

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R065-17

September 18, 2017

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

AUTHORITY: §1, NRS 557.080, as amended by section 23 of Senate Bill No. 396, chapter 259, Statutes of Nevada 2017, at page 1348; NRS 561.105 and 561.153.

A REGULATION relating to industrial hemp; requiring the State Department of Agriculture to create and publish a list of pesticides that are allowed for use on industrial hemp as part of an agricultural pilot program; authorizing the submission of a request to the Department for an evaluation of a pesticide; requiring the Department to charge and collect certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Agriculture to adopt regulations establishing an agricultural pilot program to study the growth, cultivation or marketing of industrial hemp. (NRS 557.080) Existing law also requires each site used for growing or cultivating industrial hemp in this State to be certified by and registered with the State Department of Agriculture. (NRS 557.070) This regulation requires the Department to: (1) create and publish a list of pesticides that are allowed for use on industrial hemp as part of an agricultural pilot program; and (2) evaluate each active ingredient used in a pesticide to determine whether to include the pesticide on the list. If the Department includes a pesticide on the list, any person who uses the pesticide on industrial hemp is required to ensure that the pesticide is registered for use in this State and is appropriately labeled by the United States Environmental Protection Agency. A request for an evaluation of a pesticide may be submitted to the Department by certain persons and manufacturers. Finally, this regulation requires the Department to charge and collect fees for: (1) evaluating a pesticide; (2) verifying the labeling on a pesticide; and (3) submission to the Department of an application to register an additional use of a pesticide under certain federal laws.

Section 1. Chapter 557 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department will create and publish a list of pesticides that are allowed for use on industrial hemp as part of an agricultural pilot program. Upon submission of a request for an evaluation of a pesticide pursuant to subsection 2, the Department will evaluate each active ingredient used in the pesticide to determine whether to include the pesticide on the list. If the Department includes a pesticide on the list, any person who uses the pesticide on any industrial hemp shall, before using the pesticide, ensure that the pesticide:

(a) Is registered for use in this State; and

(b) Is appropriately labeled by the United States Environmental Protection Agency.

2. A request for an evaluation of a pesticide pursuant to subsection 1 may be submitted to the Department by:

(a) An employee of the Department;

(b) Any committee or other entity specified by the Department;

(c) Any manufacturer of a pesticide; or

(d) A grower, handler or producer.

3. The Department will determine whether a pesticide may be included on the list created and published pursuant to subsection 1 based upon:

(a) The provisions of NRS 586.010 to 586.4065, inclusive, and any other applicable law or regulation; and

(b) The label approved for the pesticide by the United States Environmental Protection Agency.

4. *The Department will charge and collect the following fees:*

- (a) *For evaluating a pesticide pursuant to subsection 1.....\$75 per hour*
- (b) *For verifying that a pesticide is appropriately labeled for use in a cultivation facility that is registered pursuant to chapter 453A of NRS..... \$75 per hour*
- (c) *For submission to the Department of an application to register an additional use of a pesticide to meet a special local need pursuant to 7 U.S.C. § 136.....\$300*

5. *As used in this section:*

- (a) *“Active ingredient” has the meaning ascribed to it in NRS 586.030.*
- (b) *“Cultivation facility” has the meaning ascribed to it in NRS 453A.056, as amended by section 8 of Assembly Bill No. 422, chapter 540, Statutes of Nevada 2017, at page 3679.*
- (c) *“Industrial hemp” has the meaning ascribed to it in NRS 557.040.*
- (d) *“Pesticide” has the meaning ascribed to it in NRS 586.195.*