

Amendment No. 343

Senate Amendment to Senate Bill No. 488 (BDR 50-1164)

Proposed by: Senate Committee on Natural Resources

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 488 (§ 8).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 4/17/2015

S.B. No. 488—Requires registration of veterinary biologic products sold in Nevada. (BDR 50-1164)



SENATE BILL NO. 488—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Natural Resources

SUMMARY—~~[Requires]~~ Authorizes the State Department of Agriculture to establish a program for the registration of veterinary biologic products sold in Nevada. (BDR 50-1164)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 animals; ~~[requiring]~~ authorizing the State Department of Agriculture to establish by regulation requirements for the registration of certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes with the State Department of Agriculture; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[requires]~~ authorizes the State Department of Agriculture to establish, by regulation, a program to carry out federal regulations concerning certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes. Section 8 of this bill requires the regulations to provide that any person wishing to sell certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes ~~[to]~~ must register such products with the ~~[State]~~ Department ~~[of Agriculture]~~. Section 8 [of this bill exempts products already registered pursuant to the Nevada Pesticides Act (NRS 586.010-586.450) or the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136 et seq.) from the provisions of this bill. Section 9 of this bill establishes] also requires the regulations to provide for: (1) certain application requirements for the registration of animal remedies, veterinary biologics and veterinary pharmaceuticals with the Department ; and [requires the Department to establish by regulation and] (2) a reasonable annual registration fee [not to exceed \$ 75] for each product. Section 10 of this bill requires any fee collected for the registration of such products to be deposited in the [Agriculture Registration and Enforcement] Livestock Inspection Account. Section 11 of this bill imposes a civil penalty on a person failing to register such products not to exceed: (1) \$250 for a first offense; (2) \$500 for a second offense; and (3) \$1,000 for each subsequent offense. Under section 11: (1) fifty percent of the penalties collected must be used to fund a program to provide loans to persons who are 21 years of age or less and who are engaged in agriculture; and (2) the other 50 percent of the penalties collected must be deposited in the Account for the Control of Weeds.

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

Section 1. Title 50 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“Animal remedy” means any product used to prevent, inhibit or cure a disease or enhance or protect the health or well-being of animals. The term does not include food.~~ (Deleted by amendment.)

Sec. 4. *“Department” means the State Department of Agriculture.*

Sec. 5. *“Director” means the Director of the Department.*

Sec. 6. ~~“Pharmaceutical” means any product prescribed for the treatment or prevention of disease for veterinary purposes, including, but not limited to, vaccines, synthetic or natural hormones, anesthetics, stimulants or depressants.~~ (Deleted by amendment.)

Sec. 7. ~~“Veterinary biologic” means any biologic product used for veterinary purposes, including, but not limited to, antibiotics, antiparasitics, growth promotants or bioculture products.~~ (Deleted by amendment.)

Sec. 8. 1. The Department may establish, by regulation, a program to implement the requirements of federal regulations concerning veterinary feed directives, as defined in 21 U.S.C. § 354, including, without limitation, requirements for the registration of any animal remedy, veterinary biologic or pharmaceutical, as those terms are defined in those federal regulations.

2. The regulations adopted by the Department pursuant to subsection 1 must provide that:

(a) Except as otherwise provided in ~~subsection 2~~ this paragraph, no person shall sell, offer or expose for sale, or deliver to a user, an animal remedy, veterinary biologic or pharmaceutical, in package or in bulk, which has not been registered with the Department pursuant to this chapter ~~+~~
~~2~~ and the regulations adopted pursuant thereto. Any product registered pursuant to NRS 586.010 to 586.450, inclusive, or under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq., ~~here~~ is not subject to the provisions of this chapter ~~+~~
~~3~~ and the regulations adopted pursuant thereto.

(b) Except as otherwise provided by law, the manufacturer of each brand of animal remedy, veterinary biologic and pharmaceutical to be sold in this State, whether in package or in bulk, shall register such products with the Department annually pursuant to this chapter ~~+~~ ~~4~~ and the regulations adopted pursuant thereto. The regulations may authorize a manufacturer who sells more than one animal remedy, veterinary biologic or pharmaceutical in this State ~~may~~ to register all such products with one application.

(c) An application for registration of an animal remedy, veterinary biologic or pharmaceutical must be made on forms provided by the Department and must be accompanied by a reasonable annual registration fee established by the Department by regulation for each animal remedy, veterinary biologic and pharmaceutical.

(d) An application pursuant to paragraph (c) must:

(I) Be filed on or before July 1 of each year; and

(2) Include a list of all animal remedies, veterinary biologics and pharmaceuticals that the applicant intends to market in this State during the following fiscal year.

~~Sec. 9. 1. An application for registration of an animal remedy, veterinary biologic or pharmaceutical must be made on forms provided by the Department and must be accompanied by an annual registration fee for each animal remedy, veterinary biologic and pharmaceutical, not to exceed \$75 as established by regulation by the Department.~~

~~2. An application pursuant to subsection 1 must:~~

~~(a) Be filed on or before July 1 of each year; and~~

~~(b) Include a list of all animal remedies, veterinary biologics and pharmaceuticals that the applicant intends to market during the upcoming fiscal year.~~ (Deleted by amendment.)

~~Sec. 10. The Department shall deposit all fees collected pursuant to this chapter in the Agriculture Registration and Enforcement~~ Livestock Inspection Account created by NRS 561.344.

~~Sec. 11. 1. Any person violating the provisions of this chapter is subject to a civil penalty not to exceed:~~

~~(a) For a first offense, \$250.~~

~~(b) For a second offense, \$500.~~

~~(c) For a third or subsequent offense, \$1,000.~~

~~2. Of the money collected by the Department from a civil penalty pursuant to subsection 1:~~

~~(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or less; and~~

~~(b) The remaining 50 percent must be deposited in the Account for the Control of Weeds created by NRS 555.035.~~

~~Sec. 12. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this chapter~~ and the regulations adopted pursuant thereto.

~~Sec. 13. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.~~ (Deleted by amendment.)

~~Sec. 13.5. NRS 561.344 is hereby amended to read as follows:~~

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) Fees collected pursuant to the provisions of sections 2 to 13, inclusive, of this act.

(e) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a cooperative agreement established pursuant to NRS 569.031 for the management, control, placement or disposition of estrays and feral livestock.

~~(f)~~ (f) Fees collected pursuant to the provisions of chapter 573 of NRS.

~~(g)~~ (g) Fees collected pursuant to the provisions of chapter 576 of NRS.

~~(e)~~ (h) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 565, 569, 571, 573 and 576 of NRS. ~~H~~ and sections 2 to 13, inclusive, of this act.

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

Sec. 14. ~~NRS 561.385 is hereby amended to read as follows:~~

~~561.385 1. The Agriculture Registration and Enforcement Account is hereby created in the State General Fund for the use of the Department.~~

~~2. The following fees must be deposited in the Agriculture Registration and Enforcement Account:~~

~~(a) Fees collected pursuant to the provisions of sections 2 to 13, inclusive, of this act.~~

~~(b) Except as otherwise provided in NRS 586.270, fees collected pursuant to the provisions of NRS 586.010 to 586.450, inclusive.~~

~~[(b)] (e) Fees collected pursuant to the provisions of chapter 588 of NRS.~~

~~[(c)] (d) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.~~

~~[(d)] (e) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.~~

~~[(e)] (f) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 588 of NRS.~~

~~[(f)] (g) Laboratory fees collected for the analysis and testing of petroleum products or motor vehicle fuel, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.~~

~~[(g)] (h) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.~~

~~3. Expenditures from the Agriculture Registration and Enforcement Account may be made to carry out the provisions of this chapter, NRS 555.2605 to 555.460, inclusive, or chapters 586, 588 and 590 of NRS, or sections 2 to 13, inclusive, of this act or for any other purpose authorized by the Legislature.] (Deleted by amendment.)~~

Sec. 15. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2015, for all other purposes.