

ASSEMBLY BILL NO. 249—COMMITTEE ON NATURAL RESOURCES

MARCH 3, 2023

Referred to Committee on Natural Resources

SUMMARY—Enacts provisions relating to the use of hemp in certain commercial feed. (BDR 51-719)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to agriculture; authorizing the use of hemp in certain commercial feed under certain circumstances; prohibiting, with certain exceptions, the manufacture, distribution or sale in this State of commercial feed containing hemp for consumption by any livestock other than horses; authorizing the State Department of Agriculture and the Director of the Department to take certain actions against an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for certain violations relating to commercial feed containing hemp; providing that certain commercial feed containing hemp shall not be deemed adulterated under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law establishes provisions for the manufacture, distribution and
- 2 labeling of commercial feed for animals. (NRS 587.841-587.899) **Section 3** of this
- 3 bill: (1) authorizes the use of hemp in pet food, specialty pet food and other
- 4 commercial feed intended for consumption by horses if the commercial feed is
- 5 manufactured, distributed and sold exclusively in this State for use in this State; and
- 6 (2) requires the State Department of Agriculture to adopt regulations relating to
- 7 such commercial feed. **Section 3** prohibits the manufacture, distribution and sale in
- 8 this State of commercial feed containing hemp for consumption by any livestock
- 9 other than horses. **Section 2** of this bill defines the term “hemp.” **Section 4** of this
- 10 bill makes conforming changes to indicate the proper placement of **sections 2 and**
- 11 **3** in the Nevada Revised Statutes.
- 12 **Section 5** of this bill provides that the provisions of **section 3** do not apply to
- 13 customer-formula feed or a contract feeder. **Section 6** of this bill authorizes the



14 Department to refuse to issue or renew or to suspend, revoke or place conditions on  
15 an applicant for a license to manufacture, distribute or be a guarantor of  
16 commercial feed or a licensee for a violation of **section 3**. **Section 8** of this bill  
17 authorizes the Director of the Department or a representative of the Department to  
18 take certain actions against a licensee who does not comply with the provisions of  
19 **section 3**. **Sections 9 and 10** of this bill provide that certain civil penalties may be  
20 imposed for violations of **section 3**.

21 Existing law provides it is unlawful for a person to adulterate commercial feed.  
22 (NRS 587.889) **Section 7** of this bill provides that pet food, specialty pet food and  
23 other commercial feed intended for consumption by horses shall not be deemed  
24 adulterated solely because the commercial feed contains hemp if the commercial  
25 feed is manufactured and distributed in accordance with the provisions of **section 3**  
26 and any regulations adopted pursuant thereto.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 587 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Hemp” has the meaning ascribed to it in*  
4 *NRS 557.160.*

5 **Sec. 3.** 1. *Pet food, specialty pet food and other commercial*  
6 *feed that is intended for consumption by horses may contain hemp*  
7 *if such commercial feed is manufactured, distributed and sold*  
8 *exclusively in this State for use in this State.*

9 2. *Commercial feed containing hemp shall not be*  
10 *manufactured, distributed or sold in this State for consumption by*  
11 *any livestock other than horses.*

12 3. *The Department shall adopt regulations to carry out the*  
13 *provisions of this section, which may include, without limitation,*  
14 *specific requirements for the labeling and inspection of*  
15 *commercial feed containing hemp.*

16 **Sec. 4.** NRS 587.841 is hereby amended to read as follows:  
17 587.841 As used in NRS 587.841 to 587.899, inclusive, *and*  
18 *sections 2 and 3 of this act*, unless the context otherwise requires,  
19 the words and terms defined in NRS 587.843 to 587.861, inclusive,  
20 *and section 2 of this act* have the meanings ascribed to them in  
21 those sections.

22 **Sec. 5.** NRS 587.863 is hereby amended to read as follows:  
23 587.863 1. The provisions of NRS 587.841 to 587.899,  
24 inclusive, *and sections 2 and 3 of this act* do not apply to customer-  
25 formula feed, or a manufacturer, distributor or guarantor thereof, or  
26 a contract feeder.

27 2. As used in this section:

28 (a) “Contract feeder” means a person who as an independent  
29 contractor feeds commercial feed to animals pursuant to a contract  
30 whereby the commercial feed is supplied, furnished or otherwise



1 provided to the person and whereby the person's remuneration is  
2 determined in whole or in part by feed consumption, mortality,  
3 profits or the amount or quality of the product.

4 (b) "Customer-formula feed" means commercial feed which  
5 consists of a mixture of commercial feeds or ingredients, each batch  
6 of which is manufactured according to the specific instructions of  
7 the final purchaser.

8 **Sec. 6.** NRS 587.869 is hereby amended to read as follows:

9 587.869 1. Except as otherwise provided in subsection 2 and  
10 NRS 587.871, the Department shall issue a license to or renew the  
11 license of an applicant who files with the Department a complete  
12 application and pays the fee established by the Department pursuant  
13 to NRS 587.867.

14 2. The Department may refuse to issue or renew or may  
15 suspend, revoke or place conditions on a license for a violation of  
16 any provision of NRS 587.841 to 587.899, inclusive, *and sections 2*  
17 *and 3 of this act*, but no license may be refused, suspended or  
18 revoked or have conditions imposed upon its issuance pursuant to  
19 this section until the Department has provided the applicant or  
20 licensee an opportunity for a hearing.

21 **Sec. 7.** NRS 587.889 is hereby amended to read as follows:

22 587.889 1. It is unlawful for a person to adulterate  
23 commercial feed.

24 2. For the purposes of subsection 1, commercial feed is  
25 adulterated if:

26 (a) It contains a poisonous or deleterious substance which may  
27 cause it to be injurious to the health of an animal;

28 (b) It contains a poisonous, deleterious or nonnutritive substance  
29 which is unsafe pursuant to section 406 of the Federal Food, Drug,  
30 and Cosmetic Act, 21 U.S.C. § 346;

31 (c) It contains a food additive which is unsafe pursuant to  
32 section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.  
33 § 348;

34 (d) It is a raw agricultural commodity that contains a pesticide  
35 which is unsafe pursuant to section 408 of the Federal Food, Drug,  
36 and Cosmetic Act, 21 U.S.C. § 346a, unless:

37 (1) The raw agricultural commodity has been processed  
38 using a method such as canning, cooking, freezing, dehydrating or  
39 milling;

40 (2) The residue of the pesticide has been removed to the  
41 extent possible through such a method;

42 (3) The concentration of the pesticide in the commercial feed  
43 is not greater than the tolerance prescribed for the raw agricultural  
44 commodity; and



1 (4) Feeding the commercial feed to an animal is not likely to  
2 result in a pesticide residue in any edible product of the animal  
3 which is unsafe within the meaning of section 408 of the Federal  
4 Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;

5 (e) It contains any color additive which is unsafe pursuant to  
6 section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.  
7 § 379e;

8 (f) It contains an animal drug which is unsafe pursuant to  
9 section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.  
10 § 360b;

11 (g) It contains any filthy, putrid or decomposed substance or is  
12 for any other reason unfit to be used as commercial feed;

13 (h) It has been prepared, packaged or held under unsanitary  
14 conditions whereby it may have become contaminated with filth or  
15 may have been rendered injurious to the health of an animal;

16 (i) It contains the product of a diseased animal or an animal  
17 which has died in a manner which is unsafe within the meaning of  
18 section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.  
19 § 342;

20 (j) The container of the commercial feed is composed, in whole  
21 or in part, of any poisonous or deleterious substance which may  
22 render the commercial feed injurious to the health of an animal;

23 (k) It has been intentionally subjected to radiation, unless the  
24 use of the radiation was in conformity with a regulation or  
25 exemption in effect pursuant to section 409 of the Federal Food,  
26 Drug, and Cosmetic Act, 21 U.S.C. § 348;

27 (l) Any valuable component of the commercial feed has been, in  
28 whole or in part, omitted or abstracted;

29 (m) The composition or quality of the commercial feed is below  
30 or differs from that which is listed on the label;

31 (n) It contains a drug and the methods, facilities or controls used  
32 to manufacture, process or package the commercial feed do not  
33 conform to current practices of good manufacturing, unless the  
34 Department determines that such a practice is not appropriate for  
35 use in this State; or

36 (o) It contains viable weed seeds in an amount which exceeds  
37 the limits established by the Department. As used in this paragraph,  
38 "weed seeds" has the meaning ascribed to it in NRS 587.073.

39 ***3. Pet food, specialty pet food and other commercial feed that***  
40 ***is intended for consumption by horses shall not be deemed***  
41 ***adulterated solely because it contains hemp if such commercial***  
42 ***feed is manufactured and distributed pursuant to section 3 of this***  
43 ***act and any regulations adopted pursuant thereto.***



1     **Sec. 8.** NRS 587.893 is hereby amended to read as follows:  
2     587.893 1. If the Director or a representative of the  
3 Department has reasonable cause to believe that any commercial  
4 feed does not comply with the provisions of NRS 587.841 to  
5 587.899, inclusive, *and sections 2 and 3 of this act*, the Director or  
6 a representative of the Department may issue an order that:

7     (a) Prohibits the licensee from disposing of the lot of  
8 commercial feed until written permission is provided by the  
9 Director; and

10    (b) Requires the licensee to allow the Director or a  
11 representative of the Department to inspect the commercial feed.

12    2. If the Director or representative of the Department  
13 determines that the commercial feed:

14    (a) Complies with the provisions of NRS 587.841 to 587.899,  
15 inclusive, *and sections 2 and 3 of this act*, the Director or  
16 representative of the Department must immediately rescind the  
17 order issued pursuant to paragraph (a) of subsection 1.

18    (b) Does not comply with the provisions of NRS 587.841 to  
19 587.899, inclusive, *and sections 2 and 3 of this act*, the Director or  
20 representative of the Department must provide to the licensee an  
21 explanation of how the commercial feed does not comply with the  
22 provisions of NRS 587.841 to 587.899, inclusive ~~H~~, *and sections 2*  
23 *and 3 of this act*. If the licensee does not demonstrate compliance  
24 with the provisions of NRS 587.841 to 587.899, inclusive, *and*  
25 *sections 2 and 3 of this act* within 30 days after receipt of the  
26 explanation, the Director must begin proceedings to condemn the lot  
27 of commercial feed pursuant to the requirements established by the  
28 Department.

29     **Sec. 9.** NRS 587.895 is hereby amended to read as follows:

30     587.895 1. A person who violates the provisions of NRS  
31 587.841 to 587.899, inclusive, *and sections 2 and 3 of this act*, or  
32 any regulation adopted pursuant thereto, is subject to a civil penalty  
33 not to exceed:

34     (a) For a first offense, \$250.

35     (b) For a second offense, \$500.

36     (c) For a third or subsequent offense, \$1,000.

37    2. Any money collected from the imposition of a civil penalty  
38 pursuant to subsection 1 must be accounted for separately and:

39    (a) Fifty percent of the money must be used to fund a program  
40 selected by the Director that provides loans to persons who are  
41 engaged in agriculture and who are 21 years of age or younger; and

42    (b) The remaining 50 percent of the money must be deposited in  
43 the Account for the Control of Weeds created by NRS 555.035.



1       **Sec. 10.** NRS 587.900 is hereby amended to read as follows:  
2       587.900 1. The Director may, after notice and an opportunity  
3 for a hearing, impose a civil penalty of not more than \$500 for each  
4 violation of this chapter other than a violation of NRS 587.841 to  
5 587.899, inclusive ~~+~~, *and sections 2 and 3 of this act.*

6       2. Any money collected from the imposition of a civil penalty  
7 pursuant to subsection 1 must be accounted for separately and:

8       (a) Fifty percent of the money must be used to fund a program  
9 selected by the Director that provides loans to persons who are  
10 engaged in agriculture and who are 21 years of age or younger; and

11       (b) The remaining 50 percent of the money must be deposited in  
12 the Account for the Control of Weeds established by NRS 555.035.

13       **Sec. 11.** 1. This section becomes effective upon passage and  
14 approval.

15       2. Sections 1 to 10, inclusive, of this act become effective:

16       (a) Upon passage and approval for the purpose of adopting any  
17 regulations and performing any other preparatory administrative  
18 tasks that are necessary to carry out the provisions of this act; and

19       (b) On January 1, 2024, for all other purposes.

