

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

LCB File No. R168-08

September 4, 2008

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

AUTHORITY: §§1 and 2, NRS 555.243; §3, NRS 555.243, 555.247 and 555.2485; §4, NRS 555.243 and 555.2485.

A REGULATION relating to nursery stock; revising the requirements for the labeling of nursery stock; and providing other matters properly relating thereto.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto a new section to read as follows:

“Nursery stock” has the meaning ascribed to it in NRS 555.23562.

Sec. 2. NAC 555.100 is hereby amended to read as follows:

555.100 As used in NAC 555.100 to 555.235, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.1005 to 555.109, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 555.130 is hereby amended to read as follows:

555.130 1. ~~[Nursery]~~ *In addition to the requirements set forth in NAC 555.210, all* *nursery* stock sold or offered for sale must be labeled plainly and legibly with the correct botanical or commonly accepted name, or both. ~~[If nursery stock is sold by grade or size, the grade or size must appear on the label and be determined as set forth in the American Standard for Nursery Stock, as adopted by reference pursuant to NAC 555.200.]~~ Nursery stock on display for sale may be labeled by a suitable sign on a block of stock of the same kind and species.

2. *In addition to the requirements set forth in subsection 1, balled nursery stock which is sold or offered for sale in containers must be labeled plainly and legibly as “balled nursery stock”. Such a label may include, without limitation, the following:*

- (a) “Balled and burlapped”;*
- (b) “Balled and potted”;*
- (c) “Field potted”; or*
- (d) “Potted balled and burlapped”.*

3. A person who fails to label or label correctly nursery stock in violation of this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:

- (a) For the first violation, \$75.
- (b) For the second violation, \$100.
- (c) For the third and any subsequent violation, \$200.

Sec. 4. NAC 555.210 is hereby amended to read as follows:

555.210 1. ~~[AHH]~~ *In addition to the requirements set forth in NAC 555.130, all* nursery stock when offered for sale or sold by grade or size classification must have securely attached in a conspicuous place to each piece of nursery stock or to each container thereof, if sold individually, or securely attached to each bundle or lot when bundled or sold as a single lot of one kind, grade or size, a label plainly and legibly printed or written stating the grade or size of the nursery stock at the time it is sold or delivered. The designated grade or size statement must conform to the standards of grade or size classification *set forth in the American Standard for Nursery Stock, as adopted by reference pursuant to NAC 555.200*, approved for use in this

State, and the label must not contain any word, character or device which obscures the meaning of this designation or statement as to grade and size.

2. A person who violates this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:

- (a) For the first violation, \$100.
- (b) For the second violation, \$200.
- (c) For the third and any subsequent violation, \$300.