

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R155-16

August 28, 2017

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

AUTHORITY: §§1 and 2, NRS 557.080, as amended by section 23 of Senate Bill No. 396, chapter 259, Statutes of Nevada 2017, at page 1348, and 561.153.

A REGULATION relating to industrial hemp; providing for the amendment of an application for certification and registration of a site to be used for growing or cultivating industrial hemp; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Department of Agriculture and institutions of higher education to grow or cultivate industrial hemp for certain research purposes and requires each site used for growing or cultivating industrial hemp to be certified by and registered with the Department. (NRS 557.070) Existing regulations provide for the certification and registration of such sites. (Sections 1-10 of LCB File No. R085-15, Adopted Reg. of State Bd. of Agric.)

Section 1 of this regulation authorizes an applicant for certification and registration of a site to be used for growing or cultivating industrial hemp to request an amendment of his or her application. If such a request is approved, the Department shall recalculate the fees required to accompany the application using the application as amended. **Section 2** of this regulation establishes a nonrefundable fee for the submission of such a request.

Section 1. Section 5 of LCB File No. R085-15, which was adopted by the State Board of Agriculture and filed with the Secretary of State on March 10, 2016, is hereby amended to read as follows:

Sec. 5. *I.* A person who represents the Department or an institution of higher education, directly or pursuant to a contract to conduct an agricultural pilot program or

other agricultural or academic research on behalf of the Department or institution of higher education, may submit an application to the Department for certification and registration of a site to be used for growing or cultivating industrial hemp in conjunction with the program or research. The application must be accompanied by a current background check performed by a law enforcement agency that includes a check performed by the Federal Bureau of Investigation. The application must be on a form prescribed by the Department and include all information deemed appropriate by the Department. The Department shall certify and register such a site if:

~~{1.}~~ (a) The Department determines that the application adequately describes the purpose of the agricultural pilot program or other agricultural or academic research which requires the growth or cultivation of industrial hemp;

~~{2.}~~ (b) The applicant has not been convicted of any felony related to the possession, production, sale or distribution of a controlled substance in any form within the 5 years immediately preceding the date of the application;

~~{3.}~~ (c) The application includes all other information that the Department determines is appropriate; and

~~{4.}~~ (d) The application is accompanied by all fees determined by the Department to be required at the time the application is submitted.

2. An applicant may submit a request to amend an application to the Department if the request is accompanied by all fees determined by the Department to be required at the time the request is submitted. Upon approval of such a request, the Department shall

use the amended information to adjust the calculation of all fees required to accompany the application.

Sec. 2. Section 8 of LCB File No. R085-15, which was adopted by the State Board of Agriculture and filed with the Secretary of State on March 10, 2016, is hereby amended to read as follows:

Sec. 8. The Department shall assess the following fees:

1. For the submission of an application pursuant to section 5 of this regulation, a nonrefundable application fee of \$500.

2. *For the submission of a request to amend an application pursuant to section 5 of this regulation, a nonrefundable fee of \$500.*

3. For a certified and registered site used for growing and cultivating industrial hemp outdoors, a fee of \$5 per acre or portion thereof.

~~{3.}~~ 4. For a certified and registered site used for growing or cultivating industrial hemp indoors, a fee of 33 cents per 1,000 square feet, or portion thereof.

~~{4.}~~ 5. For inspecting a site used for growing or cultivating industrial hemp:

(a) A fee of not more than \$50 per hour for each hour an inspector spends conducting the inspection, including the time spent traveling to and from the site; and

(b) The mileage allowance established by the State Board of Examiners for state officers and employees pursuant to subsection 3 of NRS 281.160 for the inspector's travel to and from the site.

~~{5.}~~ 6. For sampling and analyzing industrial hemp pursuant to this chapter, a fee in the amount of the actual costs of the Department for the sampling and analysis, as approximated by the Department.