

SENATE BILL NO. 488—COMMITTEE ON FINANCE
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Natural Resources

SUMMARY—Requires registration of veterinary biologic products sold in Nevada. (BDR 50-1164)

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 animals; requiring the registration of certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes with the State Department of Agriculture; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill requires any person wishing to sell animal remedies, veterinary
2 biologics and pharmaceuticals for veterinary purposes to register such products
3 with the State Department of Agriculture. **Section 8** of this bill exempts products
4 already registered pursuant to the Nevada Pesticides Act (NRS 586.010-586.450) or
5 the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136 et seq.),
6 from the provisions of this bill. **Section 9** of this bill establishes certain application
7 requirements for the registration of animal remedies, veterinary biologics and
8 veterinary pharmaceuticals with the Department and requires the Department to
9 establish by regulation an annual registration fee not to exceed \$75 for each
10 product. **Section 10** of this bill requires any fee collected for the registration of such
11 products to be deposited in the Agriculture Registration and Enforcement Account.
12 **Section 11** of this bill imposes a civil penalty on a person failing to register such
13 products not to exceed: (1) \$250 for a first offense; (2) \$500 for a second offense;
14 and (3) \$1,000 for each subsequent offense. Under **section 11**: (1) fifty percent of
15 the penalties collected must be used to fund a program to provide loans to persons
16 who are 21 years of age or less and who are engaged in agriculture; and (2) the
17 other 50 percent of the penalties collected must be deposited in the Account for the
18 Control of Weeds.



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

1 **Section 1.** Title 50 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 13, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 7, inclusive,*
6 *of this act have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Animal remedy” means any product used to prevent,*
8 *inhibit or cure a disease or enhance or protect the health or well-*
9 *being of animals. The term does not include food.*

10 **Sec. 4.** *“Department” means the State Department of*
11 *Agriculture.*

12 **Sec. 5.** *“Director” means the Director of the Department.*

13 **Sec. 6.** *“Pharmaceutical” means any product prescribed for*
14 *the treatment or prevention of disease for veterinary purposes,*
15 *including, but not limited to, vaccines, synthetic or natural*
16 *hormones, anesthetics, stimulants or depressants.*

17 **Sec. 7.** *“Veterinary biologic” means any biologic product*
18 *used for veterinary purposes, including, but not limited to,*
19 *antibiotics, antiparasitics, growth promotants or bioculture*
20 *products.*

21 **Sec. 8. 1.** *Except as otherwise provided in subsection 2, no*
22 *person shall sell, offer or expose for sale, or deliver to a user, an*
23 *animal remedy, veterinary biologic or pharmaceutical, in package*
24 *or in bulk, which has not been registered with the Department*
25 *pursuant to this chapter.*

26 **2.** *Any product registered pursuant to NRS 586.010 to*
27 *586.450, inclusive, or under the Federal Insecticide, Fungicide,*
28 *and Rodenticide Act, 7 U.S.C. §§ 136 et seq., are not subject to the*
29 *provisions of this chapter.*

30 **3.** *Except as otherwise provided by law, the manufacturer of*
31 *each brand of animal remedy, veterinary biologic and*
32 *pharmaceutical to be sold in this State, whether in package or in*
33 *bulk, shall register such products with the Department annually*
34 *pursuant to this chapter. A manufacturer who sells more than one*
35 *animal remedy, veterinary biologic or pharmaceutical in this State*
36 *may register all such products with one application.*

37 **Sec. 9. 1.** *An application for registration of an animal*
38 *remedy, veterinary biologic or pharmaceutical must be made on*
39 *forms provided by the Department and must be accompanied by an*
40 *annual registration fee for each animal remedy, veterinary*
41 *biologic and pharmaceutical, not to exceed \$75 as established by*
42 *regulation by the Department.*



- 1 **2. An application pursuant to subsection 1 must:**
2 **(a) Be filed on or before July 1 of each year; and**
3 **(b) Include a list of all animal remedies, veterinary biologics**
4 **and pharmaceuticals that the applicant intends to market during**
5 **the upcoming fiscal year.**

6 **Sec. 10. The Department shall deposit all fees collected**
7 **pursuant to this chapter in the Agriculture Registration and**
8 **Enforcement Account created by NRS 561.385.**

9 **Sec. 11. 1. Any person violating the provisions of this**
10 **chapter is subject to a civil penalty not to exceed:**

- 11 **(a) For a first offense, \$250.**
12 **(b) For a second offense, \$500.**
13 **(c) For a third or subsequent offense, \$1,000.**

14 **2. Of the money collected by the Department from a civil**
15 **penalty pursuant to subsection 1:**

- 16 **(a) Fifty percent of the money must be used to fund a program**
17 **selected by the Director that provides loans to persons who are**
18 **engaged in agriculture and who are 21 years of age or less; and**
19 **(b) The remaining 50 percent must be deposited in the Account**
20 **for the Control of Weeds created by NRS 555.035.**

21 **Sec. 12. The Director may apply for and accept any gift,**
22 **donation, bequest, grant or other source of money to carry out the**
23 **provisions of this chapter.**

24 **Sec. 13. The Director shall adopt such regulations as may be**
25 **necessary to carry out and enforce the provisions of this chapter.**

26 **Sec. 14. NRS 561.385 is hereby amended to read as follows:**
27 **561.385 1. The Agriculture Registration and Enforcement**
28 **Account is hereby created in the State General Fund for the use of**
29 **the Department.**

30 **2. The following fees must be deposited in the Agriculture**
31 **Registration and Enforcement Account:**

32 **(a) Fees collected pursuant to the provisions of sections 2 to**
33 **13, inclusive, of this act.**

34 **(b) Except as otherwise provided in NRS 586.270, fees collected**
35 **pursuant to the provisions of NRS 586.010 to 586.450, inclusive.**

36 ~~(b)~~ **(c) Fees collected pursuant to the provisions of chapter**
37 **588 of NRS.**

38 ~~(c)~~ **(d) Fees collected pursuant to the provisions of NRS**
39 **590.340 to 590.450, inclusive.**

40 ~~(d)~~ **(e) Laboratory fees collected for the testing of pesticides**
41 **as authorized by NRS 561.305, and as are necessary pursuant to the**
42 **provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to**
43 **586.450, inclusive.**

44 ~~(e)~~ **(f) Laboratory fees collected for the analysis and testing of**
45 **commercial fertilizers and agricultural minerals, as authorized by**



1 NRS 561.305, and as are necessary pursuant to the provisions of
2 chapter 588 of NRS.

3 ~~(f)~~ (g) Laboratory fees collected for the analysis and testing of
4 petroleum products or motor vehicle fuel, as authorized by NRS
5 561.305, and as are necessary pursuant to the provisions of NRS
6 590.010 to 590.150, inclusive.

7 ~~(e)~~ (h) Laboratory fees collected for the analysis and testing
8 of antifreeze, as authorized by NRS 561.305, and as are necessary
9 pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

10 3. Expenditures from the Agriculture Registration and
11 Enforcement Account may be made to carry out the provisions of
12 this chapter, NRS 555.2605 to 555.460, inclusive, or chapters 586,
13 588 and 590 of NRS , *or sections 2 to 13, inclusive, of this act* or
14 for any other purpose authorized by the Legislature.

15 **Sec. 15.** This act becomes effective:

- 16 1. Upon passage and approval for the purpose of adopting
17 regulations and performing any other preparatory administrative
18 tasks that are necessary to carry out the provisions of this act; and
19 2. On July 1, 2015, for all other purposes.

