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ASSEMBLY BILL NO. 34—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

**SUMMARY**—Revises provisions governing the control of pests, noxious weeds and pesticides. (BDR 49-272)

**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.

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AN ACT relating to pest control; defining the term “control” as it applies to the control of noxious weeds by the owner or operator of land; authorizing the Director of the State Department of Agriculture to adopt regulations that establish and administer a program to certify certain agricultural products as being free from propagative parts from which noxious weeds may grow; authorizing certain notices to be delivered by electronic mail; exempting certain businesses that sell nursery stock only to the public exclusively via the Internet from certain licensure requirements; revising the prohibition against engaging in certain activities involving pest control without a license; revising provisions governing the certification of persons to apply or supervise the application of restricted-use pesticides; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 During the 2015 Legislative Session, Assembly Bill No. 77 replaced references  
2 to the cutting, eradication, removal or destruction of weeds with the term “control.”  
3 (Chapter 526, Statutes of Nevada 2015, at page 3588) **Section 1** of this bill defines  
4 “control” to mean the cutting, destruction or eradication of established noxious  
5 weed populations to prevent: (1) the spread, maturation and dispersal of any  
6 propagative part of the noxious weed; and (2) the reproduction and spread of such  
7 noxious weeds.



8 Existing law authorizes the Director of the State Department of Agriculture to,  
9 by regulation, establish and administer a program to certify agricultural products as  
10 being free from noxious weeds to: (1) support the control and prevention of the  
11 spread of noxious weeds in this State; and (2) allow businesses in this State to  
12 market such agricultural products as being in compliance with any applicable  
13 federal law or regulation or any other requirement specified by the Director. (NRS  
14 555.010) **Sections 1 and 2** of this bill expand the program by authorizing the  
15 Director to: (1) adopt such regulations to certify agricultural products as being free  
16 from any propagative parts from which a noxious weed may grow; and (2) establish  
17 and collect reasonable fees for the program. **Section 2** additionally expands the  
18 purposes of the program to include allowing businesses in this State to market  
19 agricultural products as being in compliance with the guidelines set forth by the  
20 North American Invasive Species Management Association, in addition to  
21 applicable federal law or regulation or any other requirement specified by the  
22 Director.

23 Existing law authorizes the Department to provide a written notice of its  
24 finding that an area is infested with certain pests, noxious weeds or plant diseases to  
25 the owner or occupant of the area. (NRS 555.100) Existing law also authorizes the  
26 State Quarantine Officer to serve notice on the owner or occupant of land where  
27 noxious weeds are found. (NRS 555.160) **Sections 3 and 4** of this bill authorize  
28 such notices to be served by electronic mail.

29 Existing law requires a person who is a dealer of nursery stock to obtain a  
30 license from the Director to engage in such business. Existing law exempts a  
31 business that is licensed by another state that sells nursery stock only to the public  
32 exclusively by catalog from the licensing requirement. (NRS 555.236) **Section 5** of  
33 this bill expands this exemption to a business that is licensed by another state that  
34 sells nursery stock only to the public exclusively via the Internet.

35 Existing law prohibits a natural person from engaging in pest control or serving  
36 as an agent, operator, pilot, primary principal, location principal or principal for  
37 pest control within this State at any time without a license as an applicator issued  
38 by the Director. (NRS 555.280) **Section 15** of this bill applies this prohibition only  
39 to such activities engaged in for hire or for profit without a license. **Section 15**  
40 additionally prohibits a natural person or business entity from operating as a pest  
41 control business for hire or for profit within this State at any time without a  
42 business license issued by the Director.

43 **Section 25** of this bill eliminates provisions of existing law providing for the  
44 certification of a governmental agency to engage in pest control and the licensure of  
45 an employee of such an agency to engage in pest control in the course and scope of  
46 his or her employment. (NRS 555.2642, 555.2643, 555.2688, 555.2771-555.2775)  
47 **Sections 6-8, 14 and 16-19** of this bill instead provide for the certification of  
48 employees of a government agency who engage in pest control as non-private  
49 applicators in the same manner as other applicators of pesticides are certified.

50 **Sections 9, 11-13, 20, 22 and 23** of this bill replace references to "certified  
51 applicators," who are authorized to apply or supervise the application of restricted-  
52 use pesticides, with references to "commercial applicators," "non-private  
53 applicators," and "private applicators," which are the categories of persons  
54 authorized to apply or supervise the application of such pesticides.

55 **Section 19** of this bill authorizes the Director to take disciplinary action against  
56 a person licensed to engage in pest control who fails to provide adequate instruction  
57 or supervision to an unlicensed applicator working under the licensee's supervision.

58 **Section 20** of this bill provides that a person licensed as a commercial  
59 applicator and authorized to engage in pest control is authorized to use or supervise  
60 the use of restricted-use pesticides without obtaining a certificate if the licensee  
61 complies with certain requirements.



62       **Section 21** of this bill requires an applicant for a certificate to use a restricted-  
63 use pesticide to demonstrate that he or she satisfies the standards set forth in  
64 applicable federal regulations if the applicant is applying to be certified as a non-  
65 private applicator or private applicator.

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

1       **Section 1.** NRS 555.005 is hereby amended to read as follows:  
2       555.005 As used in this chapter, unless the context requires  
3 otherwise:

4       1. *“Control” means to cut, destroy or eradicate established*  
5 *noxious weed populations in order to prevent:*

6       (a) *The spread, maturation and dispersal of any propagative*  
7 *part of the noxious weed; and*

8       (b) *The reproduction and spread of the noxious weed.*

9       2. “Department” means the State Department of Agriculture.

10       ~~[2.]~~ 3. “Director” means the Director of the Department.

11       ~~[3.]~~ 4. “Noxious weed” means any species of plant which is,  
12 or is likely to be, a public nuisance, detrimental or destructive and  
13 difficult to control.

14       ~~[4.]~~ 5. “Pest” means any form of animal or vegetable life  
15 detrimental to the crops, horticulture, livestock, public health,  
16 wildlife, quality of water and beneficial uses of land in this State,  
17 including, without limitation, any insect, snail, nematode, fungus,  
18 virus, bacterium, microorganism, mycoplasma, weed, parasitic plant  
19 or any other plant that is normally considered to be a pest of  
20 cultivated plants, uncultivated plants, agricultural commodities,  
21 horticultural products or nursery stock, or that the Director declares  
22 to be a pest.

23       ~~[5.]~~ 6. *“Propagative part” means any seed, cutting or other*  
24 *plant part from which a noxious weed can grow.*

25       7. “Vertebrate pest” means any animal of the subphylum  
26 Vertebrata, except predatory animals, which is normally considered  
27 to be a pest, including a gopher, ground squirrel, rat, mouse,  
28 starling, blackbird and any other animal which the Director may  
29 declare to be a pest.

30       **Sec. 2.** NRS 555.010 is hereby amended to read as follows:

31       555.010 Within the limits of any appropriation made by law:

32       1. The Director may:

33       (a) Investigate the prevalence of; and

34       (b) Take the necessary action to control,

35       ↪ vertebrate and invertebrate pests of plants and animals, plant  
36 diseases, physiological plant disorders and noxious weeds for the



1 protection of the crops, livestock, public health, wildlife, water  
2 quality and beneficial uses of land in the State of Nevada.

3 2. The Director may, by regulation, establish and administer a  
4 program to certify agricultural products as being free from noxious  
5 weeds *and any propagative parts* to support the control and  
6 prevention of the spread of noxious weeds in this State and to allow  
7 businesses in this State to market those products in compliance with  
8 *the guidelines set forth by the North American Invasive Species*  
9 *Management Association*, any applicable federal law or regulation  
10 or any other requirement specified by the Director. *The Director*  
11 *may establish and collect reasonable fees for such a program.*

12 **Sec. 3.** NRS 555.100 is hereby amended to read as follows:

13 555.100 1. The Department shall, if necessary or if a  
14 complaint is made to the Department, cause an inspection to be  
15 conducted of any premises, land, means of conveyance or article of  
16 any person in this State if it is found to be infested with any pest,  
17 noxious weed or plant disease that is injurious to:

18 (a) The public health or quality of any water in this State; or

19 (b) Any wildlife, beneficial use of land or agriculture in this  
20 State.

21 2. The Department may provide a written notice of its findings  
22 to the owner or occupant of the premises, land, means of  
23 conveyance or article and require the owner or occupant to control  
24 the pest, noxious weed or plant disease in the manner and within the  
25 period specified in the notice.

26 3. A notice issued pursuant to the provisions of subsection 2:

27 (a) May be served upon the owner or occupant by an officer or  
28 employee of the Department; and

29 (b) Must be served in writing, by certified mail , *by electronic*  
30 *mail* or personally, with receipt given therefor.

31 **Sec. 4.** NRS 555.160 is hereby amended to read as follows:

32 555.160 1. The State Quarantine Officer shall make or cause  
33 to be made a careful examination and investigation of the spread,  
34 development and growth of noxious weeds in this State. Upon the  
35 discovery of those weeds, the State Quarantine Officer shall  
36 ascertain the name of the owner or occupant of the land and the  
37 description of the land where the weeds are found. The State  
38 Quarantine Officer may serve notice in writing upon the owner or  
39 occupant of the land to control the weeds within such time and in  
40 such manner as designated and described in the notice. One such  
41 notice shall be deemed sufficient for the entire season of weed  
42 growth during that year.

43 2. Notices may be served upon the owner or occupant by an  
44 officer or employee of the Department, and must be served in



1 writing, personally or by certified mail **✉ or electronic mail**, with  
2 receipt given therefor.

3 **Sec. 5.** NRS 555.236 is hereby amended to read as follows:

4 555.236 1. Except as otherwise provided in this section, a  
5 person who engages in the commercial production, holding,  
6 distribution, collection or selling of nursery stock must obtain a  
7 license from the Director, except:

8 (a) Retail florists or other persons who sell potted, ornamental  
9 plants intended for indoor decorative purposes.

10 (b) A person not engaged in the nursery or landscaping business  
11 who raises nursery stock as a hobby in this State from which the  
12 person makes occasional sales, if the person does not advertise or  
13 solicit for the sale of that nursery stock.

14 (c) Persons engaged in agriculture and field-growing vegetable  
15 plants intended for sale for use in agricultural production.

16 (d) At the discretion of the Director, persons selling vegetable  
17 bulbs or flower bulbs, including, without limitation, onion sets, tulip  
18 bulbs and similar bulbs.

19 (e) A business licensed by another state that sells nursery stock  
20 only to:

21 (1) A licensed dealer of nursery stock in this State; or

22 (2) The public exclusively by catalog **✉ or via the Internet**.

23 (f) A garden club or charitable nonprofit association conducting  
24 sales of nursery stock, provided that the garden club or nonprofit  
25 association has applied for and received a permit from the Director  
26 to conduct such sales. The Department shall not charge a fee for  
27 such a permit.

28 (g) A state or local governmental entity, including a  
29 conservation district. The Department may inspect any plant  
30 materials held, distributed, collected or sold by such an entity.

31 2. The Director may waive the requirements relating to  
32 licensing set forth in NRS 555.235 to 555.249, inclusive, for a  
33 person otherwise required to obtain a license pursuant to this section  
34 if the person only has occasional sales of nursery stock to the  
35 ultimate customer. To obtain a waiver pursuant to this subsection,  
36 the person must:

37 (a) Submit to the Department a completed application for a  
38 license to engage in the business of a dealer of nursery stock that  
39 includes sufficient information to demonstrate that the person  
40 qualifies for a waiver pursuant to this subsection; and

41 (b) Submit to the Director a notarized affidavit on a form  
42 provided by the Department attesting that all information furnished  
43 in the completed application is true.

44 ➤ A completed application submitted to the Department pursuant to  
45 this section need not be accompanied by the fee required by



1 NRS 555.238. A waiver issued pursuant to this subsection may be  
2 revoked at any time and must be renewed annually.

3 3. Persons, state agencies or political subdivisions exempt from  
4 the licensing requirements:

5 (a) Shall conduct their businesses in accordance with pest  
6 regulations and grades and standards for nursery stock as established  
7 by the Director.

8 (b) Shall register annually, on or before July 1, with the  
9 Department, the location, size and type of nursery stock being sold  
10 or produced.

11 4. As used in this section, "occasional sales" means sales of  
12 nursery stock in a gross annual amount that is less than \$1,000.

13 **Sec. 6.** NRS 555.26155 is hereby amended to read as follows:

14 555.26155 "Applicator" means a natural person , *including,*  
15 *without limitation, a natural person who is employed by a city,*  
16 *county, state or other governmental agency,* who ~~engages in pest~~  
17 ~~control. The term does not include a government applicator.]~~ *applies*  
18 *or supervises the application of any pesticide.*

19 **Sec. 7.** NRS 555.2617 is hereby amended to read as follows:

20 555.2617 "Certificate" means a certificate of competency  
21 issued by the Director to a commercial applicator , *non-private*  
22 *applicator* or private applicator authorizing the applicator to make  
23 application of or to supervise the application of a restricted-use  
24 pesticide.

25 **Sec. 8.** NRS 555.2618 is hereby amended to read as follows:

26 555.2618 ~~["Certified"]~~ "*Non-private* applicator" means ~~[any]~~ :

27 1. *A natural person who is employed by a city, county, state*  
28 *or other governmental agency, including, without limitation, a*  
29 *conservation district or a weed control district, who is certified and*  
30 *who applies or supervises the application of any general-use*  
31 *pesticide or restricted-use pesticide; or*

32 2. *An applicator who is certified* ~~[by the Director as qualified~~  
33 ~~to use or to supervise the use]~~ *and who applies or supervises the*  
34 *application* of any restricted-use pesticide ~~[ ]~~ *and does not qualify*  
35 *as a private applicator under NRS 555.2681.*

36 **Sec. 9.** NRS 555.2619 is hereby amended to read as follows:

37 555.2619 "Commercial applicator" means ~~[a-certified]~~ *an*  
38 *applicator who* ~~[applies or supervises]~~ *is licensed to apply or*  
39 *supervise* the application of any *general-use pesticide or any*  
40 *restricted-use pesticide for hire or for profit* and does not qualify as  
41 a private applicator under NRS 555.2681.

42 **Sec. 10.** NRS 555.2667 is hereby amended to read as follows:

43 555.2667 "Pest control" means ~~[conducting as a function of the~~  
44 ~~agency, in the case of a city, county, state or other governmental~~  
45 ~~agency, or]~~ publicly holding oneself out as being in the business of



1 detecting, preventing, controlling or exterminating pests or  
2 otherwise engaging in, advertising or soliciting for:

3 1. The use of pesticides or mechanical devices for the  
4 extermination, control or prevention of infestations of pests.

5 2. The inspection of households or other structures and the  
6 submission of reports of inspection, estimates or bids, written or  
7 oral, for the inspection, extermination, control or prevention of  
8 wood-destroying pests.

9 **Sec. 11.** NRS 555.2681 is hereby amended to read as follows:

10 555.2681 "Private applicator" means ~~fa-certified~~ *an* applicator  
11 who ~~uses or supervises the use~~ *is certified to apply or supervise*  
12 *the application* of any restricted-use pesticide for purposes of  
13 producing any agricultural commodity on property owned or rented  
14 by the ~~certified~~ applicator or the ~~certified~~ applicator's employer  
15 or on the property of the ~~certified~~ applicator's neighbors if applied  
16 without compensation other than trading of personal services  
17 between producers of agricultural commodities.

18 **Sec. 12.** NRS 555.2683 is hereby amended to read as follows:

19 555.2683 "Restricted-use pesticide" means any pesticide,  
20 including any highly toxic pesticide, which:

21 1. The Director has found and determined, after a hearing, to  
22 be:

23 (a) Injurious to persons, pollinating insects, bees, animals, crops  
24 or land, other than pests or vegetation it is intended to prevent,  
25 destroy, control or mitigate; or

26 (b) Detrimental to:

27 (1) Vegetation, except weeds;

28 (2) Wildlife; or

29 (3) Public health and safety; or

30 2. Has been classified for restricted use by or under the  
31 supervision of a ~~certified~~ *commercial applicator, non-private*  
32 *applicator or private* applicator in accordance with the Federal  
33 Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq.

34 **Sec. 13.** NRS 555.2687 is hereby amended to read as follows:

35 555.2687 "Supervision" of the application of a restricted-use  
36 pesticide by a ~~certified~~ *commercial applicator, non-private*  
37 *applicator or private* applicator must be defined by regulation of the  
38 Director.

39 **Sec. 14.** NRS 555.273 is hereby amended to read as follows:

40 555.273 All state agencies, municipal corporations and public  
41 utilities or any other governmental agency ~~and any government~~  
42 ~~applicator~~ is subject to the provisions of NRS 555.2605 to 555.460,  
43 inclusive, and rules adopted thereunder concerning the application  
44 of restricted-use pesticides by any person.



1       **Sec. 15.** NRS 555.280 is hereby amended to read as follows:

2       555.280 **1.** A natural person, including, without limitation,  
3 any consultant, demonstrator, researcher or specialist, shall not  
4 engage , *for hire or for profit*, in pest control or serve as an agent,  
5 operator, pilot, primary principal, location principal or principal for  
6 that purpose within this State at any time without a license as an  
7 applicator issued by the Director.

8       **2.** *A natural person or business entity shall not operate, for*  
9 *hire or for profit, as a pest control business within this State at any*  
10 *time without a business license issued by the Director.*

11       **Sec. 16.** NRS 555.305 is hereby amended to read as follows:

12       555.305 **1.** The Director shall develop and implement a  
13 process by which a person with a criminal history may petition the  
14 Director to review the criminal history of the person to determine if  
15 the person's criminal history will disqualify the person from  
16 obtaining  ~~[a license as a government applicator pursuant to NRS~~  
17  ~~555.2772 or ]~~ a business license or license as an applicator pursuant  
18 to NRS 555.290.

19       **2.** Not later than 90 days after a petition is submitted to the  
20 Director pursuant to subsection 1, the Director shall inform the  
21 person of the determination of the Director of whether the person's  
22 criminal history will disqualify the person from obtaining a license.  
23 The Director is not bound by his or her determination of  
24 disqualification or qualification and may rescind such a  
25 determination at any time.

26       **3.** The Director may provide instructions to a person who  
27 receives a determination of disqualification to remedy the  
28 determination of disqualification. A person may resubmit a petition  
29 pursuant to subsection 1 not earlier than 6 months after receiving  
30 instructions pursuant to this subsection if the person remedies the  
31 determination of disqualification.

32       **4.** A person with a criminal history may petition the Director at  
33 any time, including, without limitation, before obtaining any  
34 education or paying any fee required to obtain a license from the  
35 Director.

36       **5.** A person may submit a new petition to the Director not  
37 earlier than 2 years after the final determination of the initial petition  
38 submitted to the Director.

39       **6.** The Director may impose a fee of up to \$50 upon the person  
40 to fund the administrative costs in complying with the provisions of  
41 this section. The Director may waive such fees or allow such fees to  
42 be covered by funds from a scholarship or grant.

43       **7.** The Director may post on the Internet website of the  
44 Department:

45       (a) The requirements to obtain a license from the Director; and





1 (b) A list of crimes, if any, that would disqualify a person from  
2 obtaining a license from the Director.

3 8. The Director may request the criminal history record of a  
4 person who petitions the Director for a determination pursuant to  
5 subsection 1. To the extent consistent with federal law, if the  
6 Director makes such a request of a person, the Director shall require  
7 the person to submit his or her criminal history record which  
8 includes a report from:

9 (a) The Central Repository for Nevada Records of Criminal  
10 History; and

11 (b) The Federal Bureau of Investigation.

12 9. A person who petitions the Director for a determination  
13 pursuant to subsection 1 shall not submit false or misleading  
14 information to the Director.

15 10. The Director of the State Department of Agriculture shall,  
16 on or before the 20th day of January, April, July and October,  
17 submit to the Director of the Legislative Counsel Bureau in an  
18 electronic format prescribed by the Director, a report that includes:

19 (a) The number of petitions submitted to the Director of the  
20 State Department of Agriculture pursuant to subsection 1;

21 (b) The number of determinations of disqualification made by  
22 the Director of the State Department of Agriculture pursuant to  
23 subsection 1;

24 (c) The reasons for such determinations; and

25 (d) Any other information that is requested by the Director of  
26 the Legislative Counsel Bureau or which the Director of the State  
27 Department of Agriculture determines would be helpful.

28 11. The Director of the Legislative Counsel Bureau shall  
29 transmit a compilation of the information received pursuant to  
30 subsection 10 to the Legislative Commission quarterly, unless  
31 otherwise directed by the Commission.

32 **Sec. 17.** NRS 555.310 is hereby amended to read as follows:

33 555.310 1. The Director shall collect from each person  
34 applying for examination or reexamination a testing fee established  
35 by regulation of the Director.

36 2. The Director shall, before the license or certificate is issued,  
37 collect from each person applying for a business license ~~for~~  
38 ~~governmental agency certificate~~ or license as an applicator ~~for~~  
39 ~~government applicator~~ a fee established by regulation of the  
40 Director. Any person employing primary principals, location  
41 principals, principals, operators or agents shall pay to the Director a  
42 fee established by regulation of the Director for each primary  
43 principal, location principal, principal, operator or agent licensed.



1       **Sec. 18.** NRS 555.330 is hereby amended to read as follows:  
2       555.330 1. The Director shall require from each applicant for  
3 a business license proof of public liability and property damage  
4 insurance in an amount of:

5       (a) Except as otherwise provided in paragraph (b), not less than  
6 \$50,000.

7       (b) If the business license would authorize the application of  
8 pesticides by aircraft:

9           (1) Not less than \$100,000 for bodily injury to or death of  
10 one person in any one accident;

11           (2) Subject to the limit for one person, not less than \$300,000  
12 for bodily injury to or death of two or more persons in any one  
13 accident; and

14           (3) Not less than \$100,000 for each occurrence of damage to  
15 property in any one accident.

16       ↳ The Director may accept a liability insurance policy or surety  
17 bond in the proper amount.

18       2. The Director may require drift insurance for the use of  
19 pesticides or other materials declared hazardous or dangerous to  
20 humans, livestock, wildlife, crops or plantlife.

21       3. Any person injured by the breach of any such obligation is  
22 entitled to sue in his or her own name in any court of competent  
23 jurisdiction to recover the damages the person sustained by that  
24 breach, if each claim is made within 6 months after the alleged  
25 injury.

26       4. The Director on his or her own motion may, or upon receipt  
27 of a verified complaint of an interested person shall, investigate, as  
28 he or she deems necessary, any loss or damage resulting from the  
29 application of any pesticide by a licensed applicator, ~~licensed~~  
30 ~~government applicator,~~ licensed pest control operator, primary  
31 principal, location principal or principal. A verified complaint of  
32 loss or damage must be filed within 60 days after the time that the  
33 occurrence of the loss or damage becomes known except that, if a  
34 growing crop is alleged to have been damaged, the verified  
35 complaint must be filed before 50 percent of the crop has been  
36 harvested. A report of investigations resulting from a verified  
37 complaint must be furnished to the person who filed the complaint.

38       **Sec. 19.** NRS 555.350 is hereby amended to read as follows:

39       555.350 1. The Director may suspend, pending inquiry, for  
40 not longer than 10 days, and, after opportunity for a hearing, may  
41 revoke, suspend or modify any business license or license issued to  
42 an applicator ~~for government applicator~~ under NRS 555.2605 to  
43 555.460, inclusive, if the Director finds that:

44       (a) The licensee is no longer qualified;



1 (b) The licensee has engaged in fraudulent business practices in  
2 pest control;

3 (c) The licensee has made false or fraudulent claims through any  
4 media by misrepresenting the effect of materials or methods to be  
5 used;

6 (d) The licensee has applied known ineffective or improper  
7 materials;

8 (e) The licensee has operated faulty or unsafe equipment;

9 (f) The licensee has made any application of materials in a  
10 manner inconsistent with labeling or any restriction imposed by  
11 regulation of the Director, or otherwise in a faulty, careless or  
12 negligent manner;

13 (g) The licensee has violated any of the provisions of NRS  
14 555.2605 to 555.460, inclusive, or regulations adopted pursuant  
15 thereto;

16 (h) The licensee has engaged in the business of pest control  
17 without having a licensed agent, operator, primary principal or  
18 principal in direct on-the-job supervision;

19 (i) The licensee has aided or abetted a licensed or an unlicensed  
20 person to evade the provisions of NRS 555.2605 to 555.460,  
21 inclusive, combined or conspired with such a licensee or an  
22 unlicensed person to evade the provisions, or allowed the license to  
23 be used by an unlicensed person;

24 (j) The licensee was intentionally guilty of fraud or deception in  
25 the procurement of the license;

26 (k) The licensee was intentionally guilty of fraud, falsification or  
27 deception in the issuance of an inspection report on wood-  
28 destroying pests or other report or record required by regulation;

29 (l) The licensee has been convicted of, or entered a plea of nolo  
30 contendere to, a category A or B felony or a category C, D or E  
31 felony if the conviction occurred or the plea was entered for the  
32 category C, D or E felony during the immediately preceding 10  
33 years in any court of competent jurisdiction in the United States or  
34 any other country; or

35 (m) The licensee has failed to provide adequate instruction or  
36 supervision to any unlicensed **[employee] applicator** working under  
37 the supervision of the licensee.

38 2. A business license and any license issued to a principal of  
39 the business as an applicator is suspended automatically, without  
40 action of the Director, if the proof of public liability and property  
41 damage or drift insurance filed pursuant to NRS 555.330 is  
42 cancelled, and the licenses remain suspended until the insurance is  
43 re-established.



1 3. If the licensee is a natural person, any licensee against whom  
2 the Director initiates disciplinary action pursuant to this section  
3 shall, within 30 days after receiving written notice of the  
4 disciplinary action from the Director and in accordance with any  
5 regulations adopted by the Department, submit to the Director any  
6 document or other information required by the Department to  
7 perform a background check of the licensee. Any document or other  
8 information submitted pursuant to this subsection must be  
9 accompanied by the appropriate fees, if any, specified in regulations  
10 adopted by the Department for performing the background check. A  
11 willful failure of a licensee to comply with the requirements of this  
12 subsection constitutes an additional ground for the revocation,  
13 suspension or modification of the license pursuant to this section.

14 **Sec. 20.** NRS 555.351 is hereby amended to read as follows:

15 555.351 **1.** Except as otherwise provided in ~~NRS 555.2775;~~  
16 ~~—1.—A]~~ *subsection 3, a person shall not use any restricted-use*  
17 *pesticide within this State at any time without a certificate issued by*  
18 *the Director except a person using any restricted-use pesticide under*  
19 *the supervision of a ~~certified~~ commercial applicator who complies*  
20 *with the provisions of subsection 3, non-private applicator or*  
21 *private applicator.*

22 2. If the Director has adopted regulations requiring:

23 (a) A permit pursuant to NRS 586.403; or

24 (b) A special use permit pursuant to NRS 586.405,

25 ↪ for a restricted-use pesticide, a person shall not use that pesticide  
26 without obtaining the required permit.

27 **3.** *A person licensed as a commercial applicator and*  
28 *authorized to engage in pest control is authorized to use or*  
29 *supervise the use of a restricted-use pesticide without obtaining a*  
30 *certificate issued by the Director pursuant to NRS 555.357, if the*  
31 *person:*

32 (a) *Demonstrates that he or she satisfies the standards set forth*  
33 *in 40 C.F.R. § 171.103; and*

34 (b) *Otherwise complies with the provisions of this chapter and*  
35 *any regulations adopted pursuant to this chapter governing the*  
36 *use of restricted-use pesticides.*

37 **Sec. 21.** NRS 555.355 is hereby amended to read as follows:

38 555.355 1. The Director may require the applicant to show,  
39 upon examination, that the applicant possesses adequate knowledge  
40 concerning the proper use and application of restricted-use  
41 pesticides and the dangers involved and precautions to be taken in  
42 connection with the application of those pesticides . ~~including, but~~  
43 ~~not limited to, the following areas:~~



- 1 ~~—(a) Label and labeling comprehension.~~
- 2 ~~—(b) Environmental consequences of pesticide use and misuse.~~
- 3 ~~—(c) Pests.~~
- 4 ~~—(d) Pesticides.~~
- 5 ~~—(e) Equipment.~~
- 6 ~~—(f) Application techniques.~~
- 7 ~~—(g) Laws and regulations.~~
- 8 ~~—(h) Safety.]~~

9 2. In addition, the Director may require the applicant to meet  
10 special qualifications of competency to meet the special needs of a  
11 given locality regarding the use or application of a specific  
12 restricted-use pesticide.

13 3. *The Director shall require an applicant to demonstrate:*

14 (a) *If the applicant is applying to be certified as a non-private*  
15 *applicant, that he or she satisfies the standards set forth in 40*  
16 *C.F.R. § 171.103.*

17 (b) *If the applicant is applying to be certified as a private*  
18 *applicant, that he or she satisfies the standards set forth in 40*  
19 *C.F.R. § 171.105.*

20 4. The Director shall collect from each person applying for an  
21 examination or reexamination, in connection with the issuance of a  
22 certificate, a testing fee established by regulation of the State Board  
23 of Agriculture for any one examination period.

24 **Sec. 22.** NRS 555.359 is hereby amended to read as follows:

25 555.359 The Director may deny or suspend, pending inquiry,  
26 for not longer than 10 days, and, after opportunity for a hearing,  
27 may deny, revoke, suspend or modify any certificate issued under  
28 the provisions of NRS 555.351 to 555.357, inclusive, if the Director  
29 finds that the applicant or the ~~[certified]~~ *commercial applicant,*  
30 *non-private applicant or private* applicant:

- 31 1. Is no longer qualified;
- 32 2. Has applied known ineffective or improper materials;
- 33 3. Has applied materials inconsistent with labeling or other  
34 restrictions imposed by the Director;
- 35 4. Has operated faulty or unsafe equipment;
- 36 5. Has made any application in a faulty, careless or negligent  
37 manner;

38 6. Aided or abetted an uncertified person to evade the  
39 provisions of NRS 555.351 to 555.357, inclusive, combined or  
40 conspired with an uncertified person to evade those provisions, or  
41 allowed one's certificate to be used by an uncertified person;

42 7. Was guilty of fraud or deception in the procurement of the  
43 certificate;

44 8. Has deliberately falsified any record or report;



1 9. Has violated any of the provisions of NRS 555.351 to  
2 555.357, inclusive, 555.390 or any regulation adopted pursuant  
3 thereto; or

4 10. Has failed or neglected to give adequate instruction or  
5 direction to an uncertified person working under his or her  
6 supervision.

7 **Sec. 23.** NRS 555.390 is hereby amended to read as follows:

8 555.390 1. The Director may, by regulation, require any  
9 licensee to maintain such records and furnish reports giving such  
10 information with respect to particular applications of pesticides and  
11 such other relevant information as the Director may deem necessary.

12 2. The Director may, by regulation, require any ~~certified~~  
13 *commercial applicator, non-private applicator or private* applicator  
14 to maintain such records and furnish reports giving such information  
15 with respect to application of restricted-use pesticides and such  
16 other relevant information as the Director may deem necessary.

17 **Sec. 24.** A person who, on the effective date of this act, is the  
18 holder of a valid license as a government applicator issued pursuant  
19 to NRS 555.2775, as that section existed before the effective date of  
20 this act, who is otherwise qualified to hold such a license on that  
21 date and who uses restricted-use pesticide in compliance with NRS  
22 555.2775, as that section existed before the effective date of this act,  
23 shall be deemed to hold a certificate to use restricted-use pesticides  
24 issued pursuant to NRS 555.357 until his or her license as a  
25 government applicator expires or is revoked, whichever occurs first.

26 **Sec. 25.** NRS 555.2642, 555.2643, 555.2688, 555.2771,  
27 555.2772, 555.2773, 555.2774 and 555.2775 are hereby repealed.

28 **Sec. 26.** This act becomes effective upon passage and  
29 approval.

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## LEADLINES OF REPEALED SECTIONS

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**555.2642** "Government applicator" defined.

**555.2643** "Governmental agency certificate" defined.

**555.2688** "Unlicensed employee" defined.

**555.2771** Governmental agency certificate.

**555.2772** License as government applicator.

**555.2773** Application for governmental agency certificate  
or license as government applicator.

**555.2774** Examination and qualifications of applicant for  
license as government applicator; testing fee established by  
regulation.



**555.2775 Issuance and renewal of license as government  
applicant; fee; written explanation of denial.**

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