certification of producers and handlers of organic agricultural products;

~~[4. —Lists of approved and prohibited substances for use in the production and handling of organic agricultural products;~~

~~—5.]~~ (d) Requirements for the use of a seal of approval for organic agricultural products produced in this state ; and ~~[standards for labeling those products; and~~

~~—6.]~~ (e) A schedule of fees for initial certification and ~~[inspection]~~ for continued certification as a producer or handler of organic agricultural products.

*2. As necessary for the enforcement of the program, including, without limitation:*

*(a) Standards for the registration of producers and handlers of organic agricultural products; and*

*(b) A schedule of fees for initial registration and for continued registration of producers and handlers of organic agricultural products.*

**Sec. 9.** NRS 587.720, 587.730, 587.760, 587.770, 587.790, 587.840 and 587.850 are hereby repealed.

**Sec. 10.** This act becomes effective on July 1, 2003.