

Amendment No. 1043

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

Proposed by: Assembly Committee on Ways and Means

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 488 R2 (§§ 8, 29, 34, 37).

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.

BAW



Date: 5/31/2015

S.B. No. 488—Revises provisions relating to veterinary biologic products and commercial feed 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—Revises provisions relating to veterinary biologic products and commercial feed 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; 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; requiring the licensing of manufacturers, distributors and guarantors of commercial feed by the Department; requiring a licensee to submit certain fees and reports to the Department on an annual basis; creating the Commercial Feed Account in the State General Fund; authorizing the Department to conduct certain inspections and audits; establishing labeling requirements for commercial feed manufactured, distributed or guaranteed in this State; prohibiting the misbranding, adulteration or reuse of packaging of commercial feed; requiring the Department to publish certain information on an annual basis; making various other changes relating to commercial feed; requiring the Department to establish fees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-12 of this bill authorize 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 must register such products with the Department. **Section 8** 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 (2) a reasonable annual registration fee for each product. **Section 10** of this bill requires any fee collected for the registration of such products to be deposited in the 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.

Existing law establishes certain requirements for the labeling of commercial feed for livestock in this State. (NRS 587.690) **Sections 16-46** of this bill enact new provisions relating to the labeling of commercial feed.

Section 28 of this bill provides that it is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State without a license issued by the State Department of Agriculture. **Section 29** of this bill establishes certain requirements to obtain such a license.

Section 34 of this bill requires each licensee to submit to the Department on a quarterly basis certain fees and a report that includes a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in the immediately preceding calendar quarter.

Section 35 of this bill creates the Commercial Feed Account in the State General Fund and sets forth permissible uses of money in the Account.

Sections 36-38 of this bill authorize a representative of the Department to conduct certain inspections or audits related to commercial feed.

Section 39 of this bill sets forth requirements for labeling of commercial feed. **Section 40** of this bill prohibits misbranding commercial feed and sets forth the circumstances in which commercial feed is deemed to be misbranded. **Section 41** of this bill prohibits the adulteration of commercial feed and sets forth the circumstances in which commercial feed is deemed to be adulterated. **Section 42** of this bill generally prohibits the reuse of packaging of commercial feed.

Section 43 of this bill imposes a civil penalty on a person who violates any provision of **sections 16-46** of this bill and any regulations adopted pursuant thereto relating to commercial feed, in an amount not to exceed: (1) for a first offense, \$250; (2) for a second offense, \$500; and (3) for a third or subsequent offense, \$1,000.

Section 44 of this bill requires the Department to publish annually certain information relating to commercial feed.

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. (Deleted by amendment.)

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

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

Sec. 6. (Deleted by amendment.)

Sec. 7. (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 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 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., is not subject to the provisions of this chapter 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 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 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:

(1) 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. (Deleted by amendment.)

Sec. 10. The Department shall deposit all fees collected pursuant to this chapter in the 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. (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.

~~(h)~~ (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 ~~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. (Deleted by amendment.)

Sec. 14.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583,

584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, and section 34 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 15. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 46, inclusive, of this act.

Sec. 16. *As used in sections 16 to 46, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 17. 1. *“Commercial feed” means all materials or combinations of materials which are distributed or intended for distribution for use as feed or for*

1 *mixing in feed. The term includes, without limitation, pet food, specialty pet food*
2 *and mineral feed.*

3 2. *The term does not include:*

4 (a) *Unmixed whole seeds, including, without limitation, unmixed whole*
5 *seeds which are physically altered, if such seeds are not chemically changed or*
6 *adulterated.*

7 (b) *Commodities, including, without limitation, hay, straw, stover, silage,*
8 *cobs, husks and hulls and individual chemical compounds and substances if*
9 *those commodities, compounds or substances are not intermixed, mixed with*
10 *other materials or adulterated.*

11 Sec. 18. 1. *“Distribute” means:*

12 (a) *To offer for sale, sell, exchange or barter commercial feed; or*

13 (b) *To supply, furnish or otherwise provide commercial feed to a contract*
14 *feeder.*

15 2. *As used in this section, “contract feeder” has the meaning ascribed to it*
16 *in section 27 of this act.*

17 Sec. 19. *“Drug” means any substance or article other than feed that is*
18 *intended:*

19 1. *For use in the diagnosis, cure, mitigation, treatment or prevention of*
20 *disease in an animal; or*

21 2. *To affect the structure or any function of an animal’s body.*

22 Sec. 20. *“Guarantor” means the person who is indicated on the label of*
23 *commercial feed as having verified the accuracy of the information contained on*
24 *the label relating to the ingredients, substances and elements contained in the*
25 *commercial feed.*

26 Sec. 21. *“Label” means any written, printed or graphic representation:*

27 1. *On or affixed to the container in which commercial feed is distributed; or*

28 2. *On the invoice or delivery slip accompanying commercial feed.*

29 Sec. 22. *“Licensee” means a person who has obtained a license pursuant to*
30 *section 28 of this act.*

31 Sec. 23. *“Manufacture” means to grind, mix, blend or further process*
32 *commercial feed for distribution.*

33 Sec. 24. *“Mineral feed” means commercial feed primarily intended to*
34 *supply mineral elements or inorganic nutrients.*

35 Sec. 25. *“Pet food” means any commercial feed prepared and distributed*
36 *for consumption by domesticated dogs or cats.*

37 Sec. 26. *“Specialty pet food” means any commercial feed prepared and*
38 *distributed for consumption by any domesticated animal kept primarily for*
39 *personal enjoyment, other than a dog or cat.*

40 Sec. 27. 1. *The provisions of sections 16 to 46, inclusive, of this act do not*
41 *apply to customer-formula feed, or a manufacturer, distributor or guarantor*
42 *thereof, or a contract feeder.*

43 2. *As used in this section:*

44 (a) *“Contract feeder” means a person who as an independent contractor*
45 *feeds commercial feed to animals pursuant to a contract whereby the commercial*
46 *feed is supplied, furnished or otherwise provided to the person and whereby the*
47 *person’s remuneration is determined in whole or in part by feed consumption,*
48 *mortality, profits or the amount or quality of the product.*

49 (b) *“Customer-formula feed” means commercial feed which consists of a*
50 *mixture of commercial feeds or ingredients, each batch of which is manufactured*
51 *according to the specific instructions of the final purchaser.*

52 Sec. 28. 1. *Except as otherwise provided in subsection 2:*

(a) It is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State unless the person has been issued by the Department a license pursuant to section 30 of this act; and

(b) A person who manufactures, distributes or acts as a guarantor of commercial feed must obtain a license from the Department for each facility in this State:

(1) Where he or she intends to manufacture or distribute commercial feed.

(2) For which he or she is a guarantor of any or all of the commercial feed that is manufactured at or distributed from the facility.

2. A person is not required to obtain a license pursuant to subsection 1 if he or she conducts only retail sales of commercial feed and the packaging of the commercial feed includes a label indicating that the commercial feed is from a manufacturer or distributor who is licensed pursuant to subsection 1.

Sec. 29. 1. A person applying for a license to manufacture, distribute or be a guarantor of commercial feed must:

(a) File an application with the Department on a form prescribed and furnished by the Department; and

(b) Pay the fee for the issuance of a license established by the Department pursuant to subsection 2.

2. The Department shall establish a fee for the issuance and annual renewal of a license required by section 28 of this act in an amount not to exceed \$75.

3. A license expires on December 31 of each year. An application to renew a license must be received by the Department on or before December 31 of each year. If a licensee submits an application for renewal after December 31 of the year in which the license expires, the licensee must pay a late fee of \$20 in addition to the annual license fee established by the Department pursuant to subsection 2.

Sec. 30. 1. Except as otherwise provided in subsection 2 and section 31 of this act, the Department shall issue a license to or renew the license of an applicant who files with the Department a complete application and pays the fee established by the Department pursuant to section 29 of this act.

2. The Department may refuse to issue or renew or may suspend, revoke or place conditions on a license for a violation of any provision of sections 16 to 46, inclusive, of this act, but no license may be refused, suspended or revoked or have conditions imposed upon its issuance pursuant to this section until the Department has provided the applicant or licensee an opportunity for a hearing.

Sec. 31. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license required by section 28 of this act shall:

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required by subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license must not be issued or renewed by the Department if the applicant:

1 (a) *Fails to submit the statement required by subsection 1; or*
2 (b) *Indicates on the statement that the applicant is subject to a court order*
3 *for the support of a child and is not in compliance with the order or a plan*
4 *approved by the district attorney or other public agency enforcing the order for*
5 *the repayment of the amount owed pursuant to the order.*

6 4. *If an applicant indicates on the statement submitted pursuant to*
7 *subsection 1 that the applicant is subject to a court order for the support of a*
8 *child and is not in compliance with the order or a plan approved by the district*
9 *attorney or other public agency enforcing the order for the repayment of the*
10 *amount owed pursuant to the order, the Department shall advise the applicant to*
11 *contact the district attorney or other public agency enforcing the order to*
12 *determine the actions that the applicant may take to satisfy the arrearage.*

13 Sec. 32. 1. *If the Department receives a copy of a court order issued*
14 *pursuant to NRS 425.540 that provides for the suspension of all professional,*
15 *occupational and recreational licenses, certificates and permits issued to a*
16 *licensee, the Department shall deem the license issued to that person to be*
17 *suspended at the end of the 30th day after the date on which the court order was*
18 *issued unless the Department receives a letter issued to the licensee by the district*
19 *attorney or other public agency pursuant to NRS 425.550 stating that the licensee*
20 *has complied with the subpoena or warrant or has satisfied the arrearage*
21 *pursuant to NRS 425.560.*

22 2. *The Department shall reinstate a license that has been suspended by a*
23 *district court pursuant to NRS 425.540 if the Department receives a letter issued*
24 *by the district attorney or other public agency pursuant to NRS 425.550 to the*
25 *person whose license was suspended stating that the person whose license was*
26 *suspended has complied with the subpoena or warrant or has satisfied the*
27 *arreage pursuant to NRS 425.560.*

28 Sec. 33. 1. *In addition to any other requirements set forth in this chapter,*
29 *an applicant for the renewal of a license required by section 28 of this act must*
30 *indicate in the application submitted to the Department whether the applicant has*
31 *a state business license. If the applicant has a state business license, the applicant*
32 *must include in the application the state business license number assigned by the*
33 *Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

34 2. *A license may not be renewed by the Department if:*

35 (a) *The applicant fails to submit the information required by subsection 1; or*
36 (b) *The State Controller has informed the Department pursuant to*
37 *subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that*
38 *has been assigned to the State Controller for collection and the applicant has not:*

39 (1) *Satisfied the debt;*

40 (2) *Entered into an agreement for the payment of the debt pursuant to*
41 *NRS 353C.130; or*

42 (3) *Demonstrated that the debt is not valid.*

43 3. *As used in this section:*

44 (a) *"Agency" has the meaning ascribed to it in NRS 353C.020.*

45 (b) *"Debt" has the meaning ascribed to it in NRS 353C.040.*

46 Sec. 34. 1. *Each licensee shall submit to the Department on or before the*
47 *end of each calendar quarter:*

48 (a) *A report that includes, without limitation, a statement of the amount of*
49 *commercial feed manufactured, distributed or guaranteed, as applicable, by the*
50 *licensee in this State during the preceding calendar quarter; and*

51 (b) *The quarterly fee in the amount required pursuant to subsection 2.*

52 2. *Except as otherwise provided in subsection 3, the amount of the quarterly*
53 *fee that a licensee must pay is the greater of:*

(a) Five dollars; or
 (b) The fee established by the Department by regulation to be paid per ton of commercial feed manufactured, distributed or guaranteed, as applicable, in this State, which may not exceed 15 cents per ton.

↪ If a licensee does not submit the amount required pursuant to this subsection on or before 15 days after the date on which it is due, the licensee must submit, in addition to that amount, a late fee in the amount of 50 percent of the amount due.

3. A licensee is not required to submit the fees required pursuant to subsection 2 for commercial feed if another licensee has submitted the required fees for the same commercial feed. The Department shall adopt regulations specifying the circumstances under which a licensee is not required to pay fees pursuant to this subsection.

4. Each licensee shall maintain records sufficient to verify that the information contained in a report submitted pursuant to subsection 1 is complete and accurate.

5. A report submitted pursuant to subsection 1 is ~~is a public record.~~ confidential.

Sec. 35. 1. All fees received pursuant to sections 29 and 34 of this act must be deposited in the Commercial Feed Account, which is hereby created in the State General Fund. The Director shall administer the Account. The money in the Account must be expended only to pay for the costs to the Department for administering the provisions of sections 16 to 46, inclusive, of this act, including, without limitation, the costs of inspection, sampling and analysis of commercial feed.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 36. 1. After showing proper credentials, a representative of the Department may, during normal business hours, enter and inspect:

(a) Any building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution;

(b) Any records, equipment, materials, containers and labels located in a building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution; and

(c) Any vehicle used to transport or hold commercial feed,
 ↪ for the purposes of determining compliance with sections 16 to 46, inclusive, of this act, and any regulations adopted by the Department pursuant thereto.

2. An inspection conducted pursuant to subsection 1 must be conducted and completed in a reasonable manner.

3. A representative of the Department who conducts an inspection pursuant to this section:

(a) May obtain samples of any commercial feed, ingredient, substance or element. If a representative obtains such a sample, the representative must provide the owner, operator or authorized agent of the building, factory, warehouse, facility or vehicle being inspected with a receipt describing all samples that were obtained.

(b) May enter any public or private part of the building, factory, warehouse, facility or vehicle being inspected.

(c) Must inform the owner, operator or authorized agent of the building, factory, warehouse, facility or vehicle being inspected when the inspection is completed.

4. Every sample obtained by a representative pursuant to subsection 3 must be tested in accordance with methods published by AOAC International, or its successor organization, or any other generally recognized method.

5. If the owner, operator or authorized agent refuses to allow an inspector of the Department to inspect the building, factory, warehouse, facility or vehicle, as applicable, the Department may obtain a search warrant from any court of competent jurisdiction to enter the premises and conduct the inspection.

Sec. 37. The Department may:

1. Inspect or audit any licensee at the request of the licensee.

2. Establish a schedule of fees for the costs of the inspection or audit.

Sec. 38. 1. If the Director or a representative of the Department has reasonable cause to believe that any commercial feed does not comply with the provisions of sections 16 to 46, inclusive, of this act, the Director or a representative of the Department may issue an order that:

(a) Prohibits the licensee from disposing of the lot of commercial feed until written permission is provided by the Director; and

(b) Requires the licensee to allow the Director or a representative of the Department to inspect the commercial feed.

2. If the Director or representative of the Department determines that the commercial feed:

(a) Complies with the provisions of sections 16 to 46, inclusive, of this act, the Director or representative of the Department must immediately rescind the order issued pursuant to paragraph (a) of subsection 1.

(b) Does not comply with the provisions of sections 16 to 46, inclusive, of this act, the Director or representative of the Department must provide to the licensee an explanation of how the commercial feed does not comply with the provisions of sections 16 to 46, inclusive, of this act. If the licensee does not demonstrate compliance with the provisions of sections 16 to 46, inclusive, of this act within 30 days after receipt of the explanation, the Director must begin proceedings to condemn the lot of commercial feed pursuant to the requirements established by the Department.

Sec. 39. 1. Commercial feed must have a label which includes:

(a) The quantity of the commercial feed by weight, liquid measure or count.

(b) The product name and brand name, if any, under which the commercial feed is distributed.

(c) The analysis, in the form and manner prescribed by the Department, of substances and elements included in the commercial feed.

(d) An ingredient list with the common or usual name of each ingredient used in the commercial feed. The Department may:

(1) Provide for the use of a collective term on the ingredient list for a group of ingredients which perform a similar function.

(2) Exempt certain commercial feed from the requirement to include an ingredient list on the label if the Department determines that such a list is not necessary for the interests of consumers.

(e) The name and principal mailing address of the manufacturer ~~and~~ or distributor of the commercial feed.

(f) If applicable, directions for the use of commercial feed that:

(1) Contains a drug; or

(2) Requires directions for the safe and effective use thereof.

(g) Any other statement that is required by the Department.

2. The Department may request that an applicant for a license or a licensee provide to the Department copies of any label for commercial feed which the person manufactures or distributes.

3. *As used in this section:*

(a) *“Brand name” means any word, symbol or device, or any combination thereof, used to identify and distinguish the commercial feed of one manufacturer or distributor from another.*

(b) *“Product name” means the name which identifies the kind, class or specific use of commercial feed and distinguishes the commercial feed from other products bearing the same brand name.*

Sec. 40. 1. *It is unlawful for a person to misbrand commercial feed.*

2. *For the purposes of subsection 1, commercial feed is misbranded if:*

(a) *The label on the commercial feed does not meet the requirements set forth in section 39 of this act or is false or misleading;*

(b) *Any word, statement or other information required to appear on the label pursuant to section 39 of this act is:*

(1) *Not prominently or conspicuously displayed on the label; or*

(2) *Written in a way that is likely to be misunderstood by a person under the conditions of customary purchase and use; or*

(c) *The commercial feed is distributed under the name of a different commercial feed.*

Sec. 41. 1. *It is unlawful for a person to adulterate commercial feed.*

2. *For the purposes of subsection 1, commercial feed is adulterated if:*

(a) *It contains a poisonous or deleterious substance which may cause it to be injurious to the health of an animal;*

(b) *It contains a poisonous, deleterious or nonnutritive substance which is unsafe pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346;*

(c) *It contains a food additive which is unsafe pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;*

(d) *It is a raw agricultural commodity that contains a pesticide which is unsafe pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, unless:*

(1) *The raw agricultural commodity has been processed using a method such as canning, cooking, freezing, dehydrating or milling;*

(2) *The residue of the pesticide has been removed to the extent possible through such a method;*

(3) *The concentration of the pesticide in the commercial feed is not greater than the tolerance prescribed for the raw agricultural commodity; and*

(4) *Feeding the commercial feed to an animal is not likely to result in a pesticide residue in any edible product of the animal which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;*

(e) *It contains any color additive which is unsafe pursuant to section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 379e;*

(f) *It contains an animal drug which is unsafe pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b;*

(g) *It contains any filthy, putrid or decomposed substance or is for any other reason unfit to be used as commercial feed;*

(h) *It has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to the health of an animal;*

(i) *It contains the product of a diseased animal or an animal which has died in a manner which is unsafe within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 342;*

(j) *The container of the commercial feed is composed, in whole or in part, of any poisonous or deleterious substance which may render the commercial feed injurious to the health of an animal;*

(k) *It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;*

(l) *Any valuable component of the commercial feed has been, in whole or in part, omitted or abstracted;*

(m) *The composition or quality of the commercial feed is below or differs from that which is listed on the label;*

(n) *It contains a drug and the methods, facilities or controls used to manufacture, process or package the commercial feed do not conform to current practices of good manufacturing, unless the Department determines that such a practice is not appropriate for use in this State; or*

(o) *It contains viable weed seeds in an amount which exceeds the limits established by the Department. As used in this paragraph, "weed seeds" has the meaning ascribed to it in NRS 587.073.*

Sec. 42. *It is unlawful for a person to reuse any packaging, including, without limitation, a bag or tote for commercial feed, unless the packaging is cleaned pursuant to the methods prescribed by the Department.*

Sec. 43. 1. *A person who violates the provisions of sections 16 to 46, inclusive, of this act, or any regulation adopted pursuant thereto, 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. *Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:*

(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 younger; and*

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

Sec. 44. *The Department shall publish annually:*

1. *Except as otherwise provided in this subsection, information concerning the sale of commercial feed and any data related to the production and use of commercial feed in this State. The Department shall not publish any information that discloses confidential or proprietary information regarding the operations of any manufacturer, distributor, guarantor or other person.*

2. *A report of the results of tests performed on samples of commercial feed obtained pursuant to section 36 of this act.*

Sec. 45. *The Department may cooperate with and enter into an agreement with any person or federal or state agency for the purposes of carrying out the provisions of sections 16 to 46, inclusive, of this act.*

Sec. 46. *The Department may adopt regulations to carry out the provisions of sections 16 to 46, inclusive, of this act.*

Sec. 47. 1. *This section becomes effective upon passage and approval.*

2. *Sections 1 to 14, inclusive, of this act become effective:*

(a) *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*

(b) *On July 1, 2015, for all other purposes.*

3. *Sections ~~14.5~~ 14.5 to 46, inclusive, of this act become effective:*

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

4 (b) On January 1, 2016, for all other purposes.

5 4. Sections 31 and 32 of this act expire by limitation on the date on which the
6 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under
7 which the state has authority to withhold or suspend, or to restrict the use of
8 professional, occupational and recreational licenses of persons who:

9 (a) Have failed to comply with a subpoena or warrant relating to a proceeding
10 to determine the paternity of a child or to establish or enforce an obligation for the
11 support of a child; or

12 (b) Are in arrears in the payment for the support of one or more children,
13 ➤ are repealed by the Congress of the United States.