

ASSEMBLY BILL NO. 75—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF AGRICULTURE)

FEBRUARY 11, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing certification of organic
agricultural products. (BDR 51-566)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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:

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

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

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

6 587.700 As used in NRS 587.700 to ~~587.850,~~ **587.830,**
7 inclusive, ***and section 1 of this act,*** unless the context otherwise
8 requires, the words and terms defined in NRS ~~587.720 to 587.790,~~
9 ~~inclusive,~~ **587.740, 587.750 and 587.780 and section 1 of this act**
10 have the meanings ascribed to them in those sections.

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

12 587.750 “Handler” ~~means a person who processes, packages,~~
13 ~~stores, transports or sells animal or vegetable products. The term~~
14 ~~does not include a final retailer who does not process animal or~~



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1 ~~vegetable products.]~~ *has the meaning ascribed to it in 7 U.S.C. §*
2 *6502, as that section existed on July 1, 2003.*

3 **Sec. 4.** NRS 587.780 is hereby amended to read as follows:
4 587.780 "Producer" ~~{means a person who engages in the~~
5 ~~business of growing or producing an animal or vegetable product.}~~
6 *has the meaning ascribed to it in 7 U.S.C. § 6502, as that section*
7 *existed on July 1, 2003.*

8 **Sec. 5.** NRS 587.800 is hereby amended to read as follows:
9 587.800 1. The Director ~~{shall}~~ *may* establish a program for
10 the certification of *producers and handlers of* organic agricultural
11 products. ~~{The program must include all vegetable products and~~
12 ~~may include animal products.~~

13 ~~—2. The}~~
14 *2. If such a program is established, the* Governor and the
15 Director shall submit the program to the Secretary of Agriculture for
16 approval ~~{}~~ *pursuant to the Federal Act.*

17 **Sec. 6.** NRS 587.810 is hereby amended to read as follows:
18 587.810 1. An Advisory Council for Organic Agricultural
19 Products is hereby created in the Department. The Advisory Council
20 consists of:

- 21 (a) Four members who are producers or handlers of organic
22 agricultural products;
23 (b) One member who is a purchaser, consumer, or wholesale or
24 retail seller of organic agricultural products; and
25 (c) One member who represents an agricultural interest other
26 than organic agricultural products.

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

30 3. The Advisory Council ~~{shall advise}~~ *may:*

31 *(a) Advise* the Director and the State Board of Agriculture
32 concerning the ~~{administration of}~~ *provision of information and*
33 *educational services to the public and to producers and handlers*
34 *of organic agricultural products concerning* the program for the
35 certification of *producers and handlers of* organic agricultural
36 products ~~{}~~ *established by the Director pursuant to NRS 587.800,*
37 *if such a program is established; and*

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

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

41 587.820 1. The State Board of Agriculture shall appoint three
42 of the first members of the Advisory Council for Organic
43 Agricultural Products for terms of 2 years and three for terms of 3
44 years. After the expiration of the initial term, the term of office of
45 each member is 3 years. A vacancy must be filled, for the unexpired



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1 term, by appointment of a member whose qualifications are the
2 same as those of the member replaced. The Advisory Council shall
3 elect a Chairman and Vice Chairman from among its members. The
4 Director shall provide appropriate secretarial support and a place for
5 the meetings of the Advisory Council.

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

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

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

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

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

18 587.830 ~~[The]~~ *If the Director establishes a program for the*
19 *certification of producers and handlers of organic agricultural*
20 *products pursuant to NRS 587.800, the* State Board of Agriculture
21 shall adopt appropriate regulations ~~[for]~~ :

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

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

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

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

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

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

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

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

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

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

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



- 1 **Sec. 9.** NRS 587.720, 587.730, 587.760, 587.770, 587.790,
2 587.840 and 587.850 are hereby repealed.
3 **Sec. 10.** This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTIONS

587.720 “Animal product” defined. “Animal product” includes dairy products, meat, wool, mohair and other livestock products, poultry and poultry products, apiary products and aquacultural products.

587.730 “Certifying agent” defined. “Certifying agent” means a person accredited by the Director or the Secretary of Agriculture of the United States to certify a producer or handler for the purposes of the Federal Act or NRS 587.700 to 587.850, inclusive.

587.760 “Organic agricultural product” defined. “Organic agricultural product” means an animal or vegetable product certified pursuant to the Federal Act or NRS 587.700 to 587.850, inclusive.

587.770 “Processing” defined. “Processing” means baking, churning, cutting, dehydrating, drying, eviscerating, extracting, fermenting, freezing, grinding, heating, mixing, preserving, separating, or otherwise manufacturing and includes enclosing food in a container.

587.790 “Vegetable product” defined. “Vegetable product” includes food, feed, seed, fibers and all other agricultural, horticultural and viticultural products.

587.840 State Board of Agriculture to consider Federal Act and regulations of other states when adopting regulations. In adopting regulations, the State Board of Agriculture shall consider the requirements of the Federal Act and the regulations adopted by neighboring states for the certification of organic agricultural products, to facilitate the movement of such products among the states and their marketability in each state.

587.850 Unlawful acts; penalties; deposit of money collected as penalty; payment of attorney’s fees or costs of investigation.

1. The Director, after giving at least 20 days’ written notice and the opportunity for a hearing, may impose, for a violation of this section or of a regulation adopted pursuant to NRS 587.830, a civil penalty of not more than:

- (a) For the first violation, \$200;
- (b) For the second violation, \$1,500; and



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(c) For the third or subsequent violation, \$3,000.

The Director shall deposit any money collected as a penalty with the State Treasurer for credit to the State General Fund and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee for an allocation from the Contingency Fund if money is needed to pay attorney's fees or the cost of an investigation.

2. A person shall not sell or offer for sale an agricultural product with the representation that it is organic if he knows or has reason to know that it has not been certified pursuant to the Federal Act or NRS 587.700 to 587.850, inclusive.

3. A person who violates the provisions of subsection 2 is guilty of a misdemeanor. As used in NRS 587.700 to 587.850, inclusive, unless the context otherwise requires, the words and terms defined in NRS 587.720 to 587.790, inclusive, have the meanings ascribed to them in those sections.

