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**Statutory changes from the 81<sup>st</sup> Legislative Session impacting food and agriculture industries**

The 81<sup>st</sup> Nevada Legislative Session adjourned on June 1, 2021 with the passage of 20 bills relating to the Nevada Department of Agriculture (NDA). Below is a full list of statutory changes impacting food and agriculture industries.

**Assembly Bills (AB)**

AB31 – Revises provisions governing the Nevada Petroleum Products Inspection Act

Proposed by NDA

*Industries impacted: All agriculture industries, trucking, aviation*

- Requires the Nevada State Board of Agriculture to adopt standards for diesel exhaust fluid, aviation fuel, petroleum heating products and provisions for storage and disposal of petroleum products, transferring the responsibility from the State Sealer of Consumer Equitability.
- Makes it unlawful for any person to prohibit any officer, agent or employee of the NDA to perform their duties as outlined in NRS 590.100.

[Read the full bill here.](#)

AB34 – Revises the provisions governing control of pests, noxious weeds and pesticides

Proposed by NDA

*Industries impacted: All agriculture industries, pest control, nursery*

- Requires the NDA to adopt regulations expanding the definition of weed-free to include products free of propagative parts from which a noxious weed may grow.
- Updating examination competency standards for individuals who use or supervise the use of RUP's.
- Adjusting the nomenclature of current credentials and reducing/combining RUP certification categories. This adjustment would effectively meet the minimum EPA requirements and simplify the NRS.
- Allows for the exemption of a Nevada license if licensed in another state for nursery stock sold online.

[Read the full bill here.](#)

AB74 – Revises provisions related to pesticides

Proposed by NDA

*Industries impacted: Pest control*

- Aligns the NDA with new federal regulations by adjusting the record keeping requirements that restricted-use pesticide dealerships must retain and submit to the NDA.

[Read the full bill here.](#)

AB75 – Revises provisions related to weights and measures

Proposed by NDA

*Industries impacted: Registered service agencies, grocery and farmers markets, food manufacturing*

- Aligns the NDA with uniform regulations by updating definitions for physical measurement standards used in determining the accuracy of commercial weighing and measuring equipment.
- Removes the duty to adopt requirements for open dating of food since this is better administered by health and food safety regulators.

[Read the full bill here.](#)

AB85 – Revises provisions related to noxious weeds

*Industries impacted: All agriculture*

- Allows the State Quarantine Officer to designate a weed as noxious for certain geographic areas within the state while not applying the designation to the entire state.

[Read the full bill here.](#)

AB253 – Revises provisions relating to governmental administration

*Industries impacted: All industries and public*

- Allows a public body to conduct meetings using remote technology systems so people can participate without being physically present at the meeting.
- Sets forth requirements for a public body who are conducting meetings without a physical location.

[Read full bill here.](#)

AB399 – Revises provisions related to the production and sale of eggs and egg products

*Industries impacted: Egg producers and retailers of eggs*

- Requires the NDA to inspect and certify cage-free egg production in Nevada.

[Read full bill here.](#)

AB411 – Makes changes to provisions regarding fuel

*Industries impacted: Petroleum*

- Requires the Nevada State Board of Agriculture to adopt regulations that allow for the sale of motor vehicle fuel containing not more than 15% ethanol by volume.

[Read full bill here.](#)

## **Senate Bills (SB)**

SB34 – Makes various changes related to agriculture

Proposed by NDA

*Industries impacted: N/A*

- Changes the titles of NDA Agricultural Enforcement Officers to Agricultural Police Officers, changes minimum requirements of Category 2 POST certificate to Category 1, and provides access to the Heart and Lung Bill that other state, county, and city law enforcement officers have. These changes increase the NDA's ability to recruit highly qualified candidates.

[Read the full bill here.](#)

SB54 – Revises the Nevada Board of Agriculture membership

Proposed by NDA

*Industries impacted: All industries*

- Increases the current Nevada State Board of Agriculture membership from 11 to 13 members, increases quorum to 7 members and includes representation on the board for veterinarians, food manufacturing/processing, and supplemental nutrition.

[Read full bill here.](#)

SB63 – Revises provisions pertaining to hemp

Proposed by NDA

*Industries impacted: Hemp*

- Requires that applications for grower/handler certificates for hemp be submitted to the NDA on or before July 1 of any year.
- Authorizes the NDA to revoke or refuse to issue/renew registrations of hemp growers/handlers who falsify information or fail to comply with local rules and ordinances.
- Aligns with federal USDA regulations to allow crop remediation instead of destruction for hemp testing over the allowable THC limit as long as the remediation plan is approved by the NDA.

[Read the full bill here.](#)

SB65 – Revises provisions related to the Nevada Department of Agriculture

Proposed by NDA

*Industries impacted: All industries*

- Changes the name of the Plant Industry Division to Plant Health and Compliance and Consumer Equitability to the Division of Measurement Standards.
- Revises the qualifications of the State Veterinarian.

[Read full bill here.](#)

SB297 – Revises provisions related to agriculture

*Industries impacted: Community nutrition*

- Requires the Council on Food Security to research and develop recommendations on community gardens and urban farms.

[Read full bill here.](#)

SB370 – Revises provisions related to food policy

*Industries impacted: All agriculture industries, community nutrition*

- Requires the NDA to establish the Home Feeds Nevada Agriculture Food Purchase Program requiring the purchase of nutritious foods from Nevada growers and producers first and distribute it to Nevada emergency food service providers.

[Read full bill here.](#)

SB400 – Makes various changes to certain unlawful acts relating to consumer protection

Proposed by NDA

*Industries impacted: Weights and measures, livestock, petroleum*

- Eliminates criminal penalties for a first violation of NRS Chapters 581, 582 or 590, providing instead for issuance of a warning and imposition of civil penalties.
- Allows the State Sealer of Consumer Equitability to establish a schedule of and impose fines on persons who commit unlawful acts related to weights and measures and public weighing and advertisements of motor vehicle fuel and petroleum products.

[Read full bill here.](#)

SB404 – Revises provisions regarding cannabis

Proposed by NDA

*Industries impacted: Cannabis*

- Requires the State Sealer of Consumer Equitability to adopt and enforce regulations relating to cannabis weighing and measuring equipment and authorizes the State Sealer to establish a fee for licensing of cannabis weighing and measuring equipment.

[Read full bill here.](#)

SB412 – Makes an appropriation to the State Department of Agriculture for new laboratory equipment and maintenance contracts related to veterinary medical services

*Industries impacted: N/A*

- Makes an appropriation for general funds in the amount of \$53,550 for new laboratory equipment and maintenance contracts for veterinary medical services.

[Read full bill here.](#)

SB438 – Revises provisions related to agriculture food safety

Proposed by NDA

*Industries impacted: All agriculture industries*

- Aligns to federal food safety regulations under the Produce Safety Rule.

[Read full bill here.](#)

SB443 – Makes various changes relating to agriculture and seeds

Proposed by NDA

*Industries impacted: All agriculture industries*

- Requires a sell-by date and additional information regarding seed coating to be labeled on seed containers.
- Creates definitions for “complete records,” “conditioning,” “germination,” “hard seeds,” “inert matter,” “mixture,” “other crop seed,” “prohibited noxious weed seed,” “pure seed,” and “restricted noxious weed seed.”

[Read the full bill here.](#)

SB454 – Revises provisions relating to the livestock brand program

Proposed by NDA

*Industries impacted: Livestock industries*

- Changes the livestock program brand recording period from 4 years to 5 years and sets fee to \$200.
- Allows for notices and applications to be sent or submitted electronically or in writing.
- Authorizes the NDA to establish and collect a reasonable fee for processing a new brand or mark application, whether the application is awarded or not.

[Read full bill here.](#)

### **Next steps**

Passage of these bills and related updates to Nevada Revised Statutes (NRS) by the Nevada State Legislature will require the NDA to implement training and procedure changes, and review and propose updates to applicable Nevada Administrative Code (NAC), which governs the activities of the Department, industries and the public. The NDA will provide notice for input from the public on proposed regulation changes through a small business impact assessment in conjunction with workshops and hearings. Watch for additional email notifications regarding proposed NAC changes. A calendar of scheduled surveys and public meetings is also available on the NDA [website](#).