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**PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE**  
**NOTICE OF INTENT TO ACT UPON A REGULATION**  
**AND**  
**HEARING AGENDA**

Notice of Hearing for the Adoption of Permanent Regulations Nevada Administrative Code chapter 552.

**LCB File No. R024-22**

The Nevada Department of Agriculture (NDA) will hold a public hearing at 10:30 a.m. on May 31, 2022. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to chapter 552 of the Nevada Administrative Code (NAC).

**Date:** Tuesday, May 31, 2022  
**Time:** 10:30 a.m. PDT  
**Location:** This meeting will be held virtually via Webex.

**Remote Meeting Information\*:**

To join the meeting virtually, click on the URL and enter the meeting number and password when prompted:

<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=m05de4a49ef224bdcdf71d4082c1690cf>

Meeting Number: 2550 226 2709

Access code: wpE4r3f44zg

To join by telephone, call the phone-in number and enter the access code when prompted.

Phone-in Access #: 1-408-418-9388

Access Code: 2550 226 2709

**\*Per 2021 AB253**

ALL PERSONS WISHING TO ATTEND THE MEETING MUST ATTEND VIA (insert platform, WEBEX/ZOOM) OR TELEPHONICALLY.

Nevada Revised Statute Chapter 287 has been amended through [2021 AB 253](#) to allow public meetings to be completed by use of remote technology and without a physical location.

## INFORMATIONAL STATEMENTS

Pursuant to [NRS 233B.0603](#), the NDA is providing the following statements pertaining to the public hearing on proposed changes to Chapter 552 of NAC.

- The need for and the purpose of the proposed regulation or amendment.

Currently as complaints are received or an abandoned or diseased hive is found, the NDA is unable to notify the owner as the landowner is not always the beekeeper or aware a hive has been placed on their property. The proposed regulations would require signage be placed next to a hive that lists the owner's contact information which would allow the NDA to make contact should there be a compliance issue (i.e. diseased, poor health, or africanized colony) in addition to a need for education. If the NDA is unable to contact a hive owner in order to respond to the compliance issue, the hive is disposed of to protect other hives. This proposed regulation also allows for hive health education opportunities which can help prevent future issues.

- If the regulation is a temporary one, 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 a permanent one, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The Legislative Counsel permanent regulation text is available by contacting the NDA at 775-353-3601 or through the following links:

o Nevada Department of Agriculture website at:

[https://agri.nv.gov/Plant/Workshop\\_and\\_Hearing\\_Meetings/Division\\_of\\_Plant\\_Health\\_and\\_Compliance\\_Workshops\\_and\\_Hearings/](https://agri.nv.gov/Plant/Workshop_and_Hearing_Meetings/Division_of_Plant_Health_and_Compliance_Workshops_and_Hearings/)

o Nevada Public Notice website at: <https://notice.nv.gov/>

o Nevada Legislature Administrative Regulation Notices at:

<https://www.leg.state.nv.us/App/Notice/A/>

- The estimated economic effect of the regulation on the business which it is to regulate and on the public.
  - o Adverse economic effect on regulated business  
Beekeepers will need to place signage next to hives and ensure signage is placed as hives are moved. This will require some time commitment and the purchase of materials to construct the signs. Cost estimates for signage or any other economic impact directly attributed to having to place signage were not provided to the NDA other than the expressed concern of hive theft.

- Beneficial economic effect on regulated business  
The NDA will be able to respond to hive health or abandonment complaints or field detections appropriately by promptly contacting the owner and in providing education, compliance notices, and potential enforcement action. If the NDA is unable to contact a hive owner in order to respond to the compliance issue, the hive is disposed of to protect other hives. Prompt contact with the owner allows for hive health education opportunities which can help prevent future issues. In addition, improving the NDA's ability to respond to reported or detected hive issues protects other hives from being compromised. Further, signage would allow for beekeepers to be notified of intended pesticide applications and to coordinate with the applicator appropriately.
  - Immediate economic effect on regulated business  
Beekeepers would have to place the required signage at all locations. This will require time and signage materials which has varying beekeeper impacts depending on their number of colonies.
  - Long-term economic effect on regulated business  
Beekeepers will need to ensure that as colonies are moved, signage is also moved accordingly.
  - Adverse economic effect on the public  
The increase in fees for the regulated industry may be felt through increased product pricing.
  - Beneficial economic effect on the public  
The increase in fees for the regulated industry may be felt through increased product pricing.
  - Immediate economic effect on the public  
The increase in fees for the regulated industry may be felt through increased product pricing.
  - Long-term economic effect on the public  
The increase in fees for the regulated industry may be felt through increased product pricing.
- The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement would be complaint based or as part of other agriculture inspection services. No additional cost is anticipated.

- The methods used by the agency in determining the impact on a small business.

A digital survey was released by the Nevada Department of Agriculture (NDA) to assess the impact of the proposed regulation changes to NAC 552 which included a proposed regulation that has since been removed. The portion that was removed from the regulation draft included a requirement that

adjacent neighbors be notified when hives are present on a property (if the hive owner's property is less than five acres). Most of the survey comment received was in response to the neighbor notification requirement which was removed from the proposed regulation draft.

The survey opened on July 28, 2021 and closed on August 11, 2021. On July 28, 2021, the survey was posted to the NDA's website at [www.agri.nv.gov/survey](http://www.agri.nv.gov/survey). The survey was sent to licensed honey businesses and beekeepers on record with the NDA. A search was also conducted to supplement the contact list to include businesses and beekeeper organizations in Nevada. In total, this email went out to 128 contacts.

An additional email was sent to all agriculture businesses and contacts registered through the NDA MailChimp account. In total, this email went out to 7,244 contacts. An error was experienced when the survey was issued so, the survey was reopened and communication was sent to those impacted during this period from August 27, 2021 to September 7, 2021, resulting in 6 additional responses. A link to all active surveys, including NAC 552, was shared on social media and through the NDA Director's July newsletter on July 30, 2021. In addition, the survey was shared by the Nevada Farm Bureau through their newsletters on July 30, 2021 and August 6, 2021. The survey was also posted on the Mason Valley Beekeepers' social media on July 31, 2021.

In total, the survey received 80 responses with a 70% survey completion rate. 30 responses were received through email, while 50 responses were received through social media, website postings, and other survey promotions.

- A description of and citation to 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 proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

Not applicable

- If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not applicable

- If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable

- Whether the proposed regulation establishes a new fee or increases an existing fee.

Not applicable

- Copies of this notice and proposed regulations will be mailed to members of the public upon request. 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 may be charged for copies or postage if it is deemed necessary. Requests for mailed copies may be directed to
  - Nevada Department of Agriculture
  - Division of Plant Health and Compliance
  - 405 South 21<sup>st</sup> Street
  - Sparks, NV 89431
  - Phone: 775-353-3601; Email: [m.brown@agri.nv.gov](mailto:m.brown@agri.nv.gov)
  
- Notice of this meeting was sent to all persons on the Department’s mailing list for administrative regulations and posted on or before 10:30 a.m. thirty days before the meeting at the following locations:
  - 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/>
  
- Persons wishing to make oral comment upon the regulation draft of the Nevada Department of Agriculture may participate at the scheduled hearing. Persons wishing to submit written testimony or documentary evidence may submit the material by emailing [m.brown@agri.nv.gov](mailto:m.brown@agri.nv.gov) or via mail to the following address: Nevada Department of Agriculture, Attn: Meghan Brown, 405 S. 21<sup>st</sup> ST, Sparks, NV 89431. Written submissions must be received by the NDA on or before May 31,2022.
  
- Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please contact the Department at 775-353-3601 or [m.brown@agri.nv.gov](mailto:m.brown@agri.nv.gov) at least three (3) business days prior to the meeting.
  
- If no person who is directly affected by the proposed action appears to request time to make and oral presentation, the NDA may proceed immediately to act upon any written submissions.
  
- 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.

**ADOPTION HEARING AGENDA**  
**NEVADA DEPARTMENT OF AGRICULTURE**  
**May 31, 2022**  
**10:30 a.m.**

**Note:** Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

**I. Call to Order**

**II. Public Comment:** 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 nor allocated to another speaker. The agency is precluded from action on items raised during Public Comments that are not on the agenda.

**III. For possible action:** Discussion and Adoption of Proposed Permanent Regulations  
a. Amendment of regulations that pertain to Chapter NAC 552 of the Nevada Administrative Code.

**IV. Public Comment:** 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 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**

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

**LCB File No. R024-22**

March 15, 2022

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

AUTHORITY: §§ 1 and 2, NRS 552.095.

A REGULATION relating to agriculture; requiring the owner of an apiary to post and maintain a sign on the property on which the apiary is located; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that the State Department of Agriculture has control of all matters pertaining to the apiary industry in this State and authorizes the Director of the Department to adopt regulations relating to bees and apiaries. (NRS 552.095) **Section 1** of this regulation requires the owner of an apiary to post a sign on the property on which the apiary is located that includes: (1) a statement indicating that an apiary is located on the property; (2) the name of the owner; and (3) the telephone number or electronic mail address of the owner.

**Section 2** of this regulation makes the requirements of this regulation applicable to apiaries that exist on the effective date of this regulation. The owner of such an apiary will have 90 days after the effective date of this regulation to comply with such requirements.

**Section 1.** Chapter 552 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. The owner of an apiary shall post a sign on the property on which the apiary is located which must:*

- (a) Be placed in a conspicuous location on the property;*
- (b) Be printed with text that is easily readable and at least 1 inch in height; and*
- (c) Include, without limitation:*
  - (1) A statement indicating that an apiary is located on the property;*

*(2) The name of the owner of the apiary; and*

*(3) The telephone number or electronic mail address of the owner of the apiary.*

*2. The sign required to be posted pursuant to subsection 1 must be posted and maintained at all times that an apiary is located on the property.*

*3. If the owner of an apiary does not post and maintain a sign that meets the requirements of this section, the Director may, after notice and opportunity for a hearing, find the apiary abandoned and have the apiary seized and destroyed.*

**Sec. 2.** This regulation, LCB File No. R024-22, is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. The owner of an apiary shall, not later than 90 days after the effective date of this regulation, post a sign on the property on which the apiary is located which must:

(a) Be placed in a conspicuous location on the property;

(b) Be printed with text that is easily readable and at least 1 inch in height; and

(c) Include, without limitation:

(1) A statement indicating that an apiary is located on the property;

(2) The name of the owner of the apiary; and

(3) The telephone number or electronic mail address of the owner of the apiary.

2. The sign required to be posted pursuant to subsection 1 must be posted and maintained at all times that an apiary is located on the property.

3. If the owner of an apiary does not post and maintain a sign that meets the requirements of this section, the Director may, after notice and opportunity for a hearing, find the apiary abandoned and have the apiary seized and destroyed.



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

**December 13, 2021**

**Proposed Amendments to NAC Chapter 552**

- 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.**

A digital survey was released by the Nevada Department of Agriculture (NDA) to assess the impact of proposed regulation changes to NAC 552, including requiring adjacent neighbors be notified when hives are present on a property (if the hive owner's property is less than five acres) and requiring all hives have signage listing the hive owner's name and contact information.

The survey opened on July 28, 2021 and closed on August 11, 2021. On July 28, 2021, the survey was posted to the NDA's website at [www.agri.nv.gov/survey](http://www.agri.nv.gov/survey). The survey was sent to licensed honey businesses and beekeepers on record with the NDA. A search was also conducted to supplement the contact list to include businesses and beekeeper organizations in Nevada. In total, this email went out to 128 contacts.

An additional email was sent to all agriculture businesses and contacts registered through the NDA MailChimp account. In total, this email went out to 7,244 contacts. An error was experienced when the survey was issued so, the survey was reopened and communication was sent to those impacted during this period from August 27, 2021 to September 7, 2021, resulting in 6 additional responses.

A link to all active surveys, including NAC 552, was shared on social media and through the NDA Director's July newsletter on July 30, 2021. In addition, the survey was shared by the Nevada Farm Bureau through their newsletters on July 30, 2021 and August 6, 2021. The survey was also posted on the Mason Valley Beekeepers' social media on July 31, 2021.

In total, the survey received 80 responses with a 70% survey completion rate. 30 responses were received through email, while 50 responses were received through social media, website postings, and other survey promotions.

Summary of Survey Responses:

- If enacted would the proposed changes to NAC 552 impact your ability to do business?

- Yes – 27 respondents (38.57%)
  - No – 19 respondents (27.14%)
  - Maybe – 24 respondents (34.29%)
- Estimate the total annual impact the proposed changes to NAC 552 will have on your business.
    - Reported cost of the proposed changes to NAC 552 on small business was reported by respondents to be between \$81,119 and \$141,693. In total, 60% of small business respondents reported there would be less than \$1,000 in additional costs associated with the proposed changes to NAC 552. Information on how the estimates were determined was not provided by survey respondents.
  - What level of negative impact will the proposed changes to NAC 552 have on your business?
    - No impact – 15 respondents (24.59%)
    - Insignificant impact – 3 respondents (4.92%)
    - Minor impact – 6 respondents (9.84%)
    - Moderate impact – 14 respondents (22.95%)
    - Major impact – 11 respondents (18.03%)
    - Severe impact – 12 respondents (19.67%)

Additional responses included:

- Don't add regulations
- Do not add the neighbor notification proposed regulation
- Have a digital means for reporting hive locations to allow for notifications
- The proposed regulations are an education issue on both sides and more public information is particularly needed
- Africanized bees are not an issue in the north
- Stop creating challenges for beekeepers
- Neighbors would then dictate whether hives are permitted
- Disagreement that there are bee complaints being received necessitating neighbor notifications
- Anaphylactic allergies are highly uncommon and neighbor notification is unnecessary
- Hives would need to be moved to areas greater than 5 acres to circumvent the neighbor notification
- Will result in increased cost of products or decreased supply
- Lack of public knowledge on the need for pollinators
- NDA doesn't support beekeepers, urban beekeeping, or the psychological benefits of beekeeping
- No concerns with the proposed regs if the neighbor notifications are removed
- Recognizes benefits in hives being labeled
- Bees are needed and the proposed regulations will prevent beekeeping
- This will impact food production and negatively impact pollinators
- Africanized honeybee quarantine in Southern Nevada may assist with addressing concerns
- Be sure the proposed regulations wouldn't result in neighbor disputes

- The proposed regulations should include funding to support inspection and research staff
- Hives will be stolen if locations are known
- Hobbyists shouldn't be regulated
- Allow for urban issues to be handled through the establishment of local government ordinances
- Suggested direct contact to discuss mutual solutions

A detailed report of all comments received can be provided through contacting the NDA at (775) 353-3601 or [awhitenack@agri.nv.gov](mailto:awhitenack@agri.nv.gov).

**2. The manner in which the analysis was conducted.**

A statistical analysis of the survey results was compiled and considered. While most respondents indicated that the proposed changes would have an impact on their business, the majority of respondents indicated that the level of financial impact caused would be severe to moderate.

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

Cost of the proposed changes to NAC 552 on small business was reported by survey respondents to be between \$81,119 and \$141,693. In total, 60% of small business respondents reported there would be less than \$1,000 in additional costs associated with the proposed changes to NAC 552. This economic impact estimate included the proposed regulations in notifying neighbors. It is anticipated that the cost of providing signage with the owner's name and contact information would be minimal for small business owners and would help protect the industry by allowing the NDA to take enforcement action when a colony is abandoned, mismanaged, potential disease or Africanized bee issues that could affect other colonies.

**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 survey allowed respondents to provide recommendations in lessening the impact of the proposed regulations. Most of the comments provided were reiterating opposition to the proposed neighbor notification, which was also expressed in other survey question responses. A summary of the comments is provided in question 2. The neighbor notification portion of the proposed regulation was removed.

To address the concern expressed in posting a beekeepers' contact information, the removal of the home/business address requirement will be considered and discussed during the workshop phase of the administrative rule making process. The intent of proposed language requiring hives have a sign with the name and contact information of the owner is to allow the NDA to make contact should there be a compliance issue.

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

Enforcement would be complaint based or as part of other agriculture inspection services. No additional cost 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.**  
NA

**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 NDA assessed if neighbor notification requirements for beekeepers would help address the complaints received involving public safety, and based on the feedback received, the proposed neighbor notification language was removed.

Many neighboring states require the registration of all colony locations. The NDA will move forward with the proposed regulation requiring signage at hives to allow for the NDA to contact the owner if there is a compliance issue. Currently, as complaints are received or an abandoned or diseased hive is found, the NDA is unable to notify the owner as the landowner is not always the beekeeper or aware a hive has been placed on their property. This will allow for the individual responsible for the hive to be contacted with compliance information or needed action.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses**  
The NDA removed the proposed language involving the notification of adjacent landowners of hive locations. Most of the concerns expressed through the survey related to this portion of the proposed regulations. Some of the comments received were in opposition to the hive signage requirements, as they felt this industry should be unregulated and signage would encourage vandalism. The NDA is proceeding with this proposed language in the interest of protecting the industry, as it would allow timely notification and response when a diseased, abandoned, or mismanaged colony is found.

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.

Jennifer  
Ott

Digitally signed by Jennifer Ott  
DN: cn=Jennifer Ott, o=Nevada  
Department of Agriculture,  
ou=Director,  
email=jott@agri.nv.gov, c=US  
Date: 2021.12.13 09:55:05 -08'00'

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