

**ADOPTED REGULATION OF THE STATE**

**BOARD OF AGRICULTURE**

**LCB File No. R092-01**

Effective December 7, 2001

**NOTICE OF ADOPTION OF REGULATIONS**

The Nevada State Board of Agriculture, adopted regulations assigned LCB File Nos. R092-01 and R031-01 which pertains to chapters 571.040; 571.045; 571.355; 576.200 of the Nevada Administrative Code on October 29, 2001. A copy of the regulations as adopted is attached hereto.

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

AUTHORITY: §1, NRS 576.129.

**Section 1.** NAC 576.200 is hereby amended to read as follows:

576.200 A person shall not import any alternative livestock into this state unless:

1. He 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. He 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 ~~current~~ 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.*

## INFORMATIONAL STATEMENT

1. A public workshop was held on October 9, 2001 in Reno Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

A public hearing was held on October 9, 2001 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada County libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (775) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada County libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held October 9, 2001-Reno  
0 people attended  
No written statements were submitted

Hearing held October 9, 2001-Reno  
There were no business or public attendees  
No written statements were submitted.

3. Comments were solicited from business and the public by posting in public locations and through direct mail notices as outlined in #1 above. There were no oral or written comments submitted.

The amendments were adopted without changes. No changes were requested and there was no opposition to adoption of these amendments.

4. The economic effects of the adopted amendments on the business that it is to regulate include:

- a. Adverse effects:  
None
- b. Beneficial effects:  
These regulations provide for entry of healthy animals entering Nevada.
- c. Immediate and long-term economic effects:  
The adverse and beneficial effects are the same for immediate and long-term.

5. Economic effects of the proposed amendments on the public include:

- a. Adverse effects:  
None
- b. Beneficial effects:

The regulations prevent entry of infected animals into Nevada. Entry of infected animals into Nevada would spread disease to livestock.

- c. Immediate and long-term effects:
  - The adverse and beneficial effects are the same for the immediate and long-term.
- 6. Economic cost to the agency for the enforcement of the regulation:
  - There will not be any additional cost to the agency to enforce the amendments adopted.
- 7. There are no other state or federal agency regulations that the adopted amendments overlap or duplicate.
- 8. The amendments adopted do not include any provisions more stringent than any federal regulation that regulates the same activity.
- 9. This regulation does not establish or increase any fees.

## STATE DEPARTMENT OF AGRICULTURE

### SMALL BUSINESS IMPACT DISCLOSURE PROCESS PURSUANT TO 233B Nevada Administrative Procedures Act

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation:

#### Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

Note: Small Business is defined as a business conducted for profit which employs fewer than 150 full-time or part-time employees@ (NRS 233B.0382).

3. If YES to either of questions 1& 2, the following action must be taken:
  - a. Was a small business impact statement prepared and was it available at the public workshop ?
  - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

#### Part 2 (NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
  - a. Both adverse and beneficial effects
  - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
  - a. Simplification of the proposed regulation.
  - b. Establishment of different standards of compliance for a small business.
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.