

SENATE BILL NO. 438—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MAY 6, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions related to agriculture.
(BDR 51-1100)

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 food; providing that the State Department of Agriculture adopts by reference certain federal regulations; requiring the Department to perform certain inspections to ensure compliance with such federal regulations; requiring the State Quarantine Officer to issue certain orders in certain situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal regulations set forth various standards for the growing, harvesting, packing and holding of produce that is intended for human consumption. (21 C.F.R. Part 112) Federal regulations provide that the United States Food and Drug Administration will coordinate with state, territorial, tribal and local officials for the education, training and enforcement of the federal regulations. (21 C.F.R. § 112.193) This bill provides that the State Department of Agriculture adopts by reference these federal regulations and further requires the Department to perform inspections of farms that are required to comply with the federal regulations. This bill requires the State Quarantine Officer to issue an order to cease and desist and an order to recall produce, if appropriate, to a person who: (1) conducts operations that provide produce which create an immediate food safety risk in violation of the federal regulations; or (2) fails to resolve repeated violations of the federal regulations. This bill authorizes the Department to adopt regulations to carry out these duties.



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 a new section to read as follows:

3 ***1. The Department hereby adopts by reference the provisions***
4 ***of 21 C.F.R. Part 112:***

5 ***(a) For the purpose set forth in subsection 2; and***

6 ***(b) In the form most recently published, unless the Department***
7 ***gives notice that the most recent revision is not suitable for this***
8 ***State.***

9 ***2. Pursuant to 21 C.F.R. Part 112, the Department shall***
10 ***perform inspections of farms that are required to comply with 21***
11 ***C.F.R. Part 112.***

12 ***3. The State Quarantine Officer shall issue an order to cease***
13 ***and desist and an order to recall produce, if appropriate, to a***
14 ***person who:***

15 ***(a) Conducts operations that provide produce which create an***
16 ***immediate food safety risk in violation of 21 C.F.R. Part 112; or***

17 ***(b) Fails to resolve repeated violations of 21 C.F.R. Part 112.***

18 ***4. The Department may adopt regulations to carry out the***
19 ***provisions of this section.***

20 **Sec. 2.** Notwithstanding the provisions of NRS 218D.430 and
21 218D.435, a committee, other than the Assembly Standing
22 Committee on Ways and Means and the Senate Standing Committee
23 on Finance, may vote on this act before the expiration of the period
24 prescribed for the return of a fiscal note in NRS 218D.475. This
25 section applies retroactively from and after March 22, 2021.

26 **Sec. 3.** This act becomes effective on July 1, 2021.

