

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 commercial animal feed sold in Nevada. (BDR 51-1165)

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 agriculture; requiring the licensing of commercial animal feed in this State by the State Department of Agriculture; establishing labeling requirements for commercial animal feed sold in this State; establishing labeling requirements for pet food and specialty pet food sold in this State; 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 in this State to be licensed by the State Department of Agriculture. **Section 3** 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. **Section 4** of this bill imposes a civil penalty on a person failing to license such commercial animal feed 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.



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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 2 to 9, 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.*

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.

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 Weeds created by NRS 555.035.



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

7 2. *If a person manufactures or distributes a commercial*
8 *animal feed in a place other than the person's principal place of*
9 *business, the label may state the principal place of business.*

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

14 (a) *The name of the product;*

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

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

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

21 (e) *An ingredient statement; and*

22 (f) *The directions for use.*

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

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

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

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

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

39 7. *A statement on the label of a pet food or specialty pet food*
40 *stating:*

41 (a) *That the product is new or improved must be substantiated*
42 *and limited to 6 consecutive months of production.*

43 (b) *A preference or comparative claim must be substantiated*
44 *and limited to 12 consecutive months of production.*



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

- 5 **(a) Minimum percentage of crude protein;**
- 6 **(b) Minimum percentage of crude fat;**
- 7 **(c) Maximum percentage of crude fat;**
- 8 **(d) Maximum percentage of crude fiber;**
- 9 **(e) Maximum percentage of moisture; and**
- 10 **(f) Maximum percentage of ash, if applicable.**

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

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

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

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

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

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

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

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

43 **8. The percentages required pursuant to subsection 7 may be**
44 **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.

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 following:

(a) The claim is not false or misleading;

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

(c) A reference to the quality or grade of the ingredient does not appear in the ingredient statement.

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 indicting such intention may be used in place of the directions described in subsection 1.

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.

3. “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.

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~~ *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.

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.



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

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

8 **Sec. 13.** This act becomes effective upon passage and
9 approval.

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