

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 27, 32, 35)

(Reprinted with amendments adopted on April 20, 2015)

FIRST REPRINT

S.B. 495

SENATE BILL NO. 495—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to commercial animal feed. (BDR 51-1165)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

~

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

AN ACT relating to agriculture; requiring the licensing of manufacturers, distributors and guarantors of commercial animal feed by the State Department of Agriculture; requiring a licensee to submit certain fees and reports to the Department on a quarterly basis; creating the Commercial Feed Account in the State General Fund; authorizing the Department to conduct certain inspections and audits; establishing labeling requirements for commercial animal feed manufactured, distributed or guaranteed in this State; prohibiting the misbranding, adulteration or reuse of packaging of commercial feed; requiring the Department to publish certain information on an annual basis; making various other changes relating to commercial feed; requiring the Department to establish fees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes certain requirements for the labeling of commercial
2 feed for livestock in this State. (NRS 587.690) This bill repeals the existing
3 provisions of law relating to labeling of commercial feed and enacts new provisions
4 relating to commercial feed.

5 **Section 26** of this bill provides that it is unlawful for a person to manufacture,
6 distribute or act as a guarantor of commercial feed in this State without a license



* S B 4 9 5 R 1 *

7 issued by the State Department of Agriculture. **Section 27** of this bill establishes
8 certain requirements to obtain such a license.

9 **Section 32** of this bill requires each licensee to submit to the Department on a
10 quarterly basis certain fees and a report that includes a statement of the amount of
11 commercial feed manufactured, distributed or guaranteed, as applicable, by the
12 licensee in the immediately preceding calendar quarter.

13 **Section 33** of this bill creates the Commercial Feed Account in the State
14 General Fund and sets forth permissible uses of money in the Account.

15 **Sections 34-36** of this bill authorize a representative of the Department to
16 conduct certain inspections or audits related to commercial feed.

17 **Section 37** of this bill sets forth requirements for labeling of commercial feed.

18 **Section 38** of this bill prohibits misbranding commercial feed and sets forth the
19 circumstances in which commercial feed is deemed to be misbranded. **Section 39**
20 of this bill prohibits the adulteration of commercial feed and sets forth the
21 circumstances in which commercial feed is deemed to be adulterated. **Section 40**
22 generally prohibits the reuse of packaging of commercial feed.

23 **Section 41** of this bill imposes a civil penalty on a person who violates any of
24 the provisions of this bill and any regulations adopted pursuant thereto relating to
25 commercial animal feed, in an amount not to exceed: (1) for a first offense, \$250;
26 (2) for a second offense, \$500; and (3) for a third or subsequent offense, \$1,000.

27 **Section 42** of this bill requires the Department to publish annually certain
28 information relating to commercial feed.

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 14 to 44, inclusive, of this
3 act.

4 **Sec. 2.** (Deleted by amendment.)

5 **Sec. 3.** (Deleted by amendment.)

6 **Sec. 4.** (Deleted by amendment.)

7 **Sec. 5.** (Deleted by amendment.)

8 **Sec. 6.** (Deleted by amendment.)

9 **Sec. 7.** (Deleted by amendment.)

10 **Sec. 8.** (Deleted by amendment.)

11 **Sec. 9.** (Deleted by amendment.)

12 **Sec. 10.** (Deleted by amendment.)

13 **Sec. 11.** (Deleted by amendment.)

14 **Sec. 12.** (Deleted by amendment.)

15 **Sec. 13.** (Deleted by amendment.)

16 **Sec. 14.** *As used in sections 14 to 44, inclusive, of this act,*
17 *unless the context otherwise requires, the words and terms defined*
18 *in sections 15 to 24, inclusive, of this act have the meanings*
19 *ascribed to them in those sections.*

20 **Sec. 15. 1.** *“Commercial feed” means all materials or*
21 *combinations of materials which are distributed or intended for*
22 *distribution for use as feed or for mixing in feed. The term*



1 *includes, without limitation, pet food, specialty pet food and*
2 *mineral feed.*

3 2. *The term does not include:*

4 (a) *Unmixed whole seeds, including, without limitation,*
5 *unmixed whole seeds which are physically altered, if such seeds*
6 *are not chemically changed or adulterated.*

7 (b) *Commodities, including, without limitation, hay, straw,*
8 *stover, silage, cobs, husks and hulls and individual chemical*
9 *compounds and substances if those commodities, compounds or*
10 *substances are not intermixed, mixed with other materials or*
11 *adulterated.*

12 **Sec. 16. “Distribute” means:**

13 1. *To offer for sale, sell, exchange or barter commercial feed;*
14 *or*

15 2. *To supply, furnish or otherwise provide commercial feed to*
16 *a contract feeder.*

17 **Sec. 17. “Drug” means any substance or article other than**
18 **feed that is intended:**

19 1. *For use in the diagnosis, cure, mitigation, treatment or*
20 *prevention of disease in an animal; or*

21 2. *To affect the structure or any function of an animal’s*
22 *body.*

23 **Sec. 18. “Guarantor” means the person who is indicated on**
24 **the label of commercial feed as having verified the accuracy of the**
25 **information contained on the label relating to the ingredients,**
26 **substances and elements contained in the commercial feed.**

27 **Sec. 19. “Label” means any written, printed or graphic**
28 **representation:**

29 1. *On or affixed to the container in which commercial feed is*
30 *distributed; or*

31 2. *On the invoice or delivery slip accompanying commercial*
32 *feed.*

33 **Sec. 20. “Licensee” means a person who has obtained a**
34 **license pursuant to section 26 of this act.**

35 **Sec. 21. “Manufacture” means to grind, mix, blend or**
36 **further process commercial feed for distribution.**

37 **Sec. 22. “Mineral feed” means commercial feed primarily**
38 **intended to supply mineral elements or inorganic nutrients.**

39 **Sec. 23. “Pet food” means any commercial feed prepared**
40 **and distributed for consumption by domesticated dogs or cats.**

41 **Sec. 24. “Specialty pet food” means any commercial feed**
42 **prepared and distributed for consumption by any domesticated**
43 **animal kept primarily for personal enjoyment, other than a dog or**
44 **cat.**



1 **Sec. 25. 1.** *The provisions of sections 14 to 44, inclusive, of*
2 *this act do not apply to customer-formula feed, or a manufacturer,*
3 *distributor or guarantor thereof, or a contract feeder.*

4 **2.** *As used in this section:*

5 **(a)** *“Contract feeder” means a person who as an independent*
6 *contractor feeds commercial feed to animals pursuant to a*
7 *contract whereby the commercial feed is supplied, furnished or*
8 *otherwise provided to the person and whereby the person’s*
9 *remuneration is determined in whole or in part by feed*
10 *consumption, mortality, profits or the amount or quality of the*
11 *product.*

12 **(b)** *“Customer-formula feed” means commercial feed which*
13 *consists of a mixture of commercial feeds or ingredients, each*
14 *batch of which is manufactured according to the specific*
15 *instructions of the final purchaser.*

16 **Sec. 26. 1.** *Except as otherwise provided in subsection 2:*

17 **(a)** *It is unlawful for a person to manufacture, distribute or act*
18 *as a guarantor of commercial feed in this State unless the person*
19 *has been issued by the Department a license pursuant to section*
20 *28 of this act; and*

21 **(b)** *A person who manufactures, distributes or acts as a*
22 *guarantor of commercial feed must obtain a license from the*
23 *Department for each facility in this State:*

24 **(1)** *Where he or she intends to manufacture or distribute*
25 *commercial feed.*

26 **(2)** *For which he or she is a guarantor of any or all of the*
27 *commercial feed that is manufactured at or distributed from the*
28 *facility.*

29 **2.** *A person is not required to obtain a license pursuant to*
30 *subsection 1 if he or she conducts only retail sales of commercial*
31 *feed and the packaging of the commercial feed includes a label*
32 *indicating that the commercial feed is from a manufacturer or*
33 *distributor who is licensed pursuant to subsection 1.*

34 **Sec. 27. 1.** *A person applying for a license to manufacture,*
35 *distribute or be a guarantor of commercial feed must:*

36 **(a)** *File an application with the Department on a form*
37 *prescribed and furnished by the Department; and*

38 **(b)** *Pay the fee for the issuance of a license established by the*
39 *Department pursuant to subsection 2.*

40 **2.** *The Department shall establish a fee for the issuance and*
41 *annual renewal of a license required by section 26 of this act in an*
42 *amount not to exceed \$75.*

43 **3.** *A license expires on December 31 of each year. An*
44 *application to renew a license must be received by the Department*
45 *on or before December 31 of each year. If a licensee submits an*



1 *application for renewal after December 31 of the year in which the*
2 *license expires, the licensee must pay a late fee of \$20 in addition*
3 *to the annual license fee established by the Department pursuant*
4 *to subsection 2.*

5 **Sec. 28.** *1. Except as otherwise provided in subsection 2*
6 *and section 29 of this act, the Department shall issue a license to*
7 *or renew the license of an applicant who files with the Department*
8 *a complete application and pays the fee established by the*
9 *Department pursuant to section 27 of this act.*

10 *2. The Department may refuse to issue or renew or may*
11 *suspend, revoke or place conditions on a license for a violation of*
12 *any provision of sections 14 to 44, inclusive, of this act, but no*
13 *license may be refused, suspended or revoked or have conditions*
14 *imposed upon its issuance pursuant to this section until the*
15 *Department has provided the applicant or licensee an opportunity*
16 *for a hearing.*

17 **Sec. 29.** *1. In addition to any other requirements set forth*
18 *in this chapter, an applicant for the issuance or renewal of a*
19 *license required by section 26 of this act shall:*

20 *(a) Include the social security number of the applicant in the*
21 *application submitted to the Department.*

22 *(b) Submit to the Department the statement prescribed by the*
23 *Division of Welfare and Supportive Services of the Department of*
24 *Health and Human Services pursuant to NRS 425.520. The*
25 *statement must be completed and signed by the applicant.*

26 *2. The Department shall include the statement required by*
27 *subsection 1 in:*

28 *(a) The application or any other forms that must be submitted*
29 *for the issuance or renewal of the license; or*

30 *(b) A separate form prescribed by the Department.*

31 *3. A license must not be issued or renewed by the Department*
32 *if the applicant:*

33 *(a) Fails to submit the statement required by subsection 1; or*

34 *(b) Indicates on the statement that the applicant is subject to a*
35 *court order for the support of a child and is not in compliance*
36 *with the order or a plan approved by the district attorney or other*
37 *public agency enforcing the order for the repayment of the*
38 *amount owed pursuant to the order.*

39 *4. If an applicant indicates on the statement submitted*
40 *pursuant to subsection 1 that the applicant is subject to a court*
41 *order for the support of a child and is not in compliance with the*
42 *order or a plan approved by the district attorney or other public*
43 *agency enforcing the order for the repayment of the amount owed*
44 *pursuant to the order, the Department shall advise the applicant to*
45 *contact the district attorney or other public agency enforcing the*



1 order to determine the actions that the applicant may take to
2 satisfy the arrearage.

3 **Sec. 30. 1.** *If the Department receives a copy of a court*
4 *order issued pursuant to NRS 425.540 that provides for the*
5 *suspension of all professional, occupational and recreational*
6 *licenses, certificates and permits issued to a licensee, the*
7 *Department shall deem the license issued to that person to be*
8 *suspended at the end of the 30th day after the date on which the*
9 *court order was issued unless the Department receives a letter*
10 *issued to the licensee by the district attorney or other public*
11 *agency pursuant to NRS 425.550 stating that the licensee has*
12 *complied with the subpoena or warrant or has satisfied the*
13 *arrearage pursuant to NRS 425.560.*

14 **2.** *The Department shall reinstate a license that has been*
15 *suspended by a district court pursuant to NRS 425.540 if the*
16 *Department receives a letter issued by the district attorney or other*
17 *public agency pursuant to NRS 425.550 to the person whose*
18 *license was suspended stating that the person whose license was*
19 *suspended has complied with the subpoena or warrant or has*
20 *satisfied the arrearage pursuant to NRS 425.560.*

21 **Sec. 31. 1.** *In addition to any other requirements set forth*
22 *in this chapter, an applicant for the renewal of a license required*
23 *by section 26 of this act must indicate in the application submitted*
24 *to the Department whether the applicant has a state business*
25 *license. If the applicant has a state business license, the applicant*
26 *must include in the application the state business license number*
27 *assigned by the Secretary of State upon compliance with the*
28 *provisions of chapter 76 of NRS.*

29 **2.** *A license may not be renewed by the Department if:*

30 (a) *The applicant fails to submit the information required by*
31 *subsection 1; or*

32 (b) *The State Controller has informed the Department*
33 *pursuant to subsection 5 of NRS 353C.1965 that the applicant*
34 *owes a debt to an agency that has been assigned to the State*
35 *Controller for collection and the applicant has not:*

36 (1) *Satisfied the debt;*

37 (2) *Entered into an agreement for the payment of the debt*
38 *pursuant to NRS 353C.130; or*

39 (3) *Demonstrated that the debt is not valid.*

40 **3.** *As used in this section:*

41 (a) *“Agency” has the meaning ascribed to it in NRS 353C.020.*

42 (b) *“Debt” has the meaning ascribed to it in NRS 353C.040.*

43 **Sec. 32. 1.** *Each licensee shall submit to the Department on*
44 *or before the end of each calendar quarter:*



1 (a) A report that includes, without limitation, a statement of
2 the amount of commercial feed manufactured, distributed or
3 guaranteed, as applicable, by the licensee in this State during the
4 preceding calendar quarter; and

5 (b) The quarterly fee in the amount required pursuant to
6 subsection 2.

7 2. Except as otherwise provided in subsection 3, the amount
8 of the quarterly fee that a licensee must pay is the greater of:

9 (a) Five dollars; or

10 (b) The fee established by the Department by regulation to be
11 paid per ton of commercial feed manufactured, distributed or
12 guaranteed, as applicable, in this State, which may not exceed 15
13 cents per ton.

14 ↪ If a licensee does not submit the amount required pursuant to
15 this subsection on or before 15 days after the date on which it is
16 due, the licensee must submit, in addition to that amount, a late
17 fee in the amount of 50 percent of the amount due.

18 3. A licensee is not required to submit the fees required
19 pursuant to subsection 2 for commercial feed if another licensee
20 has submitted the required fees for the same commercial feed. The
21 Department shall adopt regulations specifying the circumstances
22 under which a licensee is not required to pay fees pursuant to this
23 subsection.

24 4. Each licensee shall maintain records sufficient to verify
25 that the information contained in a report submitted pursuant to
26 subsection 1 is complete and accurate.

27 5. A report submitted pursuant to subsection 1 is a public
28 record.

29 **Sec. 33.** 1. All fees received pursuant to sections 27 and 32
30 of this act must be deposited in the Commercial Feed Account,
31 which is hereby created in the State General Fund. The Director
32 shall administer the Account. The money in the Account must be
33 expended only to pay for the costs to the Department for
34 administering the provisions of sections 14 to 44, inclusive, of this
35 act, including, without limitation, the costs of inspection, sampling
36 and analysis of commercial feed.

37 2. The interest and income earned on the money in the
38 Account, after deducting any applicable charges, must be credited
39 to the Account. Money that remains in the Account at the end of
40 the fiscal year does not revert to the State General Fund, and the
41 balance in the Account must be carried forward to the next fiscal
42 year.

43 **Sec. 34.** 1. After showing proper credentials, a
44 representative of the Department may, during normal business
45 hours, enter and inspect:



1 (a) Any building, factory, warehouse or other facility in this
2 State where commercial feed is manufactured, processed,
3 packaged or held for distribution;

4 (b) Any records, equipment, materials, containers and labels
5 located in a building, factory, warehouse or other facility in this
6 State where commercial feed is manufactured, processed,
7 packaged or held for distribution; and

8 (c) Any vehicle used to transport or hold commercial feed,
9 ↪ for purposes of determining compliance with sections 14 to 44,
10 inclusive, of this act, and any regulations adopted by the
11 Department pursuant thereto.

12 2. An inspection conducted pursuant to subsection 1 must be
13 conducted and completed in a reasonable manner.

14 3. A representative of the Department who conducts an
15 inspection pursuant to this section:

16 (a) May obtain samples of any commercial feed, ingredient,
17 substance or element. If a representative obtains such a sample,
18 the representative must provide the owner, operator or authorized
19 agent of the building, factory, warehouse, facility or vehicle being
20 inspected with a receipt describing all samples that were obtained.

21 (b) May enter any public or private part of the building,
22 factory, warehouse, facility or vehicle being inspected.

23 (c) Must inform the owner, operator or authorized agent of the
24 building, factory, warehouse, facility or vehicle being inspected
25 when the inspection is completed.

26 4. Every sample obtained by a representative pursuant to
27 subsection 3 must be tested in accordance with methods published
28 by the AOAC International, or its successor organization, or any
29 other generally recognized method.

30 5. If the owner, operator or authorized agent refuses to allow
31 an inspector of the Department to inspect the building, factory,
32 warehouse, facility or vehicle, as applicable, the Department may
33 obtain a search warrant from any court of competent jurisdiction
34 to enter the premises and conduct the inspection.

35 **Sec. 35.** The Department may:

36 1. Inspect or audit any licensee at the request of the licensee.

37 2. Establish a schedule of fees for the costs of the inspection
38 or audit.

39 **Sec. 36.** 1. If the Director or a representative of the
40 Department has reasonable cause to believe that any commercial
41 feed does not comply with the provisions of sections 14 to 44,
42 inclusive, of this act, the Director or a representative of the
43 Department may issue an order that:



1 (a) Prohibits the licensee from disposing of the lot of
2 commercial feed until written permission is provided by the
3 Director; and

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

6 2. If the Director or representative of the Department
7 determines that the commercial feed:

8 (a) Complies with the provisions of sections 14 to 44, inclusive,
9 of this act, the Director or representative of the Department must
10 immediately rescind the order issued pursuant to paragraph (a) of
11 subsection 1.

12 (b) Does not comply with the provisions of sections 14 to 44,
13 inclusive, of this act, the Director or representative of the
14 Department must provide to the licensee an explanation of how
15 the commercial feed does not comply with the provisions of
16 sections 14 to 44, inclusive, of this act. If the licensee does not
17 demonstrate compliance with the provisions of sections 14 to 44,
18 inclusive, of this act within 30 days after receipt of the
19 explanation, the Director must begin proceedings to condemn the
20 lot of commercial feed pursuant to the requirements established by
21 the Department.

22 **Sec. 37. 1. Commercial feed must have a label which**
23 **includes:**

24 (a) The quantity of the commercial feed by weight, liquid
25 measure or count.

26 (b) The product name and brand name, if any, under which
27 the commercial feed is distributed.

28 (c) The analysis, in the form and manner prescribed by the
29 Department, of substances and elements included in the
30 commercial feed.

31 (d) An ingredient list with the common or usual name of each
32 ingredient used in the commercial feed. The Department may:

33 (1) Provide for the use of a collective term on the ingredient
34 list for a group of ingredients which perform a similar function.

35 (2) Exempt certain commercial feed from the requirement
36 to include an ingredient list on the label if the Department
37 determines that such a list is not necessary for the interests of
38 consumers.

39 (e) The name and principal mailing address of the
40 manufacturer and distributor of the commercial feed.

41 (f) If applicable, directions for the use of commercial feed
42 that:

43 (1) Contains a drug; or

44 (2) Requires directions for the safe and effective use
45 thereof.



1 (g) Any other statement that is required by the Department.

2 2. The Department may request that an applicant for a
3 license or a licensee provide to the Department copies of any label
4 for commercial feed which the person manufactures or distributes.

5 3. As used in this section:

6 (a) "Brand name" means any word, symbol or device, or any
7 combination thereof, used to identify and distinguish the
8 commercial feed of one manufacturer or distributor from another.

9 (b) "Product name" means the name which identifies the kind,
10 class or specific use of commercial feed and distinguishes the
11 commercial feed from other products bearing the same brand
12 name.

13 **Sec. 38.** 1. It is unlawful for a person to misbrand
14 commercial feed.

15 2. For the purposes of subsection 1, commercial feed is
16 misbranded if:

17 (a) The label on the commercial feed does not meet the
18 requirements set forth in section 37 of this act or is false or
19 misleading;

20 (b) Any word, statement or other information required to
21 appear on the label pursuant to section 37 of this act is:

22 (1) Not prominently or conspicuously displayed on the
23 label; or

24 (2) Written in a way that is likely to be misunderstood by a
25 person under the conditions of customary purchase and use; or

26 (c) The commercial feed is distributed under the name of a
27 different commercial feed.

28 **Sec. 39.** 1. It is unlawful for a person to adulterate
29 commercial feed.

30 2. For the purposes of subsection 1, commercial feed is
31 adulterated if:

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

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

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

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

43 (1) The raw agricultural commodity has been processed
44 using a method such as canning, cooking, freezing, dehydrating or
45 milling;



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

3 (3) *The concentration of the pesticide in the commercial*
4 *feed is not greater than the tolerance prescribed for the raw*
5 *agricultural commodity; and*

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

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

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

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

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

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

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

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

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

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

36 (n) *It contains a drug and the methods, facilities or controls*
37 *used to manufacture, process or package the commercial feed do*
38 *not conform to current practices of good manufacturing, unless*
39 *the Department determines that such a practice is not appropriate*
40 *for use in this State; or*

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



1 **Sec. 40.** *It is unlawful for a person to reuse any packaging,*
2 *including, without limitation, a bag or tote for commercial feed,*
3 *unless the packaging is cleaned pursuant to the methods*
4 *prescribed by the Department.*

5 **Sec. 41.** 1. *A person who violates the provisions of sections*
6 *14 to 44, inclusive, of this act, or any regulation adopted pursuant*
7 *thereto, is subject to a civil penalty not to exceed:*

8 (a) *For a first offense, \$250.*

9 (b) *For a second offense, \$500.*

10 (c) *For a third or subsequent offense, \$1,000.*

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

13 (a) *Fifty percent of the money must be used to fund a program*
14 *selected by the Director that provides loans to persons who are*
15 *engaged in agriculture and who are 21 years of age or younger;*
16 *and*

17 (b) *The remaining 50 percent of the money must be deposited*
18 *in the Account for the Control of Weeds established by*
19 *NRS 555.035.*

20 **Sec. 42.** *The Department shall publish annually:*

21 1. *Except as otherwise provided in this subsection,*
22 *information concerning the sale of commercial feed and any data*
23 *related to the production and use of commercial feed in this State.*
24 *The Department shall not publish any information that discloses*
25 *confidential or proprietary information regarding the operations*
26 *of any manufacturer, distributor, guarantor or other person.*

27 2. *A report of the results of tests performed on samples of*
28 *commercial feed obtained pursuant to section 34 of this act.*

29 **Sec. 43.** *The Department may cooperate with and enter into*
30 *an agreement with any person or federal or state agency for the*
31 *purposes of carrying out the provisions of sections 14 to 44,*
32 *inclusive, of this act.*

33 **Sec. 44.** *The Department may adopt regulations to carry out*
34 *the provisions of sections 14 to 44, inclusive, of this act.*

35 **Sec. 45.** NRS 587.670, 587.680 and 587.690 are hereby
36 repealed.

37 **Sec. 46.** 1. This act becomes effective:

38 (a) Upon passage and approval for the purpose of adopting
39 regulations and performing any other preparatory administrative
40 tasks that are necessary to carry out the provisions of this act; and

41 (b) On January 1, 2016, for all other purposes.

42 2. Sections 29 and 30 of this act expire by limitation on the
43 date on which the provisions of 42 U.S.C. § 666 requiring each state
44 to establish procedures under which the state has authority to



- 1 withhold or suspend, or to restrict the use of professional,
- 2 occupational and recreational licenses of persons who:
- 3 (a) Have failed to comply with a subpoena or warrant relating to
- 4 a proceeding to determine the paternity of a child or to establish or
- 5 enforce an obligation for the support of a child; or
- 6 (b) Are in arrears in the payment for the support of one or more
- 7 children,
- 8 ➔ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

587.670 Definitions. As used in this section and NRS 587.680 and 587.690:

1. "Commercial feed" means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock except that the Director by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 commodities including hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed or mixed with other materials.

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

3. "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

4. "Livestock" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All rabbits of the genus *oryctolagus*.

(g) All sheep or animals of the ovine species.

587.680 Adoption of rules and regulations. The Director may adopt such rules and regulations for commercial feed for



livestock as are necessary for the efficient enforcement of the provisions of NRS 587.690. Regulations must include, but are not limited to:

1. Methods of labeling;
2. Descriptions or statements of the ingredients or the effects thereof;
3. Directions for use for all feed containing drugs; and
4. Warning or caution statements necessary for the safe and effective use of the commercial feed.

587.690 Requirements for labels; information to be furnished to purchaser; exceptions.

1. It is unlawful to sell, offer to sell or distribute in this state any commercial feed for livestock unless each container in which it is marketed bears a descriptive label or tag stating:

- (a) The net weight of the commercial feed;
- (b) The commonly recognized or official name of each ingredient used in its manufacture; and
- (c) The guaranteed analysis of crude protein, crude fat, crude fiber and, except as otherwise provided in subsection 2, of minerals and vitamins.

2. Minerals need not be guaranteed if mineral elements are less than 6 1/2 percent and no claim is made on the label. Vitamins need not be guaranteed if the commercial feed is neither formulated nor represented in any manner as a vitamin supplement.

3. Each delivery of commercial feed for livestock in bulk shall be accompanied by an invoice or delivery slip containing the information required by subsection 1, except that in the case of repeated bulk deliveries of the same ingredients, only the first invoice or delivery slip is required to contain this information.

4. This section does not apply to customer-formula feeds or to contract feeders.



