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**DEPARTMENT OF AGRICULTURE**

405 South 21<sup>st</sup> Street  
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**PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE  
NOTICE OF INTENT TO ACT UPON A REGULATION  
AND  
HEARING AGENDA**

**LCB File No. R188-24**

Division of Plant Health and Compliance

Notice of Hearing for the Amendment of Permanent Regulations of the Nevada Department of Agriculture,  
Nevada Administrative Code (NAC) Chapter 557

The Nevada Department of Agriculture (NDA) will hold a public hearing at Nevada Department of Agriculture 405 South 21<sup>st</sup> Street, Sparks, NV 89431 Tuesday, April 14<sup>th</sup> at 10:00 AM. The purpose of this hearing is to receive public comment from all interested persons on the proposed amendment of regulations pertaining to NAC Chapter 557. Authority for this regulation derives from **Nevada Revised Statutes (NRS) [561.105](#)** and **NRS [233B.0608](#)**, which authorize the NDA to adopt regulations necessary to carry out its statutory duties.

**Date:** Tuesday, April 14<sup>th</sup>, 2026  
**Time:** 10:00 AM PDT

**Location:** Nevada Department of Agriculture – Sparks Headquarters  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
Phone: (775) 353-3601

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2300 E. St. Louis Avenue  
Las Vegas, NV 89104  
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Nevada Department of Agriculture – Elko Office  
4780 E. Idaho Street  
Elko, NV 89445  
Phone: (775) 738-8076

## Remote Meeting Information:

To join the meeting virtually, click the Microsoft Teams link below or enter the Meeting ID if prompted.

[Join the meeting now](#)

Meeting ID: 244 054 717 680 8

Passcode: p5V7v8Qv

To join by phone, dial +1 (775) 321-6111 and enter the Phone Conference ID when prompted.

Phone Conference ID: 240 699 081#

Nevada Revised Statute (NRS) [241.020](#), as amended by Assembly Bill 253 ([AB 253](#)) (2021), permits public meetings to be conducted using remote technology without a physical location.

## INFORMATIONAL STATEMENTS

Pursuant to [NRS 233B.0603](#), the NDA provides the following statements pertaining to the public hearing on proposed changes to NAC Chapter 557.

1. The need for and the purpose of the proposed regulation or amendment.
  - The purpose of this proposed regulation is to align state and federal definitions and regulations to maintain a federally compliant hemp program in Nevada. Compliance with federal law is required for Nevada hemp to enter the national marketplace.
  - This proposed regulation updates the definition of “Total THC” and “post- decarboxylation” in NAC 557 to align with existing federal regulations (7 C.F.R. § 990.1). This change also replaces references in existing state regulations regarding the amount of THC contained in hemp to “Total THC”.
2. If the regulation is temporary, include either the text of the proposed rule or a description of the substance of the rule and the subjects and issues involved. If the regulation is permanent, include a statement explaining how to obtain the approved or revised text prepared by [Legislative Counsel pursuant to NRS 233B.063](#).
  - A copy of all materials relating to the proposal may be obtained by visiting the Department’s website at [agri.nv.gov](http://agri.nv.gov) or by contacting the Division of Plant Health and Compliance at 775-353- 3670 or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov). Copies may also be requested or inspected by visiting the NDA offices located in Elko, Las Vegas or Sparks or the Nevada State Library and Archives at 100 Stewart Street, Carson City, NV 89701. A reasonable fee for copying or postage may be charged for those requesting a print copy. Members of the public who would like additional information about a proposed regulation may contact the Division of Plant Health and

Compliance by 775- 353-3670 or [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov).

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
  - (a) Both adverse and beneficial effects; and
  - (b) Both immediate and long-term effects.
    - **Adverse economic effect on regulated businesses**  
No adverse economic impacts to regulated businesses are anticipated due to this regulation
    - **Beneficial economic effect on regulated businesses**  
No beneficial economic impacts to regulated businesses are anticipated due to this regulation
    - **Immediate economic effect on regulated business**  
The NDA estimates a neutral economic effect of the proposed amendments, as this proposed regulation will sustain the long-term viability of a federally compliant Hemp Program.
    - **Long-term economic effect on regulated business**  
The NDA estimates a neutral economic effect of the proposed amendments, as this proposed regulation will sustain the long-term viability of a federally compliant Hemp Program.
    - **Adverse economic effect on the public**  
No adverse economic impacts to the public are anticipated due to this regulation
    - **Beneficial economic effect on the public**  
No beneficial economic impacts to the public are anticipated due to this regulation
    - **Immediate economic effect on the public**  
No immediate economic impacts to the public are anticipated due to this regulation
    - **Long-term economic effect on the public**  
No long term economic impacts to the public are anticipated due to this regulation
4. Methods used by the agency in determining the impact on a small business.
  - The NDA launched a small business impact survey on January 5, 2026 and closed it on January 19, 2026. The survey was posted to NDA’s website and social media accounts. In addition, it was distributed to an email list comprised of 9,134 recipients (2,616 of which opened the email), including past and current registered Growers, Handlers, and Seed Producers within the State of Nevada. A statistical analysis of the survey results was compiled and considered upon the closing of the survey. The survey also included open-ended questions, and the comments received were also considered. A workshop was held on March 3, 2026 to review the proposed changes and receive public comment to help shape the final proposed language. Additional comments could be submitted following the workshop.
5. The estimated cost to the agency for enforcement of the proposed regulation.

- The department does not estimate any costs associated with enforcement of this proposed regulation. These revisions will add minor administrative work such as communication with industry to notify them of the updated language in the regulations.
6. A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
- The proposed regulation references definitions in 7 C.F.R. § 990.1, creating concurrence between state and federal regulations. The NDA is required to maintain a USDA approved Hemp State Plan to enable hemp production and sale in Nevada pursuant to the 2018 Farm Bill. These changes are necessary to align state and federal definitions to maintain an approved Hemp State Plan. Although this regulation is current with federal regulation, the only entity enforcing the regulation is the State of Nevada through administration of the Nevada State Hemp Plan.
7. If the regulation is required by federal law, cite and describe the federal law.
- 7 C.F.R. § 990.1 - DEPARTMENT OF AGRICULTURE Agricultural Marketing Service 7 CFR Part 990 [Doc. No. AMS–SC–19–0042; SC19–990–2 FR] Establishment of a Domestic Hemp Production Program. 7 C.F.R. § 990 establishes the federal regulatory framework for the Domestic Hemp Production Program, setting the rules that govern how hemp is grown, tested, licensed, and enforced across the United States. It outlines what states and tribes must include in their hemp plans, how USDA’s own plan is implemented, how THC testing is conducted, and procedures for when crops exceed legal THC limits. 7 C.F.R. § 990.1 establishes the definitions of key terms used throughout Part 990, including the definition of the acceptable hemp THC level.
8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
- The proposed regulation references definitions in 7 C.F.R. § 990.1, creating concurrence between state and federal regulations. The NDA is required to maintain a USDA approved Hemp State Plan to enable hemp production and sale in Nevada pursuant to the 2018 Farm Bill. These changes are necessary to align state and federal definitions to maintain an approved Hemp State Plan. Although this regulation is current with federal regulation, the only entity enforcing the regulation is the State of Nevada through administration of the Nevada State Hemp Plan.
9. A statement indicating whether the regulation establishes a new fee or increases an existing fee.

JOE LOMBARDO  
*Governor*

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J.J. GOICOECHEA, DVM  
*Director*

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- The proposed regulation does not provide a new fee or increase an existing fee.

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## ADDITIONAL INFORMATIONAL REQUIREMENTS

Notice of this meeting was sent to all persons on the Department's mailing list for administrative regulations and was posted on or before 9:00 a.m., thirty (30) days prior to the meeting at the following locations:

- Nevada Department of Agriculture – Sparks Headquarters  
405 S. 21<sup>st</sup> Street, Sparks, NV 89431
- Nevada Department of Agriculture - Las Vegas office  
2300 E. St. Louis Avenue  
Las Vegas, NV 89104
- Nevada Department of Agriculture – Elko office  
4780 E. Idaho Street, Elko, NV 89445
- Nevada Department of Agriculture website at [agri.nv.gov](http://agri.nv.gov)
- Nevada Public Notice website at <https://notice.nv.gov/>
- Nevada Legislature Administrative Regulation Notices at <https://www.leg.state.nv.us/App/Notice/A/>

Individuals wishing to provide comments during the scheduled hearing on the NDA regulation draft may participate. Persons wishing to submit written testimony or documentary evidence may submit the material by emailing [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov) or via mail to the following address:

Nevada Department of Agriculture  
Attn: Plant Health and Compliance  
405 S. 21st Street  
Sparks, NV 89431

Written submissions must be received by the Nevada Department of Agriculture on or before April 13, 2026 at 5:00 p.m.

For copies of this notice and the regulation to be amended or additional information, please contact:

Dyan Reece  
Division of Plant Health and Compliance, Nevada Department of Agriculture  
Phone : (775) 353-3670 | Email: [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov)

Copies may also be requested or inspected by visiting the NDA offices located in Elko, Las Vegas, or Sparks, or the Nevada State Library and Archives at 100 Stewart Street, Carson City, NV 89701 during business hours. A reasonable fee for copying or postage may be charged for those requesting more than one print copy.

If you need special assistance to participate in this hearing, please contact Dyan Reece at [d.reece@agri.nv.gov](mailto:d.reece@agri.nv.gov) or (775) 353-3670 as soon as possible before the meeting so that reasonable arrangements can be made.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NDA may proceed immediately to act upon any written submissions.

JOE LOMBARDO  
*Governor*

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Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

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**ADOPTION HEARING AGENDA**  
**Proposed Amendments to NAC Chapter 557 – Division of Plant Health and Compliance**  
**April 14<sup>th</sup>, 2026**  
**10:00 AM PDT**

**Note:** Items on the agenda may be taken out of the posted order or combined for consideration. Items may be removed from the agenda or discussion delayed relating to an item on the agenda at any time. Action may be taken only on those items denoted “For possible action.”

**I. Call to Order**

**II. Public Comment (Discussion):** In consideration of others who may wish to provide public comment, please avoid repetition and limit comments to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker. The agency is precluded from action on items raised during public comments that are not on the agenda.

**III. Discussion and adoption of proposed regulations (for possible action):** Adoption of amendment to regulations that pertain to NAC 557

**IV. Public Comment (Discussion):** In consideration of others who may wish to provide public comment, please avoid repetition and limit comments to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker. The agency is precluded from action on items raised during public comments that are not on the agenda.

**V. Adjourn**

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

**LCB File No. R188-24**

November 3, 2025

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

AUTHORITY: §§ 1-3, NRS 557.260; § 4, NRS 557.260 and 557.270.

A REGULATION relating to hemp; defining total THC; revising provisions relating to the acceptable hemp THC level; revising provisions relating to the testing of hemp; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for the regulation of the growth and handling of hemp and the production of agricultural hemp seed in this State by persons registered with the State Department of Agriculture. (Chapter 557 of NRS) Existing federal law authorizes the production of hemp under the primary jurisdiction of a state or Indian tribe if the state or Indian tribe submits to the United States Secretary of Agriculture a plan that satisfies certain requirements. (7 U.S.C. § 1639p)

Existing federal regulations designate the maximum THC level of hemp for the purpose of compliance with a state plan as the “acceptable hemp THC level.” (7 C.F.R. §§ 990.1, 990.3) Under existing federal regulations, the acceptable hemp THC level is defined as when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3 percent or less. (7 C.F.R. § 990.1) Existing state regulations similarly provide that the maximum THC concentration for hemp for the purposes of the provisions of existing state law governing hemp is the acceptable hemp THC level. (NRS 557.160; NAC 557.042) Existing state regulations define “acceptable hemp THC level” to mean a THC content concentration level on a dry weight basis that, when reported with the laboratory’s measurement of uncertainty, produces a distribution or range that includes a THC content concentration level on a dry weight basis that is equal to or less than the maximum delta-9-tetrahydrocannabinol concentration level on a dry weight basis for hemp established under the definition of hemp in federal law.

Existing federal regulations define “total THC” to mean, in general, the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9-tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. (7 C.F.R. § 990.1)

**Section 1** of this regulation defines “total THC” to have the meaning ascribed to it in existing federal regulations. **Sections 3 and 4** of this regulation replace references in existing

state regulations governing hemp to the amount of THC contained in hemp to instead refer to the “total THC” contained in hemp, including for the purposes of compliance with the acceptable hemp THC level. **Section 3** further revises the definition of the acceptable hemp THC level by replacing the reference to the federal law definition of hemp with a reference to the acceptable hemp THC level established under federal regulations, thereby aligning the acceptable hemp THC level under state regulations with the level established under federal regulations. **Section 2** of this regulation makes a conforming change to apply the definition of “total THC” set forth in **section 1** to existing regulations generally governing hemp.

Existing federal regulations require a state plan to include certain procedures and methods of testing a sample of hemp to identify whether the sample of hemp contains a total THC content concentration level that exceeds the acceptable hemp THC level. (7 C.F.R. § 990.3) Existing state regulations require that such testing include: (1) the conversion of THCA into THC using a post-decarboxylation or similarly reliable method; or (2) other methods that meet the requirements of federal regulations governing such testing. (7 C.F.R. § 990.3; NAC 557.136) **Section 4** defines the term “post-decarboxylation” for these purposes.

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

*“Total THC” has the meaning ascribed to it in 7 C.F.R. § 990.1.*

**Sec. 2.** NAC 557.005 is hereby amended to read as follows:

557.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 557.011 to 557.032, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 557.011 is hereby amended to read as follows:

557.011 “Acceptable hemp THC level” means a *total* THC content concentration level on a dry weight basis that, when reported with the laboratory’s measurement of uncertainty, produces a distribution or range that includes a *total* THC content concentration level on a dry weight basis that is equal to or less than the maximum *total* delta-9-tetrahydrocannabinol concentration level on a dry weight basis for hemp established ~~by 7 U.S.C. § 1639e.~~ *in the definition ascribed to “acceptable hemp THC level” in 7 C.F.R. § 990.1.*

**Sec. 4.** NAC 557.136 is hereby amended to read as follows:

557.136 1. The testing required pursuant to NRS 557.270 must be conducted using testing procedures that meet the requirements set forth in 7 C.F.R. § 990.3. Such testing procedures must include, without limitation:

(a) The conversion of delta-9-tetrahydrocannabinolic acid (THCA) into THC using a post-decarboxylation or similarly reliable method; or

(b) Other methods that meet the requirements set forth in 7 C.F.R. § 990.3.

2. In determining whether a crop has a *total* THC concentration that exceeds the acceptable hemp THC level, the Department will use a measurement of uncertainty that meets:

(a) The requirements set forth in the publication adopted by reference pursuant to NAC 557.131; and

(b) Any requirements set forth in 7 C.F.R. Part 990.

3. A registrant shall not allow a crop to enter the stream of commerce until the registrant has received a report issued by the Department pursuant to subsection 4 of NRS 557.270 indicating that the crop contains a *total* THC concentration that does not exceed the acceptable hemp THC level.

*4. As used in this section, “post-decarboxylation” has the meaning ascribed to it in 7 C.F.R. § 990.1.*