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DEPARTMENT OF AGRICULTURE

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PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. R188-24
Division of Plant Health and Compliance

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture (NDA) is proposing amendments to Nevada Administrative Code (NAC) Chapter 557. This workshop is being conducted pursuant to [NRS 233B.061](#) and in compliance with the Nevada Open Meeting Law ([NRS 241.020](#)). A workshop has been scheduled for:

Date: Tuesday, March 3, 2026
Time: 10 a.m. PST
Location: This meeting will be held both in person and via Microsoft Teams.

Location:

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

Video conference to:

Nevada Department of Agriculture - Las Vegas office
2300 E. St. Louis Avenue
Las Vegas, NV 89104
Phone: (702) 668-4590

Nevada Department of Agriculture – Elko office
4780 E. Idaho Street
Elko, NV 89445
Phone: (775) 738-8076

Remote Meeting Information:

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

[Join the meeting now](#)

Meeting ID: 215 785 999 844 30

JOE LOMBARDO
Governor

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Passcode: pb782dS3

To join by phone: Dial +1 (775)-321-6111 and enter the Phone conference ID when prompted.
Phone Conference ID: 360 220 906#

***Per 2021 AB253**

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.

This workshop will be conducted in compliance with the [Nevada Open Meeting Law \(NRS 241.020\)](#).

The purpose of the workshop is to solicit comments from interested persons on changes to NAC Chapter 557 pertaining to **R188-24**. The purpose of this proposed regulation is to align state and federal definitions and regulations to maintain a federally compliant hemp program in Nevada.. The proposed regulation change impacts preharvest testing of hemp, as it pertains to the acceptable level of THC in a hemp crop. These changes will not change or impact regulations pertaining to hemp products or postharvest uses of hemp. Additionally, this regulation does not change the current acceptable THC level of not more than 0.3 percent on a dry weight basis. 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”.

A copy of all materials relating to the proposal may be obtained by visiting the Department’s website at agri.nv.gov or by contacting the Division of Plant Health and Compliance at (775)-353-3670 or 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.

Individuals wishing to make oral comment upon the regulation draft of the NDA may participate at the scheduled workshop. Persons wishing to submit written testimony or documentary evidence may submit the material by emailing d.reece@agri.nv.gov or by mailing to the following address:

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

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations to participate in this meeting. Please contact the Department at (775) 353-3670 or d.reece@agri.nv.gov as soon as possible before the meeting so that reasonable arrangements can be made.

Notice of this meeting was posted on or before 9 a.m. fifteen days before the meeting at the following locations:

- Nevada Department of Agriculture – Sparks Headquarters

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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: <https://agri.nv.gov>
- Nevada Public Notice website: <https://notice.nv.gov>
- Nevada Legislature Administrative Regulation Notices: <https://www.leg.state.nv.us/App/Notice/A/>

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**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION
AGENDA**

**Proposed Amendments to NAC Chapter R188-24P – Division of Plant Health and Compliance
Tuesday, March 3, 2026
10 a.m. PST**

Note: Items on the agenda may be taken out of the posted order and items may be 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 – Workshop R188-24P**
- II. **Public Comment (Discussion):** In consideration of others who may wish to provide public comment, please avoid repetition and limit your comment to three minutes per person. Unused time may not be reserved by the speaker or allocated to another speaker.
- III. **Overview of Proposed Changes to NAC Chapter 557 (Discussion):** Review and discussion on proposed regulations **R188-24P**.
- IV. **Public Comment (Discussion):** In consideration of others who may wish to provide public comment please avoid repetition and limit your comment to three minutes per person. Unused time may not be reserved by the speaker or allocated to another speaker.
- V. **Adjourn**

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SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

LCB FILE No. R188-24

January 23, 2026

PROPOSED AMENDMENTS TO NAC CHAPTER 557

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The purpose of this proposed regulation is to align state and federal definitions to maintain a federally compliant hemp program within the state, which enables Nevada hemp to enter the national marketplace. Below are the results of a survey that was posted from January 5, 2026 to January 19, 2026 regarding proposed revisions to NAC 557.

- Of the total 27 survey respondents, 14 responded to the question asking if they are currently registered with the Nevada Department of Agriculture under the Industrial Hemp Program.
 - 2 respondents answered yes.
 - 12 respondents answered no.
- 14 respondents answered the question asking if they are a registered Grower, Handler, or Seed Producer.
 - 2 respondents answered that they are Growers.
 - 2 respondents answered that they are Handlers.
 - 2 respondents answered that they are Seed Producers.
 - 12 respondents answered with "other".
- 5 survey respondents replied to the question asking if their business falls under the definition of a small business as defined by NRS233B.0382.:
 - 4 indicated that they fall under the definition of a small business, 1 did not.
 - Question regarding the number of employees their business has:
 - 3 respondents indicated that they have 1-15 employees.
 - 1 respondent indicated that they have 16-30 employees.
 - 1 respondent indicated that they have 46-60 employees.

- 3 survey respondents replied to the question asking if the proposed changes to NAC 557 would impact their ability to do business:
 - 2 respondents replied “no”, 1 respondent replied with “unknown”.

A complete summary can be obtained by contacting the NDA at (775) 353-3670 or d.reece@agri.nv.gov.

2. The manner in which the analysis was conducted.

The NDA launched the 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.

3. The estimated indirect and direct economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation.

- (1) Both adverse and beneficial effects; and
- (2) Both direct and indirect effects.

- Level of negative impact the proposed changes would have on their business (3 respondents responded):
 - 1 respondent indicated “No Impact”.
 - 1 respondent indicated “Neither Positive nor Negative”
 - 1 respondent indicated “Severe Impact”
- One survey question asked the participants to select one or any part of the proposed revision that would have the most financial impact on their business:
 - Section 1:** Updates the definition of “Total THC” to match Federal regulations.
 - Section 2:** Includes the updated Total THC definition in section 1 to be included in Section 2 regarding words and terms defined in NAC 557.
 - Section 3:** Includes “Total THC” in the definition for “Acceptable Hemp THC Level” and updates the definition to match the one ascribed in existing federal regulations.
 - Section 4:** Updates “THC” to “Total THC” and adds the definition of “post-decarboxylation” to have the meaning ascribed to it in existing federal regulations.

Results:

Out of 3 respondents:

- 1 respondent selected all Sections (Sections 1, 2, 3, and 4).
- 1 respondent answered “Section 1” only.
- 1 respondent answered “Other” only.

The responses to “Other, please specify” were:

- “Test”.
- “None of the Above”.

When asked how these sections could be adjusted to mitigate their level of negative financial impact, 2 respondents answered. The answers are as follows:

- “Test”.
- “No Regulation”.

One respondent provided feedback on what they would like us to consider in relation to the proposed changes to NAC 557:

- “Test”.

2 respondents stated the cost of the proposed changes would be \$0, and 1 reported their annual impact to be between \$1-\$99.

2 survey respondents answered the question asking if they would need to make operational changes to their business because of the financial impact of proposed change:

- Both respondents answered “No”.

The NDA estimates minimal adverse effects and minimal direct or indirect impact on small businesses in Nevada due to the proposed regulation. The NDA estimates a small beneficial impact by enabling continued access to the national marketplace.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The proposed changes update definitions to match those that are defined in existing federal regulations. The department does not foresee that the proposed regulation changes will have an impact on small businesses and hemp producers in Nevada.

5. The estimated cost to the agency for enforcement of the proposed regulation.

These revisions will add minor administrative work such as communication with industry to notify them of the updated language in the regulations. No other estimated cost to the agency is anticipated.

6. If the proposed regulation provides 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.

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

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

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.

8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

Impacts on Nevada small businesses are expected to be minimal, as this proposed regulation does not make any changes to the current acceptable THC level, testing, licensing, or inspection fees within the state hemp program. The small business impact survey respondents indicated they expect no impact, or an impact of less than \$99 to their businesses.

I certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small business, and that the information contained in this statement was prepared properly and is accurate. (NRS 233B.0608(3))

J.J. Goicoechea

J.J. Goicoechea (Jan 26, 2026 11:50:27 PST)

J.J. Goicoechea, DVM
Director
Nevada Department of Agriculture

**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.