

Amendment No. 339

Senate Amendment to Senate Bill No. 495 (BDR 51-1165)

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. 495 (§§ 27, 32, 35).

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.

HAC/MSN



Date: 4/18/2015

S.B. No. 495—Requires the licensing of commercial animal feed sold in Nevada.
(BDR 51-1165)



SENATE BILL NO. 495—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Natural Resources

SUMMARY—~~{Requires the licensing of}~~ **Revises provisions relating to commercial animal feed.** ~~{sold in Nevada}~~ (BDR 51-1165)

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

~

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

AN ACT relating to agriculture; requiring the licensing of **manufacturers, distributors and guarantors of** commercial animal feed ~~{in this State}~~ by the State Department of Agriculture; **requiring a licensee to submit certain fees and reports to the Department on a quarterly 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 animal feed ~~{sold}~~ **manufactured, distributed or guaranteed** in this State; ~~{establishing labeling requirements for pet food and specialty pet food sold 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:

Existing law establishes certain requirements for the labeling of commercial feed for livestock in this State. (NRS 587.690) ~~{Section 2 of this bill requires any commercial animal feed sold or delivered}~~ **This bill repeals the existing provisions of law relating to labeling of commercial feed and enacts new provisions relating to commercial feed.**

Section 26 of this bill provides that is it unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State ~~{to be licensed}~~ **without a license issued** by the State Department of Agriculture. **Section 27** ~~{24}~~ of this bill establishes certain ~~{application}~~ requirements ~~{for the licensing of commercial animal feed by the Department and requires the payment of a fee not to exceed \$75 for the licensing of each product}~~ **to obtain such a license.**

Section 32 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 33 of this bill creates the Commercial Feed Account in the State General Fund and sets forth permissible uses of money in the Account.

Sections 34-36 of this bill authorize a representative of the Department to conduct certain inspections or audits related to commercial feed.

Section 37 of this bill sets forth requirements for labeling of commercial feed. Section 38 of this bill prohibits misbranding commercial feed and sets forth the circumstances in which commercial feed is deemed to be misbranded. Section 39 of this bill prohibits the adulteration of commercial feed and sets forth the circumstances in which commercial feed is deemed to be adulterated. Section 40 generally prohibits the reuse of packaging of commercial feed.

Section ~~41~~ 41 of this bill imposes a civil penalty on a person ~~for failing to license such commercial animal feed~~ who violates any of the provisions of this bill and any regulations adopted pursuant thereto relating to commercial animal 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.

~~Sections 6-9 of this bill require a label of a pet food or specialty pet food to contain various nutritional information, including, an ingredient list, a guaranteed analysis of certain nutrient levels contained in the pet food or specialty pet food and feeding directions for the species for which the food is intended.~~

~~Section 10 of this bill includes dogs, cats and other domesticated animals in the definition of "livestock" for the purposes of regulating commercial animal feed for livestock.~~

Section 42 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. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~12 to 9,~~ **14 to 44**, inclusive, of this act.

Sec. 2. ~~1. Except as otherwise provided in subsection 3, no person shall sell, offer for sale or deliver to a consumer a commercial animal feed, in package or in bulk, which has not been licensed by the Department.~~

~~2. The manufacturer of each brand of commercial animal feed to be sold in this State, whether in package or in bulk, shall license annually such products with the Department pursuant to section 3 of this act.~~

~~3. Any person who makes only retail sales of commercial animal feed which bears a label or another approved indication that such commercial animal feed is produced by a manufacturer or distributor who has assumed responsibility for licensing as required by this section is not required to license such commercial animal feed.~~ **(Deleted by amendment.)**

Sec. 3. ~~1. An application for the licensing of a commercial animal feed must be made on a form provided by the Department and must be accompanied by an annual licensing fee for each product not to exceed \$75, as established by regulation by the Department.~~

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

~~(a) Be filed by January 1 of each year; and~~

~~(b) Include a list of the products the applicant intends to market during the upcoming year.~~ **(Deleted by amendment.)**

Sec. 4. ~~1. Any person violating the provisions of NRS 587.680 or 587.690 or sections 2 to 9, inclusive, of this act, or any regulations 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. 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 younger; and~~

~~(b) The remaining 50 percent must be deposited in the Account for the Control of Woods created by NRS 555.025.] (Deleted by amendment.)~~

Sec. 5. ~~1. The label of a commercial animal feed must contain the name and address of the manufacturer or distributor. The address must include the street address, city, state and zip code of the manufacturer or distributor, unless such street address is shown in a current city directory or telephone directory for the city listed on the label.~~

~~2. If a person manufactures or distributes a commercial animal feed in a place other than the person's principal place of business, the label may state the principal place of business.] (Deleted by amendment.)~~

Sec. 6. ~~1. It is unlawful to sell, offer to sell or distribute in this State any pet food or specialty pet food unless each container in which it is marketed bears a descriptive label or tag conspicuously stating:~~

~~(a) The name of the product;~~

~~(b) The species name of the animal for which the pet food is intended;~~

~~(c) The quantity of pet food in the container, by weight, liquid measure or count;~~

~~(d) A guaranteed analysis of the pet food or specialty pet food pursuant to section 7 of this act;~~

~~(e) An ingredient statement; and~~

~~(f) The directions for use.~~

~~2. If a pet food or specialty pet food intended for retail sale is enclosed in an outer container or wrapper, the information required pursuant to subsection 1 must appear on the outer container or wrapper.~~

~~3. A vignette, graphic or pictorial representation on the label of a pet food or specialty pet food must not misrepresent the contents of the container.~~

~~4. Any information claimed to be proven on a label of a pet food or specialty pet food is prohibited unless the claim is substantiated by scientific or other empirical evidence.~~

~~5. Any statement on a label of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product is prohibited.~~

~~6. A personal or commercial endorsement is permitted on the label of a pet food or specialty pet food, unless the endorsement is false or misleading.~~

~~7. A statement on the label of a pet food or specialty pet food stating:~~

~~(a) That the product is new or improved must be substantiated and limited to 6 consecutive months of production;~~

~~(b) A preference or comparative claim must be substantiated and limited to 12 consecutive months of production.] (Deleted by amendment.)~~

Sec. 7. ~~1. Except as otherwise provided in subsections 4 and 12, the guaranteed analysis of pet food as required by paragraph (d) of subsection 1 of section 6 of this act must contain, in the following order, the:~~

~~(a) Minimum percentage of crude protein;~~

~~(b) Minimum percentage of crude fat;~~

~~(c) Maximum percentage of crude fat;~~

~~(d) Maximum percentage of crude fiber;~~

~~(e) Maximum percentage of moisture; and~~

~~(f) Maximum percentage of ash, if applicable.~~

~~2. If the pet food or specialty pet food is intended for a dog or cat, the analysis of the nutrients described in subsection 1 must also include the units of the nutrients listed in the Guide.~~

~~3. Any guaranteed analysis of a nutrient listed on a label of pet food intended for a dog or cat that is not listed in the Guide must be accompanied by a disclaimer which includes the following statement in substantially the same form: "Not recognized as an essential nutrient by the Guide."~~

~~4. A specialty pet food label must list other required or voluntary guidelines for guarantees as they are listed in the Guide for the specific species for which the specialty pet food is intended. If no such species specific guidelines exist, the analysis of nutrients must follow the same order as an analysis pursuant to subsection 1.~~

~~5. Any guarantee listed on a label of specialty pet food described in subsection 4 not listed in the Guide for that specific species must be accompanied by a disclaimer which includes the following statement in substantially the same form: "Not recognized as an essential nutrient by the Guide."~~

~~6. Providing a guaranteed analysis on a pet food or specialty pet food label in the form of a range of minimum and maximum percentages is prohibited.~~

~~7. The label of a pet food or specialty pet food which represents the product to be a mineral or vitamin supplement must include minimum percentages:~~

~~(a) If species specific guidelines exist, for all minerals or vitamins, as applicable, from sources listed in the ingredient statement and established by the Guide for the specific species, expressed in the units specified in the Guide; or~~

~~(b) If no species specific guidelines exist, for all minerals or vitamins, as applicable, from sources listed in the ingredient statement and established for cats by the Guide.~~

~~8. The percentages required pursuant to subsection 7 may be expressed in milligrams per unit, or a weight equivalent for liquid products, if consistent with the quantity and directions for use stated pursuant to subsection 1 of section 6 of this act.~~

~~9. If a label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with nutrient levels established by the Association of American Feed Control Officials, the following conditions apply:~~

~~(a) The pet food or specialty pet food must comply with the nutrient levels established by the Association of American Feed Control Officials.~~

~~(b) The comparison must be preceded by a statement that the pet food or specialty pet food meets such nutrient levels.~~

~~10. Except as otherwise provided in subsection 11, the maximum percentage of moisture declared on a label of a pet food or specialty pet food cannot exceed 78 percent or the natural moisture content of the ingredients, whichever is greater.~~

~~11. The maximum percentage of moisture declared on a label of a pet food or specialty pet food that consists principally of stew, gravy, sauce, broth, aspic, juice or a milk replacer may contain a maximum percentage of moisture in excess of 78 percent.~~

~~12. Percentages of crude protein, crude fat and crude fiber are not required when:~~

~~(a) The pet food or specialty pet food is intended for purposes other than to furnish these substances; or~~

~~(b) The substances are of minor significance in relation to the primary purpose of the pet food or specialty pet food, such as a mineral or vitamin supplement.~~

~~13. Minimum percentages of microorganisms and enzymes must be stated if such substances are being claimed on a label of a pet food or specialty pet food.~~

~~14. As used in this section, "Guide" means the Pet Food and Specialty Pet Food Labeling Guide developed by the Association of American Feed Control Officials.~~ **(Deleted by amendment.)**

~~Sec. 8. 1. Each ingredient of a pet food or specialty pet food must be listed in the ingredient statement required by subsection 1 of section 6 of this act as follows:~~

~~(a) The names of all ingredients in the ingredient statement must be printed in letters or type of the same size, style and color.~~

~~(b) The ingredients must be listed in descending order by their predominance by weight.~~

~~(c) The ingredients must be listed and identified by the name and definition established by the Association of American Feed Control Officials.~~

~~(d) Any ingredient for which no name and definition have been established pursuant to paragraph (c) must be identified by the common name of the ingredient.~~

~~2. Any ingredient identified as "meat" or "meat by products" must have a designation of the animal from which the meat or meat by products was derived, unless the meat or meat by products are derived from cattle, swine, sheep, goats or any combination thereof.~~

~~3. Any brand or trade name is prohibited from use in an ingredient statement.~~

~~4. A claim to the quality, nature, form or any other attribute of an ingredient can be made only when the claim meets the followings:~~

~~(a) The claim is not false or misleading;~~

~~(b) The ingredient provides a distinctive characteristic to the pet food or specialty pet foods; and~~

~~(c) A reference to the quality or grade of the ingredient does not appear in the ingredient statement.~~ **(Deleted by amendment.)**

~~Sec. 9. 1. Except as otherwise provided in subsection 2, any pet food or specialty pet food labeled as "complete and balanced" for any stage of life of the animal, must include directions for use which are consistent with the intended use or uses indicated in a statement of nutritional adequacy, as provided by regulation.~~

~~2. If a pet food is intended for use by or under the supervision or direction of a veterinarian, a statement indicating such intention may be used in place of the directions described in subsection 1.~~ **(Deleted by amendment.)**

~~Sec. 10. [NRS 587.670 is hereby amended to read as follows:~~

~~587.670 As used in this section and NRS 587.680 and 587.690 [·] and sections 2 to 9, inclusive, of this act:~~

~~1. "Commercial animal feed" means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock as defined in subsection 4 except that the Director by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 and sections 2 to 9, inclusive, of this act commodities including hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed or mixed with other materials.~~

~~2. "Contract feeder" means a person who as an independent contractor feeds commercial animal feed to animals pursuant to a contract whereby the commercial animal feed is supplied, furnished or otherwise provided to the person and whereby~~

the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

2. "Customer formula feed" means commercial *animal* feed which consists of a mixture of commercial *animal* feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

4. "Livestock" means:

(a) All cattle or animals of the bovine species;

(b) All horses, mules, burros and asses or animals of the equine species;

(c) All swine or animals of the porcine species;

(d) All goats or animals of the caprine species;

(e) All poultry or domesticated fowl or birds;

(f) All rabbits of the genus *oryctolagus*;

(g) All sheep or animals of the ovine species;

(h) ~~All dogs, cats or other animals domesticated or under the restraint or control of a human;~~

(i) ~~All alternative livestock as defined in NRS 501.003.~~

5. "Pet food" means any commercial *animal* feed manufactured for consumption by a dog or cat.

6. "Specialty pet food" means any commercial *animal* feed manufactured for consumption by any domesticated animal kept primarily for personal enjoyment, other than a dog or cat. (Deleted by amendment.)

Sec. 11. [NRS 587.680 is hereby amended to read as follows:

587.680 The Director may adopt such rules and regulations for commercial *animal* feed for livestock as are necessary for the efficient enforcement of the provisions of NRS 587.690 [.] ~~and sections 2 to 9, inclusive, of this act.~~ Regulations must include, but are not limited to:

1. Methods of labeling;

2. Descriptions or statements of the ingredients or the effects thereof;

3. Directions for use for all feed containing drugs; and

4. Warning or caution statements necessary for the safe and effective use of the commercial *animal* feed.] (Deleted by amendment.)

Sec. 12. [NRS 587.690 is hereby amended to read as follows:

587.690 1. It is unlawful to sell, offer to sell or distribute in this state any commercial *animal* feed for livestock unless each container in which it is marketed bears a descriptive label or tag, ~~approved by the Department,~~ stating:

(a) The net weight of the commercial *animal* feed;

(b) The commonly recognized or official name of each ingredient used in its manufacture; and

(c) The guaranteed analysis of crude protein, crude fat, crude fiber and, except as otherwise provided in subsection 2, of minerals and vitamins.

2. Minerals need not be guaranteed if mineral elements are less than 6 1/2 percent and no claim is made on the label. Vitamins need not be guaranteed if the commercial *animal* feed is neither formulated nor represented in any manner as a vitamin supplement.

3. Each delivery of commercial *animal* feed for livestock in bulk shall be accompanied by an invoice or delivery slip containing the information required by subsection 1, except that in the case of repeated bulk deliveries of the same ingredients, only the first invoice or delivery slip is required to contain this information.

4. ~~This section does not apply to customer formula feeds or to contract feeders.]~~ (Deleted by amendment.)

Sec. 13. ~~[This act becomes effective upon passage and approval.]~~ (Deleted by amendment.)

1 Sec. 14. As used in sections 14 to 44, inclusive, of this act, unless the
2 context otherwise requires, the words and terms defined in sections 15 to 24,
3 inclusive, of this act have the meanings ascribed to them in those sections.

4 Sec. 15. 1. "Commercial feed" means all materials or combinations of
5 materials which are distributed or intended for distribution for use as feed or for
6 mixing in feed. The term includes, without limitation, pet food, specialty pet food
7 and mineral feed.

8 2. The term does not include:

9 (a) Unmixed whole seeds, including, without limitation, unmixed whole
10 seeds which are physically altered, if such seeds are not chemically changed or
11 adulterated.

12 (b) Commodities, including, without limitation, hay, straw, stover, silage,
13 cobs, husks and hulls and individual chemical compounds and substances if
14 those commodities, compounds or substances are not intermixed, mixed with
15 other materials or adulterated.

16 Sec. 16. "Distribute" means:

17 1. To offer for sale, sell, exchange or barter commercial feed; or

18 2. To supply, furnish or otherwise provide commercial feed to a contract
19 feeder.

20 Sec. 17. "Drug" means any substance or article other than feed that is
21 intended:

22 1. For use in the diagnosis, cure, mitigation, treatment or prevention of
23 disease in an animal; or

24 2. To affect the structure or any function of an animal's body.

25 Sec. 18. "Guarantor" means the person who is indicated on the label of
26 commercial feed as having verified the accuracy of the information contained on
27 the label relating to the ingredients, substances and elements contained in the
28 commercial feed.

29 Sec. 19. "Label" means any written, printed or graphic representation:

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

31 2. On the invoice or delivery slip accompanying commercial feed.

32 Sec. 20. "Licensee" means a person who has obtained a license pursuant to
33 section 26 of this act.

34 Sec. 21. "Manufacture" means to grind, mix, blend or further process
35 commercial feed for distribution.

36 Sec. 22. "Mineral feed" means commercial feed primarily intended to
37 supply mineral elements or inorganic nutrients.

38 Sec. 23. "Pet food" means any commercial feed prepared and distributed
39 for consumption by domesticated dogs or cats.

40 Sec. 24. "Specialty pet food" means any commercial feed prepared and
41 distributed for consumption by any domesticated animal kept primarily for
42 personal enjoyment, other than a dog or cat.

43 Sec. 25. 1. The provisions of sections 14 to 44, inclusive, of this act do not
44 apply to customer-formula feed, or a manufacturer, distributor or guarantor
45 thereof, or a contract feeder.

46 2. As used in this section:

47 (a) "Contract feeder" means a person who as an independent contractor
48 feeds commercial feed to animals pursuant to a contract whereby the commercial
49 feed is supplied, furnished or otherwise provided to the person and whereby the
50 person's remuneration is determined in whole or in part by feed consumption,
51 mortality, profits or the amount or quality of the product.

1 (b) "Customer-formula feed" means commercial feed which consists of a
2 mixture of commercial feeds or ingredients, each batch of which is manufactured
3 according to the specific instructions of the final purchaser.

4 Sec. 26. 1. Except as otherwise provided in subsection 2:

5 (a) It is unlawful for a person to manufacture, distribute or act as a
6 guarantor of commercial feed in this State unless the person has been issued by
7 the Department a license pursuant to section 28 of this act; and

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

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

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

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

19 Sec. 27. 1. A person applying for a license to manufacture, distribute or
20 be a guarantor of commercial feed must:

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

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

25 2. The Department shall establish a fee for the issuance and annual
26 renewal of a license required by section 26 of this act in an amount not to exceed
27 \$75.

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

34 Sec. 28. 1. Except as otherwise provided in subsection 2 and section 29 of
35 this act, the Department shall issue a license to or renew the license of an
36 applicant who files with the Department a complete application and pays the fee
37 established by the Department pursuant to section 27 of this act.

38 2. The Department may refuse to issue or renew or may suspend, revoke or
39 place conditions on a license for a violation of any provision of sections 14 to 44,
40 inclusive, of this act, but no license may be refused, suspended or revoked or have
41 conditions imposed upon its issuance pursuant to this section until the
42 Department has provided the applicant or licensee an opportunity for a hearing.

43 Sec. 29. 1. In addition to any other requirements set forth in this chapter,
44 an applicant for the issuance or renewal of a license required by section 26 of
45 this act shall:

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

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

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

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

3 (b) A separate form prescribed by the Department.

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

6 (a) Fails to submit the statement required by subsection 1; or

7 (b) Indicates on the statement that the applicant is subject to a court order
8 for the support of a child and is not in compliance with the order or a plan
9 approved by the district attorney or other public agency enforcing the order for
10 the repayment of the amount owed pursuant to the order.

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

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

27 2. The Department shall reinstate a license that has been suspended by a
28 district court pursuant to NRS 425.540 if the Department receives a letter issued
29 by the district attorney or other public agency pursuant to NRS 425.550 to the
30 person whose license was suspended stating that the person whose license was
31 suspended has complied with the subpoena or warrant or has satisfied the
32 arreage pursuant to NRS 425.560.

33 Sec. 31. 1. In addition to any other requirements set forth in this chapter,
34 an applicant for the renewal of a license required by section 26 of this act must
35 indicate in the application submitted to the Department whether the applicant has
36 a state business license. If the applicant has a state business license, the applicant
37 must include in the application the state business license number assigned by the
38 Secretary of State upon compliance with the provisions of chapter 76 of NRS.

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

40 (a) The applicant fails to submit the information required by subsection 1; or

41 (b) The State Controller has informed the Department pursuant to
42 subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that
43 has been assigned to the State Controller for collection and the applicant has not:

44 (1) Satisfied the debt;

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

47 (3) Demonstrated that the debt is not valid.

48 3. As used in this section:

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

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

51 Sec. 32. 1. Each licensee shall submit to the Department on or before the
52 end of each calendar quarter:

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

(b) The quarterly fee in the amount required pursuant to subsection 2.
2. Except as otherwise provided in subsection 3, the amount of the quarterly 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 a public record.

Sec. 33. 1. All fees received pursuant to sections 27 and 32 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 14 to 44, 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. 34. 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 purposes of determining compliance with sections 14 to 44, 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 the 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. 35. 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. 36. 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 14 to 44, 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 14 to 44, 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 14 to 44, 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 14 to 44, inclusive, of this act. If the licensee does not demonstrate compliance with the provisions of sections 14 to 44, 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. 37. 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 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. 38. 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 37 of this act or is false or misleading;

(b) Any word, statement or other information required to appear on the label pursuant to section 37 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. 39. 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;

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

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

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

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

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

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

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

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

24 Sec. 40. It is unlawful for a person to reuse any packaging, including,
25 without limitation, a bag or tote for commercial feed, unless the packaging is
26 cleaned pursuant to the methods prescribed by the Department.

27 Sec. 41. 1. A person who violates the provisions of sections 14 to 44,
28 inclusive, of this act, or any regulation adopted pursuant thereto, is subject to a
29 civil penalty not to exceed:

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

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

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

33 2. Any money collected from the imposition of a civil penalty pursuant to
34 subsection 1 must be accounted for separately and:

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

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

40 Sec. 42. The Department shall publish annually:

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

46 2. A report of the results of tests performed on samples of commercial feed
47 obtained pursuant to section 34 of this act.

48 Sec. 43. The Department may cooperate with and enter into an agreement
49 with any person or federal or state agency for the purposes of carrying out the
50 provisions of sections 14 to 44, inclusive, of this act.

51 Sec. 44. The Department may adopt regulations to carry out the provisions
52 of sections 14 to 44, inclusive, of this act.

53 Sec. 45. NRS 587.670, 587.680 and 587.690 are hereby repealed.

Sec. 46. 1. This act becomes 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 January 1, 2016, for all other purposes.

2. Sections 29 and 30 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

TEXT OF REPEALED SECTIONS

587.670 Definitions. As used in this section and NRS 587.680 and 587.690:

1. "Commercial feed" means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock except that the Director by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 commodities including hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed or mixed with other materials.

2. "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

3. "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

4. "Livestock" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All rabbits of the genus oryctolagus.

(g) All sheep or animals of the ovine species.

587.680 Adoption of rules and regulations. The Director may adopt such rules and regulations for commercial feed for livestock as are necessary for the efficient enforcement of the provisions of NRS 587.690. Regulations must include, but are not limited to:

1. Methods of labeling;

2. Descriptions or statements of the ingredients or the effects thereof;

3. Directions for use for all feed containing drugs; and

4. Warning or caution statements necessary for the safe and effective use of the commercial feed.

587.690 Requirements for labels; information to be furnished to purchaser; exceptions.

1. It is unlawful to sell, offer to sell or distribute in this state any commercial feed for livestock unless each container in which it is marketed bears a descriptive label or tag stating:

(a) The net weight of the commercial feed;

(b) The commonly recognized or official name of each ingredient used in its manufacture; and

(c) The guaranteed analysis of crude protein, crude fat, crude fiber and, except as otherwise provided in subsection 2, of minerals and vitamins.

2. Minerals need not be guaranteed if mineral elements are less than 6 1/2 percent and no claim is made on the label. Vitamins need not be guaranteed if the commercial feed is neither formulated nor represented in any manner as a vitamin supplement.

3. Each delivery of commercial feed for livestock in bulk shall be accompanied by an invoice or delivery slip containing the information required by subsection 1, except that in the case of repeated bulk deliveries of the same ingredients, only the first invoice or delivery slip is required to contain this information.

4. This section does not apply to customer-formula feeds or to contract feeders.