

**ADOPTED REGULATION OF THE DIRECTOR OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R016-15

Effective December 21, 2016

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

AUTHORITY: §1, NRS 573.130 and 573.190.

A REGULATION relating to public sales of livestock; requiring the operator of a public livestock auction to ensure that an accredited veterinarian is present at the public livestock auction on each regularly scheduled sale day; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Department of Agriculture to require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through public livestock auctions that may be necessary to prevent the spread of infectious, contagious or parasitic diseases among the livestock of this State. (NRS 573.130)

This regulation requires an operator of a public livestock auction to ensure that an accredited veterinarian is present at the public livestock auction for not less than 2 hours of each regularly scheduled sale day. This regulation specifies that the operator of a public livestock auction who violates this requirement is responsible for the administrative fines imposed by the Department for such a violation. This regulation also provides that the Department may consider as cause for the revocation of a regularly scheduled sale day the continued failure of an operator of a public livestock auction to comply with the requirements of this regulation.

Section 1. Chapter 573 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The operator of a public livestock auction shall ensure that an accredited veterinarian is present for not less than 2 hours on each regularly scheduled sale day to assess the health of the animals at the public livestock auction.

2. An operator of a public livestock auction who fails to ensure that an accredited veterinarian is present on each regularly scheduled day of a public livestock auction as required by subsection 1 shall, for each such violation, pay to the Department the administrative fine imposed pursuant to NRS 573.190.

3. The Department may consider as cause for the revocation of a regularly scheduled sale day the continued failure by an operator of a public livestock auction to meet the requirements of subsection 1.

4. As used in this section, “accredited veterinarian” has the meaning ascribed to it in NAC 571.602.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

LCB FILE R016-15

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter NAC 573.060 Veterinary Presence at Livestock Markets on Sale Day.

1. A clear and concise explanation of the need for the adopted regulation.

- The purpose of the proposed regulation to 573.060 is to benefit Nevada Department of Agriculture staff and small businesses by preventing the number of communicable livestock diseases being spread throughout Nevada.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary

- Copies of the proposed regulation were sent by U.S mail and emailed to person who was known to have interest in the subject of spread of communicable diseases in livestock as well as any persons who had specifically requested such notice. These documents were also made available at the Nevada Department of Agriculture website, <http://agri.nv.gov/>, mailed to all county libraries in Nevada and posted at the locations listed below.

Elko Brands Office
4780 E. Idaho Street
Elko Nevada, 89801

Las Vegas Office
2300 McLeod Street
Las Vegas Nevada, 89104

Reno/ Sparks Office
405 S. 21st Street
Sparks, Nevada 89431

- The Nevada Department of Agriculture's board was presented with the proposal to amend the proposed regulation where it was unanimously accepted to move forward with regulation change process.
- The amendment to the regulation was presented at numerous events where interested persons were in attendance and public comment was taken. Some of these events included: the Nevada Farm Bureau Annual Meeting, and the Nevada Cattlemen's Association.
- Surveys were distributed via U.S mail, email and social media outlets for interested persons to give feedback on the proposed amendment.
- A workshop was held June 10, 2015 for interested persons to attend and review the impact on small business and make public comment.
- A public hearing was held on February 29th, 2016 where the intent to adopt the regulation as a permanent regulation was formally announced and discussed.

3. The number persons who:

Attended at each hearing: January 15, 2015- February 29th, 2016 : 0

Testified at each hearing: January 15, 2015- February 29th, 2016 : 0

Submitted to the agency written comments: No written comment was submitted.

4. **A list of names and contact information, including telephone number, business address, business telephone number and electronic mail address and the name of entity or organization represented for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

****No attendees at hearing or workshop.**

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**
- Comments were solicited from affected business in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.
6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
- The permanent regulation was adopted March 29th, 2016; no one proposed any changes.
7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- Sale barns currently are required to have veterinarians on contract to complete needed veterinary work and to comply with federal and state requirements for animal movement. This adopted regulation will have a small economic effect of these regulated businesses by mandating a veterinary presence on sale day. There is no economic effect on the public other than better securing Nevada's livestock industry against communicable diseases and decreased trade and value as a result of disease transmission.
 - The effects will be immediate and continue for long term for the regulated sale barns and public livestock industry.
8. **The estimated cost to the agency for enforcement of the adopted regulation.**
- There is no additional cost to the agency for enforcement of this regulation.
9. **A description of any regulations of other state or government 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 name of the regulating federal agency.**
- There are no other state or government agency regulations that the proposed regulation duplicates.
10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
- There are no federal regulations that apply.

- 11. If the 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.**
- This regulation does not provide a new fee or increase an existing fee.