

For consideration of the Nevada Board of Agriculture

This language is to be considered by the Board of Agriculture with public input. The Board will make a determination of whether to recommend to the Director to forward these proposed changes to the Office of the Governor for his consideration. Should the repeal/modification of regulations be determined to be warranted, the process of conducting workshops and hearings will be carried out.

EXPLANATION – Language in red strike through (ex. ~~Lorem ipsum~~) is language for consideration to be repealed. Language in *blue italics* language for consideration of addition.

~~**NAC 590.054—Chemical composition of gases by mass spectrometry: Adoption by reference of standard test method; restrictions on hydrogen sold or supplied in State. (NRS 561.105, 590.070, 590.100)**~~

~~1.—The State Board of Agriculture hereby adopts by reference the most recent version of ASTM D2650, “Standard Test Method for Chemical Composition of Gases By Mass Spectrometry,” set forth in the Annual Book of ASTM Standards published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. The standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$52.~~

~~2.—A person shall not sell, offer for sale, supply or offer to supply in this State any hydrogen that is intended for use in a vehicle if the hydrogen, after it is analyzed in accordance with ASTM D2650, contains:~~

~~(a) Less than 98 percent per mole of hydrogen;~~

~~(b) Less than 99.9 percent per mole of any combination of hydrogen, water and oxygen; or~~

~~(c) More than 0.01 percent per mole of total hydrocarbons.~~

~~3.—Any hydrogen specified in subsection 2 must not contain any dust, sand, dirt, gum, oil or other substance in an amount which may damage any equipment located at a fueling station or a vehicle being fueled at that station. If the hydrogen is introduced in gaseous form into a vehicle's system for storing fuel, the hydrogen under ambient conditions must have a distinctive odor which may be detected in a concentration in air of not more than one-fifth of the lower limit of flammability.~~

~~(Added to NAC by Bd. of Agriculture by R064-01, eff. 12-17-2001; A by R106-10, 2-20-2013; R094-15, 4-4-2016; R080-20, 12-29-2020)~~

~~NAC 576.110~~ *“Alternative livestock” defined. (NRS 576.129)* *“Alternative livestock” has the meaning ascribed to it in NRS 501.003.*

~~NAC 576.200~~ *Prerequisites to importation. (NRS 576.129)* *A person shall not import any alternative livestock into this State unless:*

- ~~1.—The person holds a permit for those alternative livestock which describes their destination in this State.~~
- ~~2.—Each animal is identified by an identification device and entry number.~~
- ~~3.—The person holds a health certificate for each animal which identifies the animal by its identification device and entry number and which contains:
 - ~~(a) The dates and results of the tests required by this section;~~
 - ~~(b) The certifications required by this section; and~~
 - ~~(c) Any other information required by the Department.~~~~
- ~~4.—Each animal is certified by a veterinarian as having originated from a herd that, for the 12 months before the entry of the animal into this State:
 - ~~(a) Has been free from tuberculosis and brucellosis; and~~
 - ~~(b) Is not known to have been exposed to infection by Mycobacterium johnes or Parelaphostrongylus tenuis.~~~~
- ~~5.—Each animal which is 6 months of age or older is certified by a veterinarian as having reacted negatively, within 30 days before its entry into this State, to:
 - ~~(a) Two official tests for brucellosis, including a complement fixation test; and~~
 - ~~(b) An official single cervical test for tuberculosis.~~~~
- ~~6.—If the alternative livestock are Rocky Mountain elk (Cervus elaphus nelsoni), each animal is certified not to be a hybrid with any other cervid species or subspecies by a laboratory for genetic testing which is recognized by the Administrator of the Division of Animal Industry of the Department. To issue the certification, the laboratory must use the most recent and scientifically accepted genetic tests available.~~
- ~~7.—Except as otherwise provided in this subsection, if the alternative livestock are Rocky Mountain elk (Cervus elaphus nelsoni), a veterinarian certifies that each animal originates from a herd which is participating in an official program for monitoring chronic wasting disease and that chronic wasting disease has not been diagnosed in that herd for the 5 years immediately preceding the date the alternative livestock are imported into this State. The Administrator of the Division of Animal Industry of the Department may waive the requirements of this subsection if an official ante mortem test for chronic wasting disease is available on or before the date the alternative livestock are imported into this State and each animal tests negative for chronic wasting disease using that test.~~

~~NAC 576.210 — Permits: Application; prerequisites to issuance; expiration; fees. (NRS 576.129)~~

- ~~1.— An application for a permit must be obtained from the State Department of Agriculture, P.O. Box 11100, Reno, Nevada 89510.~~
 - ~~2.— A permit will be issued to each person:
 - ~~(a) Who submits to the Department:
 - ~~(1) A completed application;~~
 - ~~(2) An application fee of \$200; and~~
 - ~~(3) Any fees imposed pursuant to paragraph (b).~~~~
 - ~~(b) Whose facilities to confine the alternative livestock pass an inspection by the Department to ensure the person's compliance with NAC 576.250. The Department shall charge:
 - ~~(1) No fee for its initial inspection of those facilities; and~~
 - ~~(2) A fee of \$100 for each additional inspection of those facilities.~~~~~~
- ~~3.— A permit expires on January 1 unless renewed on or before that date. The fee for renewal is \$100.~~

~~NAC 576.220 — Permits: Revocation. (NRS 576.129)~~

- ~~1.— The Board may revoke a permit if the holder of the permit fails to comply with any term or condition of the permit.~~
- ~~2.— Notice of the revocation must be given to the holder of the permit personally, or by registered mail sent to his or her last known address. If the notice is given by registered mail, it shall be deemed received by the holder of the permit on the date 14 days after it is mailed.~~
- ~~3.— The holder of a revoked permit:
 - ~~(a) Shall, not later than 30 days after receiving notice of the revocation, dispose of any alternative livestock he or she held under the authority of that permit.~~
 - ~~(b) Shall not abandon, release, sell or transport any alternative livestock he or she held under the authority of that permit without the prior written permission of the Board.~~~~

~~NAC 576.230 — Identification of animals; loss of identification device. (NRS 576.129)~~ — The holder of a permit shall:

- ~~1.— Ensure that each of the alternative livestock the holder of the permit possesses in this State under the authority of that permit is identified by an identification device. Each of the progeny of the alternative livestock must be identified by an identification device within 60 days after its birth.~~
- ~~2.— Report the loss of an identification device to the Department within 48 hours after the holder of the permit discovers the loss, and identify the animal with another identification device within 7 days after making that report.~~

~~**NAC 576.240 — Maintenance, retention and availability of records. (NRS 576.129)** — The holder of a permit shall:~~

- ~~1. — Maintain, on a form approved by the Department, a current monthly record of the total inventory of his or her herd of alternative livestock. The record must identify each animal by its identification device and note:
 - ~~(a) — The sex of each animal;~~
 - ~~(b) — The date of birth of any progeny;~~
 - ~~(c) — The date and source of each addition to the herd;~~
 - ~~(d) — The removal of any animals from the herd;~~
 - ~~(e) — The death of any animals in the herd; and~~
 - ~~(f) — The replacement of any lost identification devices.~~~~
- ~~2. — Retain the record for not less than 3 years.~~
- ~~3. — Make the record available for inspection upon request by a representative of the Board.~~

~~**NAC 576.250 — Maintenance of facilities for confinement. (NRS 576.129)** — The holder of a permit shall maintain the following facilities to confine his or her alternative livestock:~~

- ~~1. — An enclosure, with a restraining device, for the safe and humane restraint of individual animals; and~~
- ~~2. — An enclosure with a perimeter fence that meets the following requirements:
 - ~~(a) — For Rocky Mountain elk (*Cervus elaphus nelsoni*), the top of the fence must be not less than 8 feet above the ground. At least the bottom 7 feet of the fence must be constructed of smooth woven high tensile mesh wire, which is no smaller than 12 1/2 gauge, with vertical spacing that does not exceed 6 inches. The top foot of the fence may be constructed of strands of smooth high tensile wire, which are no smaller than 12 1/2 gauge and spaced not more than 6 inches apart.~~
 - ~~(b) — For Fallow deer (*Dama dama*) and reindeer (*Rangifer tarandus*), the top of the fence must be not less than 7 feet above the ground. At least the bottom 6 feet of the fence must be constructed of smooth woven high tensile mesh wire, which is no smaller than 12 1/2 gauge, with vertical spacing that does not exceed 6 inches. The top foot of the fence may be constructed of strands of smooth high tensile wire, which are no smaller than 12 1/2 gauge and spaced not more than 6 inches apart.~~
 - ~~(c) — The fence posts must be:
 - ~~(1) — Constructed of wood with a diameter of not less than 4 inches, or an equivalent strength of steel;~~
 - ~~(2) — Extended from not less than 3 feet below the ground to the full height of the fence; and~~
 - ~~(3) — Spaced not more than 24 feet apart.~~~~
 - ~~(d) — The posts for corners and gates must be:
 - ~~(1) — Constructed of wood with a diameter of not less than 6 inches, or an equivalent strength of steel; and~~
 - ~~(2) — Extended from not less than 3 feet below the ground to the full height of the fence.~~~~
 - ~~(e) — Each gate must be of the same height as the fence, constructed of a material whose strength is equivalent to the fence and secured by a latching device and padlock.~~
 - ~~(f) — The fence must be maintained at all times in such a manner as to prevent the escape of alternative livestock.~~~~

~~**NAC 576.260 — Reporting of escapes and infections. (NRS 576.129) — The holder of a permit shall, immediately after discovering that any of the alternative livestock he or she holds under the authority of that permit has escaped or become infected with any disease, report the escape or infection to the Department.**~~

NAC 576.340 Inspection of site indicated on application to verify production or storage of agricultural product; exceptions. ([NRS 561.301](#), [576.128](#))

1. Except as otherwise provided in subsection 2 or [NAC 576.353](#) or [576.356](#), before approving an application for a certified producer's certificate, an amended certified producer's certificate or a renewed certified producer's certificate, the Department, or an authorized representative of the Department, will inspect the site that is indicated on the application to verify the production of each agricultural product that is listed on the application or the existence in storage of each agricultural product that is listed on the application which has been harvested or produced, or both.
2. The Department may, in its discretion, waive the inspection required pursuant to subsection 1 for a certified producer of an agricultural product that is not meant for human consumption.
- 3. The Department may, in its discretion, allow for alternative confirmations of site production and waive the on-site inspection.***

(Added to NAC by Div. of Agriculture by R097-98, eff. 12-14-98; A by Dep't of Agriculture by R125-05, 10-31-2005; R086-15, 3-10-2016; R146-16, 1-27-2017)