

# PROPOSED REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

LCB File No. R086-15

Statutory Authority - NRS 576 and AB 77

Regulatory Authority - Department

## CERTIFIED PRODUCER'S CERTIFICATE

**NAC 576.300 Definitions.** (NRS 561.301, 576.128) As used in NAC 576.300 to 576.440, inclusive, unless the context otherwise requires, the words and terms defined in NAC 576.310 and 576.320 have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Agriculture by R097-98, eff. 12-14-98; A by Dep't of Agriculture by R125-05, 10-31-2005)

**NAC 576.310 "Agricultural product of the soil" defined.** (NRS 561.301, 576.128) "Agricultural product of the soil" means a crop grown in soil or any other medium *and, for the purposes of this section, includes honey and eggs.*

**NAC 576.320 "Certified producer's certificate" defined.** (NRS 561.301, 576.128) "Certified producer's certificate" means a written document issued by the Department pursuant to NAC 576.330, 576.340 and 576.350 which indicates that the holder of the certificate has obtained certification that he is the actual producer of each agricultural product of the soil which is listed on the certificate.

(Added to NAC by Div. of Agriculture by R097-98, eff. 12-14-98; A by Dep't of Agriculture by R125-05, 10-31-2005)

**NAC 576.325 Exemption from requirements.** (NRS 561.301, 576.128)

1. A person who produces only organic agricultural products of the soil is exempt from the requirements set forth in NAC 576.300 to 576.440, inclusive.
2. *A person who does not anticipate he will offer for sale an agricultural product of the soil which he has grown.*

**NAC 576.330 Application for certificate *for agricultural products of the soil for human consumption and horticultural products*: Submission; contents.** (NRS 561.301, 576.128)

1. To obtain a certified producer's certificate, a person must submit to the Department, on a form prescribed by the Department, a separate application for each plot of land on which an agricultural product of the soil will be grown. For the purposes of this section, a separate application is required for each plot of land on which an agricultural product of the soil will be grown if the plot of land is not contiguous to any other plot of land on which an agricultural product of the soil will be grown.

2. The application must include, without limitation:

- (a) The name, mailing address and telephone number of the applicant;
- (b) The physical address of the plot of land on which each agricultural product of the soil will be grown;
- (c) A list of each agricultural product of the soil for which the applicant seeks certification and anticipates that he will grow and offer for sale during the 12 months for which the certificate is valid;
- (d) The estimated yield of each agricultural product of the soil listed on the application;
- (e) The harvest season of each agricultural product of the soil listed on the application;
- (f) If an agricultural product of the soil is to be stored, the length of time the product will be stored;
- (g) If any agricultural product of the soil produced by the applicant is in storage at the time of application, the physical address at which the product is being stored and the amount of the product that is being stored at that location at the time of application;
- (h) The total area of the plot of land which is under cultivation for each agricultural product of the soil listed on the application, designated in terms of acres or square feet, as applicable;
- (i) A detailed map that indicates the location of the plot of land on which any agricultural product of the soil listed pursuant to paragraph (c) will be grown; and
- (j) The fee set forth in NAC 576.371 for the application and the inspection required pursuant to NAC 576.340.

3. Except as otherwise provided in this subsection, an application must be submitted to the Department at least 30 days before the harvest of an agricultural product of the soil that is listed on the application. The Department may, in its discretion, waive the requirements set forth in this subsection.

**NAC 576.340 Inspection of plot of land indicated on application.** (NRS 561.301, 576.128)  
 Except as otherwise provided in NAC 576.353 or 576.356, before approving an application for a certified producer's certificate, an amended certified producer's certificate or a renewed certified producer's certificate, the Department, or an authorized representative of the Department, ~~with~~ **may** inspect the plot of land that is indicated on the application to verify the production of each agricultural product of the soil that is listed on the application or the existence in storage of each agricultural product of the soil that is listed on the application which has been harvested, or both.

**NAC 576.350 Issuance, contents and period of validity of certificate; application for amendment or renewal.** (NRS 561.301, 576.128)

1. Upon approval of an application, the Department will issue a certified producer's certificate to the applicant.
2. A certified producer's certificate must list each agricultural product of the soil that is produced by the holder of the certificate.
3. A certified producer's certificate is valid for 12 months after the date on which the certificate is issued.
4. The holder of a certified producer's certificate may apply to the Department to:
  - (a) Amend his certificate pursuant to NAC 576.353; and
  - (b) Renew his certificate pursuant to NAC 576.356.
 (Added to NAC by Div. of Agriculture by R097-98, eff. 12-14-98; A by Dep't of Agriculture by R125-05, 10-31-2005)

**NAC 576.353 Amendment of certificate. (NRS 561.301, 576.128)**

1. If the holder of a certified producer's certificate wishes to add an agricultural product of the soil to those listed on his certificate, he must submit to the Department, on a form prescribed by the Department, a separate application to amend the certificate for each plot of land on which an additional agricultural product of the soil will be grown. For the purposes of this section, a separate application is required for each plot of land on which an additional agricultural product of the soil will be grown if the plot of land is not contiguous to any other plot of land on which an agricultural product of the soil is grown that is listed on the certified producer's certificate.

2. Except as otherwise provided in this subsection, if a holder of a certified producer's certificate wishes to amend the certificate pursuant to subsection 1, the holder must submit an application to amend the certificate at least 30 days before the harvest of any additional agricultural product of the soil. The Department may, in its discretion, waive the requirements set forth in this subsection.

3. The application must include, without limitation:

- (a) The information required pursuant to subsection 2 of NAC 576.330;
- (b) An identification of each additional agricultural product of the soil that will be grown; and
- (c) A detailed map that indicates the location of the plot of land on which any additional agricultural product of the soil will be grown.

4. The Department may waive the inspection of the plot of land that is indicated on the application to amend a certificate, which is required pursuant to NAC 576.340 to verify the production of each additional agricultural product of the soil, unless any agricultural product of the soil included on the application is substantially different from the agricultural products of the soil listed on the original certificate.

5. If the Department approves an application to amend a certified producer's certificate, the Department will issue an amended certificate which lists the additional agricultural products of the soil that will be grown. The amended certificate expires on the expiration date of the original certificate.

(Added to NAC by Dep't of Agriculture by R125-05, eff. 10-31-2005)

**NAC 576.356 Renewal of certificate. (NRS 561.301, 576.128)**

1. The holder of a certified producer's certificate may renew his certificate every 12 months by submitting to the Department, on a form prescribed by the Department, an application to renew the certificate.

2. Except as otherwise provided in this subsection, if a holder of a certified producer's certificate wishes to renew the certificate, the holder must submit the application for renewal at least 30 days before the certified producer's certificate expires. The Department may, in its discretion, waive the requirements set forth in this subsection.

3. The Department may waive the inspection of the plot of land that is indicated on the application to renew a certificate, which is required pursuant to NAC 576.340 to verify the production of each agricultural product of the soil, unless:

(a) The designation of the plot of land on which an agricultural product is grown that is listed on the renewal application is different from the plot of land designated on the original certificate; or

(b) Any agricultural products of the soil included on the renewal application are substantially different from the agricultural products of the soil listed on the original certificate.

4. The application for renewal must include:

- (a) The information required pursuant to subsection 2 of NAC 576.330; and
- (b) The fee for renewal set forth in NAC 576.371.

5. Upon approval of the application for renewal, the Department will issue a renewed certified producer's certificate to the applicant. A renewed certificate is valid for 12 months after the date on which the renewal certificate is issued.

(Added to NAC by Dep't of Agriculture by R125-05, eff. 10-31-2005)

*NAC 576.--- Application for certificate for agricultural products of the soil other than for human consumption: Submission; contents. (NRS 561.301, 576.128)*

1. *To obtain a certified producer's certificate, a person must submit to the Department, on a form prescribed by the Department, a separate application for each plot of land on which an agricultural product of the soil will be grown. For the purposes of this section, a separate application is required for each plot of land on which an agricultural product of the soil will be grown if the plot of land is not contiguous to any other plot of land on which an agricultural product of the soil will be grown.*

2. *The application must include, without limitation:*

- (a) The name, mailing address and telephone number of the applicant;*
- (b) The physical address of the plot of land on which each agricultural product of the soil will be grown;*
- (c) A list of each agricultural product of the soil for which the applicant seeks certification and anticipates that he will grow and offer for sale during the 12 months for which the certificate is valid;*
- (d) The estimated yield of each agricultural product of the soil listed on the application;*
- (e) A map that indicates the location of the plot of land on which any agricultural product of the soil listed pursuant to paragraph (c) will be grown; and*
- (j) The fee set forth in NAC 576.371 for the application*

3. *Except as otherwise provided in this subsection, an application must be submitted to the Department at least 30 days before the harvest of an agricultural product of the soil that is listed on the application. The Department may, in its discretion, waive the requirements set forth in this subsection.*

*NAC 576.--- Issuance, contents and period of validity of certificate; application for renewal. (NRS 561.301, 576.128)*

1. *Upon approval of an application, the Department will issue a certified producer's certificate to the applicant.*

2. *A certified producer's certificate must list each agricultural product of the soil that is produced by the holder of the certificate.*

3. *A certified producer's certificate is valid for 12 months after the date on which the certificate is issued.*

4. *The holder of a certified producer's certificate may apply to the Department to renew his certificate pursuant to NAC..*

*NAC 576.--- Renewal of certificate.*

1. *The holder of a certified producer's certificate may renew his certificate every 12 months by submitting to the Department, on a form prescribed by the Department, an application to renew the certificate.*

2. *Except as otherwise provided in this subsection, if a holder of a certified producer's certificate wishes to renew the certificate, the holder must submit the application for renewal at least 30 days before the certified producer's certificate expires. The Department may, in its discretion, waive the requirements set forth in this subsection.*

3. *The application for renewal must include:*

(a) *The information required pursuant to NAC; and*

(b) *The fee for renewal set forth in NAC 576.371.*

5. *Upon approval of the application for renewal, the Department will issue a renewed certified producer's certificate to the applicant. A renewed certificate is valid for 12 months after the date on which the renewal certificate is issued.*

**NAC 576.361 Availability of applications.** (NRS 561.301, 576.128) An application for a certified producer's certificate, an application to amend a certified producer's certificate and an application to renew a certified producer's certificate may be obtained, free of charge, from the State Department of Agriculture ~~by mail at 350 Capitol Hill Avenue, Reno, Nevada 89502, or by telephone at (775) 688-1180.~~ *At 405 S. 21st Street, Sparks, Nevada, 89431, or by telephone at (775) 353-3601.*

**NAC 576.371 Fees of Department.** (NRS 561.301, 576.128) The Department ~~will~~ *may* charge and collect the following nonrefundable fees:

1. For an application for an initial certified producer's certificate ~~and the~~ *that requires* inspection ~~required~~ pursuant to NAC 576.340 \$50.00

2. For the renewal of a certified producer's certificate ~~without~~ *that required* an inspection..... \$30.00

3. For the inspection of any plot of land concerning an agricultural product of the soil for which a person seeks a certified producer's certificate which is conducted after the initial inspection has been completed and for any other additional inspections:

(a) For each hour of inspection, calculated from the assigned office of the inspector, per hour \$30.00

(b) For mileage, per mile..... ~~\$0.40~~ *The current IRS mileage reimbursement rate.*

3. *For an application that does not require an inspection, the Department may waive any fee.*

4. *The Department may charge a fee not to exceed \$5.00 for online certified producer registration.*

#### ***CERTIFIED PRODUCE VENDOR'S CERTIFICATE***

**NAC 576.720 "Certified produce vendor's certificate" defined.** (NRS 561.301, 576.128) *"Certified produce vendor's certificate" means a written document issued by the Department that indicates that the holder of the certificate has obtained certification that he is a vendor of each agricultural product of the soil which is listed on the certificate. A certified produce vendor's certificate must not include nursery stock or ornamentals.*

*NAC 576.725 Exemption from requirements. (NRS 561.301, 576.128)*

*A person who holds a certified producer's certificate for agricultural products of the soil and sells or intends to sell only those agricultural products of the soil listed on his certificate is exempt from the provisions set forth in this section.*

*NAC 576.730 Application for certificate: Submission; contents. (NRS 561.301, 576.128)*

*1. To obtain a certified produce vendor's certificate, a person must submit to the Department, on a form prescribed by the Department, an application.*

*2. The application must include, without limitation:*

- (a) The name, mailing address and telephone number of the applicant;*
- (b) A list of each agricultural product of the soil which the applicant anticipates that he will offer for sale in Nevada during the 12 months for which the certificate is valid; and*
- (c) The fee set forth in NAC 576.771 for the application and authorized pursuant to NRS 561.153.*

*3. Except as otherwise provided in this subsection, an application must be submitted to the Department at least 30 days before the sale of an agricultural product of the soil that is listed on the application. The Department may, in its discretion, waive the requirements set forth in this subsection.*

*NAC 576.750 Issuance, contents and period of validity of certificate; application for amendment or renewal. (NRS 561.301, 576.128)*

*1. Upon approval of an application, the Department will issue a certified produce vendor's certificate to the applicant.*

*2. A certified produce vendor's certificate must list each agricultural product of the soil that is to be offered for sale by the holder of the certificate.*

*3. A certified produce vendor's certificate is valid for 12 months after the date on which the certificate is issued.*

*4. The holder of a certified produce vendor's certificate may apply to the Department to:*

- (a) Amend his certificate pursuant to NAC 576.753; and*
- (b) Renew his certificate pursuant to NAC 576.756.*

*NAC 576.753 Amendment of certificate.*

*1. If the holder of a certified produce vendor's certificate wishes to add an agricultural product of the soil to those listed on his certificate, he must submit to the Department, on a form prescribed by the Department, a separate application to amend the certificate for additional agricultural products of the soil that will be sold.*

*2. Except as otherwise provided in this subsection, if a holder of a certified produce vendor's certificate wishes to amend the certificate pursuant to subsection 1, the holder must submit an application to amend the certificate at least 30 days before the sale of any additional agricultural product of the soil. The Department may, in its discretion, waive the requirements set forth in this subsection.*

*3. The application must include, without limitation:*

- (a) The information required pursuant to subsection 2 of NAC 576.730;*
  - (b) An identification of each additional agricultural product of the soil that will be sold.*
- 4. If the Department approves an application to amend a certified producer's certificate, the Department will issue an amended certificate which lists the additional agricultural products*



*of the soil that will be sold. The amended certificate expires on the expiration date of the original certificate.*

*NAC 576.756 Renewal of certificate. (NRS 561.301, 576.128)*

*1. The holder of a certified produce vendor's certificate may renew his certificate every 12 months by submitting to the Department, on a form prescribed by the Department, an application to renew the certificate.*

*2. Except as otherwise provided in this subsection, if a holder of a certified produce vendor's certificate wishes to renew the certificate, the holder must submit the application for renewal at least 30 days before the certified produce vendor's certificate expires. The Department may, in its discretion, waive the requirements set forth in this subsection.*

*3. The application for renewal must include:*

*(a) The information required pursuant to subsection 2 of NAC 576.730; and*

*(b) The fee for renewal set forth in NAC 576.771.*

*5. Upon approval of the application for renewal, the Department will issue a renewed certified produce vendor's certificate to the applicant. A renewed certificate is valid for 12 months after the date on which the renewal certificate is issued.*

*NAC 576.761 Availability of applications. (NRS 561.301, 576.128) An application for a certified produce vendor's certificate, an application to amend a certified produce vendor's certificate and an application to renew a certified produce vendor's certificate may be obtained, free of charge, from the State Department of Agriculture at 405 S. 21st. Street, Sparks, Nevada 89431, or by telephone at (775) 353-3601.*

*NAC 576.771 Fees of Department. (NRS 561.153, 561.301, 576.128) The Department will charge and collect the following nonrefundable fees:*

*1. For an application for an initial certified produce vendor's certificate \$50.00*

*2. For the renewal of a certified produce vendor's certificate \$30.00*

*NAC 576.780 Maintenance of list of certificate holders. (NRS 561.301, 576.128) The Department will maintain a list of each person to whom the Department has issued a certified produce vendor's certificate.*

*NAC 576.790 REQUIRED use of certificate. A person who holds a certified produce vendor's certificate must prominently display the certificate at all times while agricultural products of the soil are displayed or otherwise offered for sale.*

*NAC 576.800 Prohibited use of certificate. (NRS 561.301, 576.128) A person shall not use a certified produce vendor's certificate to claim or imply that he is the producer of an agricultural product of the soil which he did not produce.*

*NAC 576.810 Order to stop sale of agricultural product of soil. (NRS 561.295, 561.301, 576.128) The Director may issue a written order to stop the sale of an agricultural product of the soil if the produce vendor does not hold a valid certified produce vendor's certificate issued by the Department.*

*NAC 576.820 Suspension, revocation or refusal to renew certificate. (NRS 561.295, 561.301, 576.128) The Department may suspend, revoke or refuse to renew a certified produce vendor's certificate issued to a person pursuant to this section, if the Department determines that the person violated the provisions of NAC 576.720 to 576.840, inclusive.*

*NAC 576.840 Request for hearing. (NRS 561.295, 561.301, 576.128) A person:*

*1. Who is issued a written order to stop the sale of an agricultural product of the soil pursuant to NAC 576.810; or*

*2. Whose certified produce vendor's certificate has been suspended or revoked or has not been renewed pursuant to NAC 576.820,*

☐ *may request a hearing pursuant to subsection 2 of NRS 561.295.*