

ASSEMBLY BILL NO. 249—COMMITTEE ON NATURAL RESOURCES

MARCH 3, 2023

Referred to Committee on Natural Resources

SUMMARY—Enacts provisions relating to the use of hemp in certain commercial feed. (BDR 51-719)

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 agriculture; authorizing the use of hemp in certain commercial feed under certain circumstances; prohibiting, with certain exceptions, the manufacture, distribution or sale in this State of commercial feed containing hemp for consumption by any livestock other than horses; authorizing a research facility to submit an application to the State Department of Agriculture to conduct a study concerning animal feed and the use and impact of hemp products on livestock other than horses; authorizing the Department to adopt regulations establishing the application process; authorizing the Department and the Director of the Department to take certain actions against an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for certain violations relating to commercial feed containing hemp; providing that certain commercial feed containing hemp shall not be deemed adulterated under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes provisions for the manufacture, distribution and
- 2 labeling of commercial feed for animals. (NRS 587.841-587.899) **Section 3** of this
- 3 bill: (1) authorizes the use of hemp in pet food, specialty pet food and other
- 4 commercial feed intended for consumption by horses if the commercial feed is
- 5 manufactured, distributed and sold exclusively in this State for use in this State; and
- 6 (2) requires the State Department of Agriculture to adopt regulations relating to
- 7 such commercial feed. **Section 3** prohibits the manufacture, distribution and sale in



8 this State of commercial feed containing hemp for consumption by any livestock
9 other than horses.

10 **Section 3.5** of this bill: (1) authorizes a research facility to submit an
11 application to the Department to conduct a study concerning animal feed that
12 includes research on the use and impact of hemp products on livestock other than
13 horses; (2) requires any such research to comply with applicable federal laws and
14 requirements prescribed by the Department; and (3) provides that an animal fed
15 with feed containing hemp, or any products from such an animal, may not be
16 distributed or sold into interstate commerce. **Section 3.5** also authorizes the
17 Department to adopt regulations establishing the application process. **Section 2** of
18 this bill defines the term "hemp." **Section 4** of this bill makes conforming changes
19 to indicate the proper placement of **sections 2, 3 and 3.5** in the Nevada Revised
20 Statutes.

21 **Section 5** of this bill provides that the provisions of **section 3** do not apply to
22 customer-formula feed or a contract feeder. **Section 6** of this bill authorizes the
23 Department to refuse to issue or renew or to suspend, revoke or place conditions on
24 an applicant for a license to manufacture, distribute or be a guarantor of
25 commercial feed or a licensee for a violation of **section 3**. **Section 8** of this bill
26 authorizes the Director of the Department or a representative of the Department to
27 take certain actions against a licensee who does not comply with the provisions of
28 **section 3**. **Sections 9 and 10** of this bill provide that certain civil penalties may be
29 imposed for violations of **section 3**.

30 Existing law provides it is unlawful for a person to adulterate commercial feed.
31 (NRS 587.889) **Section 7** of this bill provides that pet food, specialty pet food and
32 other commercial feed intended for consumption by horses shall not be deemed
33 adulterated solely because the commercial feed contains hemp if the commercial
34 feed is manufactured and distributed in accordance with the provisions of **section 3**
35 and any regulations adopted pursuant thereto.

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

1 **Section 1.** Chapter 587 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

3 **Sec. 2.** *"Hemp" has the meaning ascribed to it in*
4 *NRS 557.160.*

5 **Sec. 3. 1.** *Pet food, specialty pet food and other commercial*
6 *feed that is intended for consumption by horses may contain hemp*
7 *if such commercial feed is manufactured, distributed and sold*
8 *exclusively in this State for use in this State.*

9 **2.** *Commercial feed containing hemp shall not be*
10 *manufactured, distributed or sold in this State for consumption by*
11 *any livestock other than horses.*

12 **3.** *The Department shall adopt regulations to carry out the*
13 *provisions of this section, which may include, without limitation,*
14 *specific requirements for the labeling and inspection of*
15 *commercial feed containing hemp.*

16 **Sec. 3.5. 1.** *A research facility may submit an application to*
17 *the Department to conduct a study concerning animal feed that*



1 *includes research on the use and impact of hemp products on*
2 *livestock other than horses. The application must include a*
3 *detailed description of the study, including, without limitation:*

- 4 (a) *The goals of the study;*
- 5 (b) *The scope of the study;*
- 6 (c) *The methods to be used in conducting the study;*
- 7 (d) *The duration of the study; and*
- 8 (e) *Any other information that is requested by the Department.*

9 2. *Any research conducted pursuant to this section must*
10 *comply with any applicable federal laws and any requirements*
11 *prescribed by the Department, including, without limitation, that*
12 *an animal fed with feed containing hemp, or any products from*
13 *such an animal, may not be distributed or sold into interstate*
14 *commerce after the study is completed.*

15 3. *The Department may adopt regulations to carry out the*
16 *provisions of this section.*

17 **Sec. 4.** NRS 587.841 is hereby amended to read as follows:

18 587.841 As used in NRS 587.841 to 587.899, inclusive, *and*
19 *sections 2, 3 and 3.5 of this act*, unless the context otherwise
20 requires, the words and terms defined in NRS 587.843 to 587.861,
21 inclusive, *and section 2 of this act* have the meanings ascribed to
22 them in those sections.

23 **Sec. 5.** NRS 587.863 is hereby amended to read as follows:

24 587.863 1. The provisions of NRS 587.841 to 587.899,
25 inclusive, *and sections 2, 3 and 3.5 of this act* do not apply to
26 customer-formula feed, or a manufacturer, distributor or guarantor
27 thereof, or a contract feeder.

28 2. As used in this section:

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

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

39 **Sec. 6.** NRS 587.869 is hereby amended to read as follows:

40 587.869 1. Except as otherwise provided in subsection 2 and
41 NRS 587.871, the Department shall issue a license to or renew the
42 license of an applicant who files with the Department a complete
43 application and pays the fee established by the Department pursuant
44 to NRS 587.867.



1 2. The Department may refuse to issue or renew or may
2 suspend, revoke or place conditions on a license for a violation of
3 any provision of NRS 587.841 to 587.899, inclusive, *and sections 2,*
4 *3 and 3.5 of this act,* but no license may be refused, suspended or
5 revoked or have conditions imposed upon its issuance pursuant to
6 this section until the Department has provided the applicant or
7 licensee an opportunity for a hearing.

8 **Sec. 7.** NRS 587.889 is hereby amended to read as follows:

9 587.889 1. It is unlawful for a person to adulterate
10 commercial feed.

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

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

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

18 (c) It contains a food additive which is unsafe pursuant to
19 section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
20 § 348;

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

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

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

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

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

36 (e) It contains any color additive which is unsafe pursuant to
37 section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
38 § 379e;

39 (f) It contains an animal drug which is unsafe pursuant to
40 section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
41 § 360b;

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



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

4 (i) It contains the product of a diseased animal or an animal
5 which has died in a manner which is unsafe within the meaning of
6 section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
7 § 342;

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

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

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

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

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

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

27 ***3. Pet food, specialty pet food and other commercial feed that***
28 ***is intended for consumption by horses shall not be deemed***
29 ***adulterated solely because it contains hemp if such commercial***
30 ***feed is manufactured and distributed pursuant to section 3 of this***
31 ***act and any regulations adopted pursuant thereto.***

32 **Sec. 8.** NRS 587.893 is hereby amended to read as follows:

33 587.893 1. If the Director or a representative of the
34 Department has reasonable cause to believe that any commercial
35 feed does not comply with the provisions of NRS 587.841 to
36 587.899, inclusive, ***and sections 2, 3 and 3.5 of this act,*** the
37 Director or a representative of the Department may issue an order
38 that:

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

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

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



1 (a) Complies with the provisions of NRS 587.841 to 587.899,
2 inclusive, *and sections 2, 3 and 3.5 of this act*, the Director or
3 representative of the Department must immediately rescind the
4 order issued pursuant to paragraph (a) of subsection 1.

5 (b) Does not comply with the provisions of NRS 587.841 to
6 587.899, inclusive, *and sections 2, 3 and 3.5 of this act*, the
7 Director or representative of the Department must provide to the
8 licensee an explanation of how the commercial feed does not
9 comply with the provisions of NRS 587.841 to 587.899, inclusive ~~§~~
10 *, and sections 2, 3 and 3.5 of this act*. If the licensee does not
11 demonstrate compliance with the provisions of NRS 587.841 to
12 587.899, inclusive, *and sections 2, 3 and 3.5 of this act* within 30
13 days after receipt of the explanation, the Director must begin
14 proceedings to condemn the lot of commercial feed pursuant to the
15 requirements established by the Department.

16 **Sec. 9.** NRS 587.895 is hereby amended to read as follows:

17 587.895 1. A person who violates the provisions of NRS
18 587.841 to 587.899, inclusive, *and sections 2, 3 and 3.5 of this act*,
19 or any regulation adopted pursuant thereto, is subject to a civil
20 penalty not to exceed:

- 21 (a) For a first offense, \$250.
22 (b) For a second offense, \$500.
23 (c) For a third or subsequent offense, \$1,000.

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

- 26 (a) Fifty percent of the money must be used to fund a program
27 selected by the Director that provides loans to persons who are
28 engaged in agriculture and who are 21 years of age or younger; and
29 (b) The remaining 50 percent of the money must be deposited in
30 the Account for the Control of Weeds created by NRS 555.035.

31 **Sec. 10.** NRS 587.900 is hereby amended to read as follows:

32 587.900 1. The Director may, after notice and an opportunity
33 for a hearing, impose a civil penalty of not more than \$500 for each
34 violation of this chapter other than a violation of NRS 587.841 to
35 587.899, inclusive ~~§~~, *and sections 2, 3 and 3.5 of this act*.

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

- 38 (a) Fifty percent of the money must be used to fund a program
39 selected by the Director that provides loans to persons who are
40 engaged in agriculture and who are 21 years of age or younger; and
41 (b) The remaining 50 percent of the money must be deposited in
42 the Account for the Control of Weeds established by NRS 555.035.

43 **Sec. 11.** 1. This section becomes effective upon passage and
44 approval.

45 2. Sections 1 to 10, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 (b) On January 1, 2024, for all other purposes.

