

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 2, 4)

(Reprinted with amendments adopted on May 24, 2019)

SECOND REPRINT

S.B. 390

SENATE BILL NO. 390—SENATOR HANSEN

MARCH 20, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the slaughtering of livestock. (BDR 51-258)

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

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

AN ACT relating to livestock; requiring the State Quarantine Officer to adopt regulations providing a process for the operator of a farm or other facility that raises poultry to obtain a permit to slaughter and sell the poultry under certain circumstances; requiring the State Quarantine Officer to adopt regulations providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is unlawful for any person to possess, with the intent to sell, the carcass of any fowl which is not processed in an establishment approved by the State Department of Agriculture or in accordance with poultry regulations adopted by the Department. (NRS 583.080) Existing law also prohibits a person from operating an official establishment for the commercial slaughter of meat animals unless the person receives a permit issued by the State Quarantine Officer. (NRS 583.453) **Section 2** of this bill requires the State Quarantine Officer to adopt regulations, consistent with any federal regulations, providing a process for the operator of a farm or other facility that raises poultry to obtain a permit to slaughter and sell raw poultry to a consumer at the farm or other facility in this State. **Section 4** of this bill requires the State Quarantine Officer to adopt regulations, consistent with any federal regulations, providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State. The regulations adopted pursuant to **section 2 or 4** must set forth the fees, if any, for the issuance or renewal of the license or permit and require inspections at least annually. **Sections 2 and 4** also set forth the circumstances under which a custom processing establishment or mobile processing unit shall be deemed to be an official establishment. **Section 1.3** of this bill defines the term "custom processing



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19 establishment” and **section 1.7** of this bill defines the term “mobile processing
20 unit.” **Sections 5 and 11-18** of this bill make conforming changes.

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

1 **Section 1.** Chapter 583 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.3 to 4, inclusive, of this
3 act.

4 **Sec. 1.3.** *“Custom processing establishment” means a fixed*
5 *facility that slaughters or processes livestock or poultry for or*
6 *upon request by the owner or person in lawful possession of the*
7 *livestock or poultry at the facility. The term does not include an*
8 *official establishment.*

9 **Sec. 1.7.** *“Mobile processing unit” means any truck, trailer,*
10 *van or other vehicle that is used to slaughter or process livestock*
11 *or poultry for or upon request by the owner or person in lawful*
12 *possession of the livestock or poultry at the owner’s or person’s*
13 *farm or other facility or at a location approved by the Officer. The*
14 *term does not include an official establishment.*

15 **Sec. 2. 1.** *The State Quarantine Officer shall adopt*
16 *regulations providing a process for the owner or operator of a*
17 *farm or other facility that raises poultry to obtain a permit to*
18 *slaughter and sell raw poultry to a consumer at the farm or other*
19 *facility in this State.*

20 **2.** *The regulations adopted pursuant to subsection 1:*

21 **(a)** *Must set forth, without limitation:*

22 **(1)** *The requirements for the issuance or renewal of the*
23 *permit;*

24 **(2)** *The fees, if any, for the issuance or renewal of the*
25 *permit;*

26 **(3)** *The requirements for operating the farm or other*
27 *facility, including, without limitation, standard operating*
28 *procedures, sanitation, equipment, conditions, reporting,*
29 *recordkeeping, labeling and packaging;*

30 **(4)** *A requirement for an inspection of the farm or other*
31 *facility to be conducted at least annually and at such other times*
32 *as deemed necessary by the Department; and*

33 **(5)** *Any other requirements the State Quarantine Officer*
34 *determines are necessary to carry out the provisions of this*
35 *section, including, without limitation, the issuance of a stop sale*
36 *order for a violation of any provision of this chapter or regulations*
37 *adopted pursuant to this chapter; and*

38 **(b)** *Must be consistent with any regulations adopted by the*
39 *United States Department of Agriculture.*



3. When an owner or operator of a farm or other facility is issued a permit pursuant to the regulations adopted pursuant to subsection 1, the farm or other facility for which the permit is issued shall be deemed to be an official establishment for the purposes of NRS 583.255 to 583.555, inclusive, and sections 1.3, 1.7 and 4 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. The Officer shall adopt regulations providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State.

2. The regulations adopted pursuant to subsection 1:

(a) Must set forth, without limitation:

(1) The requirements for the issuance or renewal of the license;

(2) The fees, if any, for the issuance or renewal of the license;

(3) The requirements for operating the custom processing establishment or mobile processing unit, including, without limitation, standard operating procedures, sanitation, equipment, conditions, reporting, recordkeeping, labeling and packaging;

(4) A requirement for an inspection of the custom processing establishment or mobile processing unit to be conducted at least annually and at such other times as deemed necessary by the Department; and

(5) Any other requirements the Officer determines are necessary to carry out the provisions of this section, including, without limitation, the issuance of a stop sale order for a violation of any provision of this chapter or regulations adopted pursuant to this chapter; and

(b) Must be consistent with any regulations adopted by the United States Department of Agriculture.

3. When a person is issued a license to operate a custom processing facility or mobile processing unit pursuant to the regulations adopted pursuant to subsection 1, the custom processing facility or mobile processing unit for which the license is issued shall be deemed to be an official establishment for the purposes of this section and NRS 583.255 to 583.555, inclusive, and sections 1.3 and 1.7 of this act.

Sec. 5. NRS 583.080 is hereby amended to read as follows:

583.080 1. It shall be unlawful for any person, firm or corporation to possess, with intent to sell:

(a) The carcass or part of any carcass of any fowl which has died from any cause other than being slaughtered in a sanitary manner;



(b) The carcass or part of any carcass of any fowl that shows evidence of any disease, or that came from a sick or diseased fowl; or

(c) The carcass or part of any carcass of any fowl not processed in an establishment approved by the Department or in accordance with poultry regulations adopted by the Department **[H] or a permit issued pursuant to section 2 of this act.**

2. Any person, firm or corporation violating any of the provisions of this section is subject to a civil penalty pursuant to NRS 583.700.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 583.255 is hereby amended to read as follows:

583.255 As used in NRS 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 583.265 to 583.429, inclusive, **and sections 1.3 and 1.7 of this act** have the meanings ascribed to them in those sections.

Sec. 12. NRS 583.439 is hereby amended to read as follows:

583.439 A person shall not, with respect to any poultry, cattle, sheep, swine, goats, horses, mules or other equines, rabbits, game mammals or birds, or any carcasses, parts of carcasses, meat or meat food products of any such animals:

1. Slaughter an animal or prepare an article which can be used as human food at any establishment preparing animals, carcasses or products for intrastate commerce, except in compliance with the provisions of NRS 583.255 to 583.555, inclusive **[H] , and sections 1.3, 1.7 and 4 of this act.**

2. Sell, transport, offer for sale or transportation or receive for transportation in intrastate commerce any such articles which:

(a) Are capable of use as human food;

(b) Are adulterated or misbranded at the time of the sale, transportation, offer for sale or transportation, or receipt for transportation; or

(c) Are required to be inspected pursuant to the provisions of this Title,

↪ unless they have been so inspected and passed.

3. Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after transportation which is intended to cause or has the effect of causing any article to be adulterated or misbranded.



Sec. 13. NRS 583.469 is hereby amended to read as follows:

583.469 1. No article subject to the provisions of NRS 583.255 to 583.555, inclusive, *and sections 1.3, 1.7 and 4 of this act* shall be sold or offered for sale by any person, firm or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other markings and labeling and containers which are not false or misleading and which are approved by the Officer are permitted.

2. If the Officer has reason to believe any person, firm or corporation is violating subsection 1, the Officer may direct that such practice be stopped.

3. If such person, firm or corporation using or proposing to use such marking, labeling or container objects to the direction of the Officer, the person, firm or corporation may request a hearing, but the use of such marking, labeling or container shall, if the Officer so directs, be withheld pending the hearing and final determination by the Officer.

4. Any final determination by the Officer shall be conclusive unless, within 30 days after receipt of notice of such determination, the person, firm or corporation adversely affected thereby appeals to the district court for the county in which such person, firm or corporation has its principal place of business.

Sec. 14. NRS 583.475 is hereby amended to read as follows:

583.475 It is unlawful for any person:

1. To process, sell or offer for sale, transport or deliver or receive for transportation, in intrastate commerce, any livestock or poultry carcass or part thereof unless such article has been inspected and unless the article and its shipping container and immediate container, if any, are marked in accordance with the requirements of NRS 583.255 to 583.555, inclusive, *and sections 1.3, 1.7 and 4 of this act* or the Wholesome Meat Act or the Wholesome Poultry Products Act.

2. To sell or otherwise dispose of, for human food, any livestock or poultry carcass or part thereof which has been inspected and declared to be adulterated in accordance with NRS 583.255 to 583.555, inclusive, *and sections 1.3, 1.7 and 4 of this act* or which is misbranded.

3. Falsely to make or issue, alter, forge, simulate or counterfeit or use without proper authority any official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, used in connection with inspection in accordance with NRS 583.255 to 583.555, inclusive, *and sections 1.3, 1.7 and 4 of this act*, or cause, procure, aid, assist in, or be a party to such false making, issuing, altering, forging, simulating,



1 counterfeiting or unauthorized use, or knowingly to possess, without
2 promptly notifying the Officer or the Officer's representative, utter,
3 publish or use as true, or cause to be uttered, published or used as
4 true, any such falsely made or issued, altered, forged, simulated or
5 counterfeited official inspection certificate, memorandum, mark
6 or other identification, or device for making such mark or
7 identification, or to represent that any article has been officially
8 inspected in accordance with NRS 583.255 to 583.555, inclusive,
9 **and sections 1.3, 1.7 and 4 of this act** when such article has in fact
10 not been so inspected, or knowingly to make any false
11 representations in any certificate prescribed by the Officer or any
12 form resembling any such certificate.

13 4. To misbrand or do an act intending to misbrand any
14 livestock or poultry carcass or part thereof, in intrastate commerce.

15 5. To use any container bearing an official inspection mark
16 unless the article contained therein is in the original form in which it
17 was inspected and covered by such mark unless the mark is
18 removed, obliterated or otherwise destroyed.

19 6. To refuse at any reasonable time to permit access:

20 (a) By the Officer or his or her agents to the premises of an
21 establishment in this state where carcasses of livestock or poultry, or
22 parts thereof, are processed for intrastate commerce.

23 (b) By the Secretary of Agriculture or the Secretary's
24 representative to the premises of any establishment specified in
25 paragraph (a), for inspection and the taking of reasonable samples.

26 7. To refuse to permit access to and the copying of any record
27 as authorized by NRS 583.485.

28 8. To use for personal advantage, or reveal, other than to the
29 authorized representatives of any state agency in their official
30 capacity, or to the courts when relevant in any judicial proceeding,
31 any information acquired under the authority of NRS 583.255 to
32 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this act**
33 concerning any matter which as a trade secret is entitled to
34 protection.

35 9. To deliver, receive, transport, sell or offer for sale or
36 transportation in intrastate commerce, for human consumption, any
37 uneviscerated slaughtered poultry, or any livestock or poultry
38 carcass or part thereof which has been processed in violation of any
39 requirements under NRS 583.255 to 583.555, inclusive, **and**
40 **sections 1.3, 1.7 and 4 of this act**, except as may be authorized by
41 and pursuant to rules and regulations prescribed by the Officer.

42 10. To apply to any livestock or poultry carcass or part thereof,
43 or any container thereof, any official inspection mark or label
44 required by NRS 583.255 to 583.555, inclusive, **and sections 1.3,**



1 **1.7 and 4 of this act**, except by, or under the supervision of, an
2 inspector.

3 **Sec. 15.** NRS 583.495 is hereby amended to read as follows:

4 583.495 1. A person who violates any of the provisions of
5 NRS 583.475 and 583.485:

6 (a) For a first violation, is subject to a civil penalty pursuant to
7 NRS 583.700.

8 (b) For a second violation, is guilty of a gross misdemeanor and
9 subject to a civil penalty pursuant to NRS 583.700.

10 (c) For a third or subsequent violation, is guilty of a category D
11 felony and shall be punished as provided in NRS 193.130 and
12 subject to a civil penalty pursuant to NRS 583.700.

13 2. When construing or enforcing the provisions of NRS
14 583.255 to 583.555, inclusive, **and sections 1.3, 1.7 and 4 of this**
15 **act**, the act, omission or failure of a person acting for or employed
16 by an individual, partnership, corporation, association or other
17 business unit, within the scope of the person's employment or
18 office, shall in every case be deemed the act, omission or failure of
19 the individual, partnership, corporation, association or other
20 business unit, as well as of the person.

21 3. A carrier is not subject to the penalties imposed by this
22 section by reason of the carrier's receipt, carriage, holding or
23 delivery, in the usual course of business as a carrier, of livestock or
24 poultry carcasses or parts thereof owned by another person, unless
25 the carrier:

26 (a) Has knowledge, or is in possession of facts which would
27 cause a reasonable person to believe, that the articles do not comply
28 with the provisions of NRS 583.255 to 583.555, inclusive **H**, **and**
29 **sections 1.3, 1.7 and 4 of this act**.

30 (b) Refuses to furnish, on request of a representative of the
31 Officer, the name and address of the person from whom the carrier
32 received the livestock or poultry carcasses, or parts thereof, and
33 copies of all documents pertaining to the delivery of such carcasses,
34 or parts thereof, to the carrier.

35 4. A person, firm or corporation is not subject to the penalties
36 imposed by this section for receiving for transportation any
37 shipment in violation of NRS 583.255 to 583.555, inclusive, **and**
38 **sections 1.3, 1.7 and 4 of this act** if the receipt was made in good
39 faith, unless the person, firm or corporation refuses to furnish on
40 request of a representative of the Officer:

41 (a) The name and address of the person from whom such
42 shipment was received; and

43 (b) Copies of all documents pertaining to the delivery of the
44 shipment to the person, firm or corporation.



Sec. 16. NRS 583.529 is hereby amended to read as follows:

583.529 1. Whenever any carcass, part of a carcass, meat or meat food product of poultry, cattle, sheep, swine, goats, horses, mules or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled or diseased poultry, cattle, sheep, swine, goat or equine is found by any authorized representative of the Officer upon any premises where it is held for purposes of, or during or after distribution in, intrastate commerce or otherwise subject to NRS 583.255 to 583.555, inclusive, *and sections 1.3, 1.7 and 4 of this act* and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of NRS 583.255 to 583.555, inclusive, *and sections 1.3, 1.7 and 4 of this act*, it may be detained by such representative for a period not to exceed 20 days, pending further investigation, and shall not be moved by any person, firm or corporation from the place at which it is located when so detained, until released by such representative.

2. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Officer that the article or animal is eligible to retain such marks.

Sec. 17. NRS 583.549 is hereby amended to read as follows:

583.549 The district courts of this state are vested with jurisdiction specifically to enforce and to prevent and restrain violations of NRS 583.255 to 583.555, inclusive ~~H~~, *and sections 1.3, 1.7 and 4 of this act*.

Sec. 18. This act becomes effective:

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

2. On July 1, 2019, for all other purposes.

