

ASSEMBLY BILL NO. 330—ASSEMBLYMEN AIZLEY,
OHRENSCHALL; BOBZIEN, MARTIN AND SPIEGEL

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Requires labeling of certain genetically engineered foods. (BDR 51-955)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to labeling; requiring a person who produces or sells certain genetically engineered foods or agricultural products to place a label on the package or container of the food or agricultural product disclosing that it was genetically engineered; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, certain foods are deemed to be misbranded if the labeling is
2 false or misleading in any particular and, if the food is in package form, if it does
3 not bear a label that includes the name and place of business of the manufacturer,
4 packer or distributor. (NRS 585.350) **Sections 10 and 12** of this bill provide that
5 certain foods that are genetically engineered are deemed to be misbranded unless
6 the label also includes the words “Genetically Engineered” in a clear and
7 conspicuous manner. **Section 10** also provides exceptions for this labeling
8 requirement for: (1) food that is not packaged for retail sale and is either processed
9 food prepared and intended for immediate human consumption or is served, sold or
10 otherwise provided in a restaurant or other food establishment; (2) food that meets
11 either the State or federal requirements for certification as organic; (3) food
12 consisting entirely of, or derived entirely from, an animal which has not been
13 produced with genetic engineering, regardless of whether the animal was fed or
14 injected with any food or drug that was genetically engineered; (4) medical food;
15 (5) beer, liquor and wine; (6) certain food that was not knowingly or intentionally
16 produced with genetic engineering; and (7) certain processed foods which are only
17 considered genetically engineered due to either certain processing aids or enzymes
18 or very small amounts of ingredients or materials that were produced with genetic



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19 engineering. **Section 10** also exempts a retailer from liability for not properly
20 labeling a genetically modified food or processed food if he or she sells or
21 advertises for sale the food or processed food, unless the retailer is also the
22 producer of the food or processed food. A violation of this labeling requirement is
23 punishable as a misdemeanor by a fine of not more than \$1,000 for each violation.

24 Existing law provides labeling requirements for containers of seeds of certain
25 agricultural crops, vegetables, herbs and trees, and for containers of fruits, nuts and
26 certain other agricultural products. (NRS 587.091, 587.093, 587.097, 587.099,
27 587.105, 587.390, 587.450, 587.610) **Sections 19-21** of this bill require the
28 containers or labels on those seeds and foods to include the words "Genetically
29 Engineered" in a clear and conspicuous manner if the seeds or foods are produced
30 with genetic engineering. **Section 19** of this bill provides exceptions from the
31 labeling requirement for seeds that meet either the State or federal requirements for
32 certification as organic and for certain seeds that were not knowingly or
33 intentionally produced with genetic engineering. **Section 20** of this bill exempts
34 from the labeling requirements certain agricultural products that: (1) meet either the
35 State or federal requirements to be certified as organic; (2) were not knowingly or
36 intentionally produced with genetic engineering; (3) are not packaged for sale and
37 are either intended for immediate human consumption or are served, sold or
38 otherwise provided in a restaurant or other food establishment; and (4) consist
39 entirely of, or derived entirely from, an animal or insect which has not been
40 produced with genetic engineering, regardless of whether the animal or insect was
41 fed or injected with any food or drug that was genetically engineered. **Section 21** of
42 this bill provides exceptions to the labeling requirements for fruits, nuts and
43 vegetables that: (1) meet either the State or federal requirements to be certified as
44 organic; (2) were not knowingly or intentionally produced with genetic
45 engineering; and (3) are not packaged for retail sale and are either intended for
46 immediate human consumption or are served, sold or otherwise provided in a
47 restaurant or other food establishment. A violation of these labeling requirements is
48 punishable as a misdemeanor by a fine of not more than \$1,000 for each violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 585 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 10, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 9, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *"Enzyme" means a protein that catalyzes chemical*
9 *reactions of other substances without being destroyed or altered*
10 *upon completion of such reactions.*

11 **Sec. 4.** *"Genetic engineering" or "genetically engineered"*
12 *means containing genetic material that has been changed through*
13 *the application of, without limitation:*

14 1. *Fusion, including, without limitation, protoplast fusion, of*
15 *cells or hybridization techniques which overcome natural*
16 *physiological, reproductive or recombination barriers where the*



1 donor cells or protoplasts are not within the same taxonomic
2 family, in a manner that does not occur by natural multiplication
3 or natural recombination; and

4 2. *In vitro* and *in vivo* nucleic acid techniques.

5 Sec. 5. "In vitro and in vivo nucleic acid techniques"
6 means any techniques, including, without limitation,
7 recombinant deoxyribonucleic acid or ribonucleic acid techniques,
8 that use vector systems or methods of direct introduction into an
9 organism of hereditary material that has been prepared
10 outside the organism, including, without limitation,
11 microinjection, macroinjection, chemoporation, electroporation,
12 microencapsulation or liposome fusion.

13 Sec. 6. "Organism" means any biological entity capable of
14 replication, reproduction or transferring genetic material.

15 Sec. 7. "Processed food" means any food other than a raw
16 agricultural commodity. The term includes any food produced
17 from a raw agricultural commodity that has been subjected to
18 processing, including, without limitation, canning, smoking,
19 pressing, cooking, freezing, dehydration, fermentation or milling.

20 Sec. 8. "Processing aid" means a substance that is added to a
21 food:

22 1. During the processing of the food but is removed in some
23 manner from the food before it is packaged in its final form;

24 2. During processing, is converted into constituents normally
25 present in the food and does not significantly increase the amount
26 of the constituents found in the food; or

27 3. For its technical or functional effects in the processing of
28 the food but is present in the food in its final form at insignificant
29 levels and does not have any technical or functional effect in the
30 food in its final form.

31 Sec. 9. "Raw agricultural commodity" means any food in its
32 raw or natural state, including, without limitation, all fruits that
33 are washed, colored or otherwise treated in their unpeeled raw or
34 natural state before sale.

35 Sec. 10. 1. Except as otherwise provided in this section, the
36 label on any food that is produced in this State must include the
37 words "Genetically Engineered" in a clear and conspicuous
38 manner if the food was genetically engineered.

39 2. The requirements of subsection 1 do not apply to any:

40 (a) Food that is not packaged for retail sale and is:

41 (1) Processed food that is prepared and intended for
42 immediate human consumption; or

43 (2) Served, sold or otherwise provided in any restaurant or
44 any other food establishment as defined in NRS 446.020.



1 (b) Food that meets the requirements of the Organic Foods
2 Production Act of 1990, 7 U.S.C. §§ 6501 et seq., as amended, or
3 any regulations adopted pursuant to NRS 587.830 for certification
4 as organic.

5 (c) Food consisting entirely of, or derived entirely from, an
6 animal which has not been produced with genetic engineering,
7 regardless of whether the animal has been fed or injected with any
8 food or drug produced with genetic engineering.

9 (d) Medical food, as defined in 21 U.S.C. § 360ee.

10 (e) Beer, liquor and wine, as defined in chapter 369 of NRS.

11 (f) Food that is labeled, sold or offered for sale in this State by
12 a person who:

13 (1) Grew, raised or otherwise produced the food without
14 knowledge that the food was produced with genetic engineering;
15 or

16 (2) Provides a sworn statement from the party that sold or
17 otherwise provided the food to the person stating that the food was
18 not knowingly or intentionally produced with genetic engineering.

19 (g) Processed food which would be subject to the provisions of
20 subsection 1 solely because it includes one or more:

21 (1) Processing aids or enzymes that were produced with
22 genetic engineering or derived from genetically engineered
23 materials; or

24 (2) Ingredients or materials produced with genetic
25 engineering, if the ingredients or materials in the aggregate do not
26 account for more than nine-tenths of 1 percent of the total weight
27 of the processed food.

28 3. A retailer who sells or advertises any food or processed
29 food that does not include a label required by this section must not
30 be found to have violated this section unless the retailer is also the
31 producer of the food or processed food.

32 4. The provisions of this section do not:

33 (a) Create a private right of action for a violation of this
34 section.

35 (b) Apply to any food which:

36 (1) Is sold or produced for sale or intended for sale or
37 production in interstate commerce; or

38 (2) Is otherwise subject to a requirement for labeling set
39 forth in any federal law or regulation which preempts the
40 provisions of this section.

41 (c) Prohibit any person who sells or produces any food
42 specified in paragraph (b) from voluntarily complying with the
43 provisions of this section.

44 5. As used in this section, "label" means:



1 (a) For a wrapped or packaged food, a label that is attached to
2 the wrapping or package.

3 (b) For bulk food sold in a bin or similar container, a label
4 that appears on the store shelf or bin in which the food is
5 displayed for retail sale.

6 **Sec. 11.** NRS 585.120 is hereby amended to read as follows:

7 585.120 ~~["Label"]~~ Except as otherwise provided in section 10
8 of this act, "label" means a display of written, printed or graphic
9 matter upon the immediate container of any article, ~~+~~ and a
10 requirement made by or under authority of this chapter that any
11 word, statement or other information appear on the label ~~shall~~
12 **must** not be considered to be complied with unless such word,
13 statement or other information also appears on the outside container
14 or wrapper, if there is any, of the retail package of such article, or is
15 easily legible through the outside container or wrapper.

16 **Sec. 12.** NRS 585.350 is hereby amended to read as follows:

17 585.350 A food shall be deemed to be misbranded:

18 1. If its labeling is false or misleading in any particular.

19 2. If it is offered for sale under the name of another food.

20 3. If it is an imitation of another food, unless its label bears, in
21 type of uniform size and prominence, the word "Imitation," and
22 immediately thereafter the name of the food imitated.

23 4. If its container is so made, formed or filled as to be
24 misleading.

25 5. If it is not labeled as required by NRS 583.045.

26 6. If in package form, unless it bears a label containing:

27 (a) The name and place of business of the manufacturer, packer
28 or distributor.

29 (b) An accurate statement of the quantity of the contents in
30 terms of weight, measure or numerical count; but under this
31 paragraph reasonable variations shall be permitted, and exemptions
32 as to small packages shall be established by regulation prescribed by
33 the Commissioner.

34 7. If it purports to be or is represented as a food for which a
35 definition and standard of identity, quality and fill of container has
36 been prescribed, unless it conforms to such standards of identity,
37 quality and fill.

38 8. If it purports to be or is represented for special dietary uses,
39 unless its label bears such information concerning its vitamin,
40 mineral and other dietary properties as the Commissioner
41 determines to be, and by regulations prescribes as, necessary in
42 order to inform purchasers fully as to its value for such uses.

43 9. If it bears or contains any artificial flavoring, artificial
44 coloring, or chemical preservative, unless it bears labeling stating
45 that fact; but the provisions of this subsection with respect to



1 artificial color shall not apply in the case of butter, cheese or ice
2 cream.

3 **10. *If it is not labeled in accordance with section 10 of this***
4 ***act.***

5 **Sec. 13.** NRS 585.550 is hereby amended to read as follows:

6 585.550 1. A person who manufactures, compounds,
7 processes or packages any drug in a factory, warehouse, laboratory
8 or other location in this state without a license required by NRS
9 585.245 is guilty of a category D felony and shall be punished as
10 provided in NRS 193.130.

11 2. ***A person who violates any provision of section 10 of this***
12 ***act is guilty of a misdemeanor and shall be punished by a fine of***
13 ***not more than \$1,000 for each violation.***

14 3. A person who violates any other provision of this chapter is
15 guilty of a gross misdemeanor.

16 **Sec. 14.** Chapter 587 of NRS is hereby amended by adding
17 thereto the provisions set forth as sections 15 to 21, inclusive, of this
18 act.

19 **Sec. 15.** ***“Cultivated commercially” means grown or raised***
20 ***by a person in the course of his or her business or trade.***

21 **Sec. 16.** ***“Genetic engineering” or “genetically engineered”***
22 ***means containing genetic material that has been changed through***
23 ***the application of, without limitation:***

24 1. ***Fusion, including, without limitation, protoplast fusion, of***
25 ***cells or hybridization techniques which overcome natural***
26 ***physiological, reproductive or recombination barriers where the***
27 ***donor cells or protoplasts are not within the same taxonomic***
28 ***family, in a manner that does not occur by natural multiplication***
29 ***or natural recombination; and***

30 2. ***In vitro and in vivo nucleic acid techniques.***

31 **Sec. 17.** ***“In vitro and in vivo nucleic acid techniques”***
32 ***means any techniques, including, without limitation,***
33 ***recombinant deoxyribonucleic acid or ribonucleic acid***
34 ***techniques, that use vector systems or methods of direct***
35 ***introduction into an organism of hereditary material that has been***
36 ***prepared outside the organism, including, without limitation,***
37 ***microinjection, macroinjection, chemoporation, electroporation,***
38 ***microencapsulation or liposome fusion.***

39 **Sec. 18.** ***“Organism” means any biological entity capable of***
40 ***replication, reproduction or transferring genetic material.***

41 **Sec. 19.** 1. ***Except as otherwise provided in this section, the***
42 ***labeling of containers of seed for agricultural crops, herbs, fruit***
43 ***trees and vegetables that are cultivated commercially in this State***
44 ***and offered for sale in this State must, in addition to the***
45 ***requirements of NRS 587.091 to 587.105, inclusive, bear the words***



1 *“Genetically Engineered” displayed in a clear and conspicuous*
2 *manner if the seed has been produced with genetic engineering.*

3 2. *The requirements of subsection 1 do not apply to any seed*
4 *that:*

5 (a) *Meets the requirements of the Organic Foods Production*
6 *Act of 1990, 7 U.S.C. §§ 6501 et seq., as amended, or any*
7 *regulations adopted pursuant to NRS 587.830 for certification as*
8 *organic.*

9 (b) *Is labeled, sold or offered for sale in this State by a person*
10 *who:*

11 (1) *Grew, raised or otherwise produced the seed without*
12 *knowledge that the seed was produced with genetic engineering;*
13 *or*

14 (2) *Provides a sworn statement from the party that sold or*
15 *otherwise provided the seed to the person stating that the seed was*
16 *not knowingly or intentionally produced with genetic engineering*
17 *and was entirely separated from and was not commingled with any*
18 *seed that may have been produced with genetic engineering.*

19 3. *A retailer who sells or advertises for sale any seed that does*
20 *not meet the requirements of subsection 1 must not be found to*
21 *have violated that subsection unless the retailer is also the person*
22 *who grew, raised or otherwise produced the seed.*

23 4. *The provisions of this section do not:*

24 (a) *Create a private right of action for a violation of this*
25 *section.*

26 (b) *Apply to any seed for agricultural crops, herbs, fruit trees*
27 *or vegetables which:*

28 (1) *Is sold or produced for sale or intended for sale or*
29 *production in interstate commerce; or*

30 (2) *Is otherwise subject to a requirement for labeling set*
31 *forth in any federal law or regulation which preempts the*
32 *provisions of this section.*

33 (c) *Prohibit any person who sells or produces any seed*
34 *specified in paragraph (b) from voluntarily complying with the*
35 *provisions of this section.*

36 **Sec. 20.** 1. *Except as otherwise provided in this section, all*
37 *containers of agricultural products that are cultivated*
38 *commercially in this State, offered for sale in this State and*
39 *intended for human consumption must, in addition to any*
40 *standards fixed by the State Quarantine Officer pursuant to NRS*
41 *587.390, bear the words “Genetically Engineered” displayed in a*
42 *clear and conspicuous manner if the agricultural products have*
43 *been produced with genetic engineering.*

44 2. *The requirements of subsection 1 do not apply to any*
45 *agricultural product that:*



1 (a) *Meets the requirements of the Organic Foods Production*
2 *Act of 1990, 7 U.S.C. §§ 6501 et seq., as amended, or any*
3 *regulations adopted pursuant to NRS 587.830 for certification as*
4 *organic.*

5 (b) *Is labeled, sold or offered for sale in this State by a person*
6 *who:*

7 (1) *Grew, raised or otherwise produced the agricultural*
8 *product without knowledge that the product was produced with*
9 *genetic engineering; or*

10 (2) *Provides a sworn statement from the party that sold or*
11 *otherwise provided the agricultural product to the person stating*
12 *that the product was not knowingly or intentionally produced with*
13 *genetic engineering and was entirely separated from and was not*
14 *commingled with any agricultural product that may have been*
15 *produced with genetic engineering.*

16 (c) *Is not packaged for sale and is:*

17 (1) *Intended for immediate human consumption; or*

18 (2) *Served, sold or otherwise provided in any restaurant or*
19 *any other food establishment as defined in NRS 446.020.*

20 (d) *Consists entirely of, or is derived entirely from, an animal*
21 *or insect which has not been produced with genetic engineering,*
22 *regardless of whether the animal or insect has been fed or injected*
23 *with any food or drug produced with genetic engineering.*

24 3. *A retailer who sells or advertises for sale any agricultural*
25 *product that does not meet the requirements of subsection 1 must*
26 *not be found to have violated that subsection unless the retailer is*
27 *also the person who grew, raised or otherwise produced the*
28 *agricultural product.*

29 4. *The provisions of this section do not:*

30 (a) *Create a private right of action for a violation of this*
31 *section.*

32 (b) *Apply to any agricultural product which:*

33 (1) *Is sold or produced for sale or intended for sale or*
34 *production in interstate commerce; or*

35 (2) *Is otherwise subject to a requirement for labeling set*
36 *forth in any federal law or regulation which preempts the*
37 *provisions of this section.*

38 (c) *Prohibit any person who sells or produces any agricultural*
39 *product specified in paragraph (b) from voluntarily complying*
40 *with the provisions of this section.*

41 **Sec. 21. 1. All containers of fruits, nuts and vegetables that**
42 **are cultivated commercially in this State, offered for sale in this**
43 **State and intended for human consumption must, in addition to**
44 **the requirements of NRS 587.460 to 587.660, inclusive, bear the**
45 **words "Genetically Engineered" displayed in a clear and**



1 *conspicuous manner if the fruits, nuts or vegetables have been*
2 *produced with genetic engineering.*

3 2. *The requirements of subsection 1 do not apply to any*
4 *fruits, nuts or vegetables that:*

5 (a) *Meet the requirements of the Organic Foods Production*
6 *Act of 1990, 7 U.S.C. §§ 6501 et seq., as amended, or any*
7 *regulations adopted pursuant to NRS 587.830 for certification as*
8 *organic.*

9 (b) *Are labeled, sold or offered for sale in this State by a*
10 *person who:*

11 (1) *Grew, raised or otherwise produced the fruits, nuts or*
12 *vegetables without knowledge that the fruits, nuts or vegetables*
13 *were produced with genetic engineering; or*

14 (2) *Provides a sworn statement from the party that sold or*
15 *otherwise provided the fruits, nuts or vegetables to the person*
16 *stating that the fruits, nuts or vegetables were not knowingly or*
17 *intentionally produced with genetic engineering and were entirely*
18 *separated from and were not commingled with any fruits, nuts or*
19 *vegetables that may have been produced with genetic engineering.*

20 (c) *Are not packaged for sale and are:*

21 (1) *Intended for immediate human consumption; or*

22 (2) *Served, sold or otherwise provided in any restaurant or*
23 *any other food establishment as defined in NRS 446.020.*

24 3. *The provisions of this section do not:*

25 (a) *Create a private right of action for a violation of this*
26 *section.*

27 (b) *Apply to any fruits, nuts or vegetables which:*

28 (1) *Are sold or produced for sale or intended for sale or*
29 *production in interstate commerce; or*

30 (2) *Are otherwise subject to a requirement for labeling set*
31 *forth in any federal law or regulation which preempts the*
32 *provisions of this section.*

33 (c) *Prohibit any person who sells or produces any fruits, nuts*
34 *or vegetables specified in paragraph (b) from voluntarily*
35 *complying with the provisions of this section.*

36 4. *A person who violates any provision of this section is guilty*
37 *of a misdemeanor and shall be punished by a fine of not more*
38 *than \$1,000 for each violation.*

39 **Sec. 22.** NRS 587.001 is hereby amended to read as follows:

40 587.001 As used in this chapter, unless the context otherwise
41 requires, the words and terms defined in NRS 587.003 and 587.005
42 *and sections 15 to 18, inclusive, of this act*, have the meanings
43 ascribed to them in those sections.



1 **Sec. 23.** NRS 587.015 is hereby amended to read as follows:
2 587.015 As used in NRS 587.015 to 587.123, inclusive, *and*
3 *section 19 of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 587.017 to 587.073, inclusive,
5 have the meanings ascribed to them in those sections.

6 **Sec. 24.** NRS 587.075 is hereby amended to read as follows:
7 587.075 The Director shall administer and enforce the
8 provisions of NRS 587.015 to 587.123, inclusive **H**, *and section 19*
9 *of this act*.

10 **Sec. 25.** NRS 587.081 is hereby amended to read as follows:
11 587.081 The Director or the Director's authorized
12 representatives shall:

13 1. Sample, inspect, make analysis of and test seeds subject to
14 NRS 587.015 to 587.123, inclusive, *and section 19 of this act*, that
15 are transported, sold, offered or exposed for sale within the State for
16 sowing purposes, at such time and place and to such extent as may
17 be necessary to determine whether the seeds are in compliance with
18 NRS 587.015 to 587.123, inclusive **H**, *and section 19 of this act*.

19 2. Notify promptly the person who transported, sold, offered or
20 exposed the seed for sale of any violation.

21 **Sec. 26.** NRS 587.083 is hereby amended to read as follows:

22 587.083 1. The Director shall adopt regulations:

23 (a) Governing the terms and methods used in sampling,
24 inspecting, analyzing, testing and examining seeds subject to NRS
25 587.015 to 587.123, inclusive, *and section 19 of this act*, and the
26 tolerances to be used.

27 (b) Establishing a list of prohibited and restricted noxious weeds
28 and prescribing the maximum rate of occurrence per pound of seeds
29 of restricted noxious weeds which may be associated with any
30 seeds. A noxious weed may be prohibited if it is highly destructive
31 and difficult to control in this state by ordinary good cultural or
32 chemical practice and restricted if it is objectionable or injurious in
33 fields, lawns and gardens of this state, but may be controlled by
34 good cultural or chemical practices.

35 (c) Establishing minimum standards of germination for seeds of
36 vegetables, herbs and flowers.

37 (d) Defining the terms to be used in labeling seeds.

38 (e) Establishing a list of the species of trees and shrubs
39 subject to the labeling requirements set forth in subsection 7 of
40 NRS 587.105.

41 (f) Establishing the duration of the validity of testing to
42 determine the percentage of germination of seeds subject to the
43 requirements for labeling as set forth in NRS 587.091 to 587.105,
44 inclusive, before the sale, offering for sale or transporting of those
45 seeds.



1 (g) For the labeling of seeds of flowers in respect to kind and
2 variety or the characteristics of type and performance as required by
3 NRS 587.101 and 587.103.

4 (h) Establishing a list of the kinds of seeds of flowers which are
5 subject to the labeling requirements of NRS 587.101 and 587.103.

6 2. The Director may adopt such other regulations as are
7 necessary to carry out the provisions of NRS 587.015 to 587.123,
8 inclusive **H**, *and section 19 of this act*.

9 **Sec. 27.** NRS 587.085 is hereby amended to read as follows:
10 587.085 The Director or the Director's authorized
11 representatives may:

12 1. Enter upon or within any public or private premises or upon
13 or into any truck or other conveyance by land, water or air at any
14 time to examine seeds, screenings or records which are subject to
15 the provisions of NRS 587.015 to 587.123, inclusive, *and section 19*
16 *of this act*, or rules and regulations adopted pursuant thereto.

17 2. Issue and enforce a written or printed stop-sale order against
18 the owner or custodian of any seed or screenings which are found to
19 be in violation of any of the provisions of NRS 587.015 to 587.123,
20 inclusive, *and section 19 of this act*, or the rules and regulations
21 adopted pursuant thereto.

22 **Sec. 28.** NRS 587.091 is hereby amended to read as follows:
23 587.091 1. Each container of seeds of agricultural crops,
24 flowers, vegetables, herbs, trees and shrubs which is sold, offered
25 for sale or transported within this state for sowing purposes must
26 bear or have attached to it, in a conspicuous place, a plainly written
27 label or tag in the English language, giving the net weight of the
28 seed and the information specified for the respective classes of seed
29 in subsection 2 and in NRS 587.093 to 587.105, inclusive, *and*
30 *section 19 of this act*, which information must not be modified or
31 denied in the labeling or on another label attached to the container.

32 2. For all such seeds which are treated, the label must contain:

33 (a) A word or statement indicating that the seed has been
34 treated;

35 (b) The commonly accepted coined, chemical, generic or
36 abbreviated chemical or generic name of the substance used for
37 treatment, or the description of the process used for treatment;

38 (c) If the substance applied to the seed for treatment is in an
39 amount which may be harmful to human or other vertebrate animals,
40 a caution, stating: "Do not use for food, feed or oil purposes." The
41 caution for mercurials and similarly toxic substances must be a
42 statement or symbol indicating the presence of poison; and

43 (d) If the seed is treated with an inoculant, the month and year
44 beyond which the inoculant is not to be considered effective.



1 3. A separate label may be used to contain the information
2 required in subsection 2.

3 **Sec. 29.** NRS 587.093 is hereby amended to read as follows:

4 587.093 The labeling of containers for seeds of agricultural
5 crops must state, in addition to the requirements of NRS 587.091 ~~+~~
6 *and section 19 of this act:*

7 1. The kind and variety, or the kind and the phrase “variety not
8 stated,” for each seed of another crop in the container in excess of 5
9 percent of the whole, and the percentage by weight of the pure seed
10 of each listed in a column in order of its predominance. Seeds of
11 other crops in the container which are less than 5 percent of the
12 whole may be claimed as part of a mixture but if so must conform to
13 the requirements applicable to seeds in excess of 5 percent of the
14 whole. Mixtures must be designated by the word “mixed” or
15 “mixture” accompanying the name of the mixture. Hybrids must be
16 labeled as hybrids.

17 2. The number or other identification of the lot.

18 3. The origin, state or foreign country, if known, of alfalfa, red
19 clover and field corn, but not of hybrid corn. If the origin is
20 unknown, this fact must be stated.

21 4. The percentage by weight of all seeds of weeds present.

22 5. The name and rate of occurrence per pound of each kind of
23 seeds of restricted noxious weeds present.

24 6. The percentage by weight of seeds of crops other than those
25 named on the label. These may be designated “crop seeds.”

26 7. The percentage by weight of inert matter.

27 8. For each seed for agricultural crops named in the label:

28 (a) The percentage of germination, exclusive of hard seed;

29 (b) The percentage of hard seed, if present; and

30 (c) The month and year the test for germination was completed,
31 and for mixtures, only the date of the oldest test of the seeds in the
32 mixture.

33 ➤ In addition, following the percentages shown in paragraphs (a)
34 and (b), the total germination and hard seed may be stated as such.

35 9. The name and address of the person who labeled the seed, or
36 who sells or offers the seed for sale within this state.

37 **Sec. 30.** NRS 587.097 is hereby amended to read as follows:

38 587.097 The labeling of containers for seeds of vegetables in
39 containers of 1 pound or less must state, in addition to the
40 requirements of NRS 587.091 ~~+~~ *and section 19 of this act:*

41 1. The name of the kind and variety of the seed.

42 2. For seeds which germinate less than the standard established
43 in the regulations adopted under paragraph (c) of subsection 1 of
44 NRS 587.083:

45 (a) The percentage of germination, exclusive of hard seed;



- 1 (b) The percentage of hard seed, if present;
- 2 (c) The month and year the test for germination was completed;
- 3 and

4 (d) The words, "below standard," in not less than 8-point type.

5 3. The name and address of the person who labeled the seed, or

6 who sells or offers the seed for sale within this state.

7 4. The name and rate of occurrence per pound of each kind of

8 seed of restricted noxious weeds present in the container.

9 **Sec. 31.** NRS 587.099 is hereby amended to read as follows:

10 587.099 The labeling of containers for seeds of vegetables in

11 containers of more than 1 pound must state, in addition to the

12 requirements of NRS 587.091 ~~+~~ *and section 19 of this act:*

13 1. The name of each kind and variety present in excess of 5

14 percent of the whole, and the percentage by weight of each in order

15 of its predominance.

16 2. The number or other identification of the lot.

17 3. For each seed of vegetables named on the label:

18 (a) The percentage of germination, exclusive of hard seed;

19 (b) The percentage of hard seed, if present; and

20 (c) The month and year the test for germination was completed.

21 4. The name and address of the person who labeled the seed, or

22 who sells or offers the seed for sale within this state.

23 5. The name and rate of occurrence per pound of each kind of

24 seed of restricted noxious weeds present in the container.

25 **Sec. 32.** NRS 587.105 is hereby amended to read as follows:

26 587.105 Except for seed supplied by a seedsman of trees to a

27 consumer under a contractual agreement, which may be labeled by

28 invoice or by an analysis tag attached to the invoice if the seed is in

29 bulk or if each bag or other container is clearly identified by the

30 number of the lot stenciled on the container, the labeling of each bag

31 or container which is not so identified and each container of seeds of

32 trees and shrubs which is sold, offered for sale or transported within

33 this state for sowing purposes must state, in addition to the

34 requirements of NRS 587.091:

35 1. The common name of the species of seed and subspecies, if

36 appropriate.

37 2. The scientific name of the genus, species and subspecies, if

38 appropriate.

39 3. The number or other identification of the lot.

40 4. The origin of the seed, specified as follows:

41 (a) For seed collected from a predominantly indigenous stand,

42 the area of collection given by latitude and longitude, geographic

43 description or political subdivision, including state and county; or

44 (b) For seed collected from other than a predominantly

45 indigenous stand, identification of the area of collection and the



1 origin of the stand or, if applicable, the statement: "Origin not
2 indigenous."

3 5. The upper and lower limits of elevations within which the
4 seed was collected.

5 6. The purity of the seed as a percentage of pure seed by
6 weight.

7 7. For those species for which standard procedures for testing
8 germination are prescribed by the Director, one of the following:

9 (a) The germination in percentage and percentage of firm
10 ungerminated seed, and the month and year of the test;

11 (b) For seed transported or delivered for transportation within
12 the year of collection or within 6 months following the year of
13 collection, the statement: "Test is in process"; or

14 (c) For seed being transported to a consumer, the name of the
15 consumer and a statement: "Contract seed not for resale, and subject
16 to test to be arranged."

17 8. For those species for which standard procedures for testing
18 germination have not been prescribed by the Director, the year in
19 which the seed was collected.

20 9. The name and address of the person who labeled the seed, or
21 who sells or offers the seed for sale within this state.

22 **10. For seed of any fruit-bearing tree, "Genetically**
23 **Engineered," in accordance with section 19 of this act.**

24 **Sec. 33.** NRS 587.107 is hereby amended to read as follows:

25 587.107 Each person whose name appears on a label as
26 handling seeds subject to any of the provisions of NRS 587.015 to
27 587.123, inclusive, **and section 19 of this act** shall keep for 2 years
28 complete records of each lot of seed handled and for 1 year a file
29 sample of each lot of seed after final disposition of the lot. All such
30 records and samples pertaining to the shipment or shipments
31 involved must be available for inspection by the Director or the
32 Director's representative during normal business hours.

33 **Sec. 34.** NRS 587.111 is hereby amended to read as follows:

34 587.111 It is unlawful for any person to sell, offer for sale or
35 transport for sale any seeds of agricultural crops, flowers,
36 vegetables, herbs, trees or shrubs within this state:

37 1. If they are subject to the labeling requirements of NRS
38 587.091 to 587.105, inclusive, **and section 19 of this act**, unless the
39 test to determine the percentage of germination required has been
40 completed, as prescribed in the regulations adopted under paragraph
41 (f) of subsection 1 of NRS 587.083, immediately before the sale,
42 offering for sale or transporting of the seed.

43 2. Unless labeled in accordance with the provisions of NRS
44 587.091 to 587.105, inclusive, **and section 19 of this act**, or if
45 bearing a false and misleading label.



1 3. Which have been the subject of a false or misleading
2 advertisement.

3 4. Which consist of or contain prohibited seeds of noxious
4 weeds in excess of recognized tolerances.

5 5. Which consist of or contain seeds of restricted noxious
6 weeds in excess of the number per pound as prescribed by
7 regulations adopted under paragraph (b) of subsection 1 of NRS
8 587.083, or in excess of the number stated on the label attached to
9 the container of the seed.

10 6. Which contain seeds of weeds in excess of limits set forth in
11 the regulations adopted under NRS 587.015 to 587.123, inclusive ~~†~~
12 *, and section 19 of this act.*

13 7. Which are represented, by labeling, advertising or otherwise,
14 to be any particular class of certified seed, unless:

15 (a) It has been determined by a certifying agency that the seed
16 was produced, processed and packaged, in accordance with the
17 standards established by the agency; in addition, as to seeds for
18 trees, the seed was found to be of the origin and elevation claimed;
19 and

20 (b) The seed bears an official label, issued by the certifying
21 agency, that the seed is certified or registered.

22 **Sec. 35.** NRS 587.113 is hereby amended to read as follows:
23 587.113 It is unlawful for any person within this state:

24 1. To detach, alter, deface or destroy any label provided for in
25 NRS 587.015 to 587.123, inclusive, *and section 19 of this act*, or in
26 the rules and regulations adopted pursuant thereto.

27 2. To alter or substitute seed contrary to the provisions of NRS
28 587.015 to 587.123, inclusive, *and section 19 of this act*, or the
29 rules and regulations adopted pursuant thereto.

30 3. To disseminate any false or misleading advertisements
31 concerning seeds subject to NRS 587.015 to 587.123, inclusive ~~†~~,
32 *and section 19 of this act.*

33 4. To hinder or obstruct in any way any authorized person in
34 the performance of duties under NRS 587.015 to 587.123, inclusive
35 ~~†~~, *and section 19 of this act.*

36 5. To violate a stop-sale order.

37 6. To use the word "trace" as a substitute for any statement
38 which is required on a label.

39 7. To use the word "type" in any labeling in connection with
40 the name of any agricultural seed variety.

41 **Sec. 36.** NRS 587.115 is hereby amended to read as follows:

42 587.115 The provisions of NRS 587.091 to 587.105, inclusive,
43 *and section 19 of this act* do not apply:

44 1. To seed or grain not intended for sowing purposes.



1 2. To seed only while being stored in, transported to or
2 consigned to an establishment for the conditioning or processing of
3 seed if the invoice or labeling accompanying any shipment of such
4 seed bears the statement "seed for processing."

5 3. To any carrier of seed which is transported or delivered for
6 transportation in the ordinary course of its business as a carrier, if
7 the carrier is not otherwise engaged in producing, processing or
8 marketing seeds which are subject to NRS 587.015 to 587.123,
9 inclusive ~~H~~, *and section 19 of this act.*

10 4. To seed from a bulk container which is weighed and
11 packaged in the presence of the purchaser, if that container is
12 properly labeled pursuant to NRS 587.091 to 587.105, inclusive ~~H~~,
13 *and section 19 of this act.*

14 **Sec. 37.** NRS 587.117 is hereby amended to read as follows:

15 587.117 A person who sells or offers to sell seeds which are
16 subject to the provisions of NRS 587.015 to 587.123, inclusive, *and*
17 *section 19 of this act* is not subject to a penalty for incorrect
18 labeling or representation as to kind, species, variety, type or origin,
19 elevation and year of collection, if applicable, of such seeds if:

- 20 1. The seeds cannot be identified by mere examination;
21 2. The person obtains and relies upon:
22 (a) An invoice;
23 (b) A declaration of a grower or a seedsman of trees, which
24 states that the grower or seedsman has records to prove the progeny
25 of seed of the same origin; or
26 (c) Other labeling information; and
27 3. The person takes other precautions as are reasonable to
28 ensure that the labeling and representations are correct.

29 **Sec. 38.** NRS 587.121 is hereby amended to read as follows:

30 587.121 1. Any lot of seed found or reasonably suspected to
31 be in violation of any of the provisions of NRS 587.015 to 587.119,
32 inclusive, *and section 19 of this act* is subject to seizure upon a
33 complaint by the Director filed in the district court of the county in
34 which the seed is located.

35 2. If the court finds that the seed is in violation of any of those
36 provisions, it may, after allowing the party or parties in interest to
37 apply for the release of the seed or for permission to bring the seed
38 into compliance with the law, make such orders as may be necessary
39 for the seed to be processed, relabeled, denatured, destroyed or
40 otherwise disposed of according to the circumstances of the case.

41 **Sec. 39.** NRS 587.123 is hereby amended to read as follows:

42 587.123 ~~Any~~

43 1. *Except as otherwise provided in subsection 2, any* person
44 who violates any of the provisions of NRS 587.015 to 587.119,
45 inclusive, *and section 19 of this act* is guilty of a misdemeanor.



1 **2. A person who violates any provision of section 19 of this**
2 **act is guilty of a misdemeanor and shall be punished by a fine of**
3 **not more than \$1,000 for each violation.**

4 **Sec. 40.** NRS 587.290 is hereby amended to read as follows:

5 587.290 As used in NRS 587.290 to 587.450, inclusive, **and**
6 **section 20 of this act**, unless the context otherwise requires,
7 “agricultural products” includes horticultural, viticultural, dairy, bee
8 and farm products.

9 **Sec. 41.** NRS 587.310 is hereby amended to read as follows:

10 587.310 The State Quarantine Officer is designated as the
11 authority to administer NRS 587.290 to 587.450, inclusive **†**, **and**
12 **section 20 of this act.**

13 **Sec. 42.** NRS 587.370 is hereby amended to read as follows:

14 587.370 1. The board of county commissioners of any county
15 may employ one or more inspectors to assist in carrying out the
16 provisions of NRS 587.290 to 587.450, inclusive, **and section 20 of**
17 **this act**, upon a salary or on a per diem basis, for such a period as
18 the board and the State Quarantine Officer deem necessary, but no
19 inspector may be so employed who is not licensed by the State
20 Quarantine Officer, who shall direct all of the inspector’s official
21 activities.

22 2. Any inspector so employed by any county shall collect all
23 inspection fees fixed and established by the State Quarantine Officer
24 for any inspections and certifications performed by the inspector,
25 and promptly forward the fees to the State Quarantine Officer. The
26 State Quarantine Officer shall forward any portion of the fees due
27 any federal agency to that agency. Ten percent of the inspection fees
28 collected must be remitted to the Department for use in the plant
29 industry program, and the balance must be reimbursed to the
30 counties where the fees were collected.

31 **Sec. 43.** NRS 587.380 is hereby amended to read as follows:

32 587.380 1. Upon satisfactory evidence of competency,
33 submission of the statement required pursuant to NRS 587.382 and
34 the payment of a reasonable fee for a license, the State Quarantine
35 Officer may license a person to inspect or classify agricultural
36 products in accordance with such regulations as the State Quarantine
37 Officer may prescribe at such places as the volume of business may
38 be found to warrant the furnishing of such inspection service, at the
39 request of persons having an interest in such products, and to
40 ascertain and to certify to such persons the grade, classification,
41 quality or condition thereof, and such other pertinent facts as the
42 State Quarantine Officer may require.

43 2. Licensed inspectors may charge and collect as compensation
44 for such services only such fees as may be approved by the State
45 Quarantine Officer.



1 3. Except as otherwise required in subsection 4, the State
2 Quarantine Officer may suspend or revoke any license if, after an
3 opportunity for hearing has been afforded the licensee, the State
4 Quarantine Officer determines that the licensee is incompetent or
5 has knowingly or carelessly failed to certify correctly the grade,
6 classification, quality or condition of any agricultural product, or has
7 violated any provisions of NRS 587.290 to 587.450, inclusive, *and*
8 *section 20 of this act*, or of the regulations adopted pursuant thereto.

9 4. Pending investigation, the State Quarantine Officer may
10 suspend a license temporarily without a hearing.

11 **Sec. 44.** NRS 587.410 is hereby amended to read as follows:

12 587.410 1. The State Quarantine Officer is authorized to fix
13 and promulgate as the official standard for this state for any
14 agricultural product or container the standard for such product or
15 container which may have been promulgated or announced therefor
16 under the authority of the Congress of the United States.

17 2. In carrying out the provisions of NRS 587.290 to 587.450,
18 inclusive, *and section 20 of this act*, the State Quarantine Officer is
19 authorized to cooperate with the United States or any department
20 thereof in accomplishing the matters and things provided for therein.

21 **Sec. 45.** NRS 587.430 is hereby amended to read as follows:

22 587.430 A certificate when not superseded by a finding on
23 appeal, or a finding on appeal of the grade, classification, quality or
24 condition of any agricultural product issued under NRS 587.290 to
25 587.450, inclusive, *and section 20 of this act* and all certificates
26 issued under authority of the Congress of the United States relating
27 to the grade, classification, quality or condition of agricultural
28 products, shall be accepted in any court of this state as prima facie
29 evidence of the true grade, classification, condition or quality of
30 such agricultural product at the time of its inspection.

31 **Sec. 46.** NRS 587.440 is hereby amended to read as follows:

32 587.440 Any employee or agent employed under NRS 587.290
33 to 587.450, inclusive, *and section 20 of this act*, or any inspector
34 licensed thereunder, who shall knowingly inspect, grade or classify
35 improperly any agricultural product or shall knowingly give any
36 incorrect certificate of grade, classification, quality or condition or
37 shall accept money or other consideration directly or indirectly for
38 any incorrect or improper performance of duty, and any person who
39 shall improperly influence or attempt to improperly influence any
40 such agent, employee or licensed inspector in the performance of his
41 or her duty, ~~shall be~~ is guilty of a misdemeanor.

42 **Sec. 47.** NRS 587.450 is hereby amended to read as follows:

43 587.450 1. If any quantity of any agricultural product shall
44 have been inspected and a certificate issued under NRS 587.290 to
45 587.450, inclusive, *and section 20 of this act* showing the grade,



1 classification, quality or condition thereof, no person shall represent
2 that the grade, classification, quality or condition of such product at
3 the time and place of such inspection was other than as shown by
4 such certificate.

5 2. Whenever any standard for a container for an agricultural
6 product becomes effective under NRS 587.290 to 587.450,
7 inclusive, **and section 20 of this act**, no person thereafter shall pack
8 for sale, offer for sale, consign for sale, or sell and deliver, in a
9 container, any such agricultural product to which the standard is
10 applicable unless the container conforms to the standard, subject to
11 such variations therefrom as may be allowed, in the regulations
12 made under NRS 587.290 to 587.450, inclusive, **and section 20 of**
13 **this act**, or unless such product is brought from outside the State and
14 offered for sale, consigned for sale or sold in the original package,
15 but no agricultural product shall be offered for sale which bears a
16 label containing any superlative word or words designating a
17 superior or higher quality unless the product ~~shall conform~~
18 **conforms** to the highest grade specification adopted under the
19 provisions of NRS 587.410.

20 3. ~~Any~~ **Except as otherwise provided in subsection 4, any**
21 person violating this section ~~shall be~~ **is** guilty of a misdemeanor.

22 4. **A person who violates any provision of section 20 of this**
23 **act is guilty of a misdemeanor and shall be punished by a fine of**
24 **not more than \$1,000 for each violation.**

25 **Sec. 48.** NRS 587.460 is hereby amended to read as follows:

26 587.460 As used in NRS 587.460 to 587.660, inclusive, **and**
27 **section 21 of this act**, unless the context otherwise requires, the
28 words and terms defined in NRS 587.470 to 587.530, inclusive,
29 have the meanings ascribed to them in those sections.

30 **Sec. 49.** NRS 587.540 is hereby amended to read as follows:

31 587.540 The Director and the deputies and inspectors under the
32 Director's supervision and control shall enforce the provisions of
33 NRS 587.460 to 587.660, inclusive ~~H~~, **and section 21 of this act.**

34 **Sec. 50.** NRS 587.550 is hereby amended to read as follows:

35 587.550 The Director may adopt regulations:

36 1. Prescribing methods of selecting samples of lots or
37 containers of fruits, nuts and vegetables on a basis of size or other
38 specific classification which are reasonably calculated to produce by
39 that sampling fair representations of the entire lots or containers
40 which are sampled.

41 2. Establishing and issuing official color charts which depict
42 the color standards and requirements which may be established by
43 NRS 587.460 to 587.660, inclusive ~~H~~, **and section 21 of this act.**



1 3. Which are necessary to secure uniformity in the enforcement
2 of the provisions of NRS 587.460 to 587.660, inclusive **H**, and
3 *section 21 of this act.*

4 **Sec. 51.** NRS 587.560 is hereby amended to read as follows:

5 587.560 The Director may cooperate financially or otherwise
6 with any county in accordance with the provisions of NRS 244.327
7 and 561.245 in the enforcement of the provisions of NRS 587.460 to
8 587.660, inclusive **H**, and *section 21 of this act.*

9 **Sec. 52.** NRS 587.590 is hereby amended to read as follows:

10 587.590 It is unlawful for any person to prepare, pack, place,
11 deliver for shipment, deliver for sale, load, ship, transport, cause to
12 be transported or sell any fruits, nuts or vegetables in bulk or in any
13 container or subcontainer unless such fruits, nuts and vegetables and
14 their containers conform to the provisions of NRS 587.460 to
15 587.660, inclusive **H**, and *section 21 of this act.*

16 **Sec. 53.** NRS 587.660 is hereby amended to read as follows:

17 587.660 The provisions of NRS 587.590 to 587.650, inclusive,
18 *and section 21 of this act* apply only to those fruits, nuts or
19 vegetables for which specific quality standards are not otherwise
20 established by this chapter or by regulations adopted by the
21 Director. All nuts, fruits and vegetables if offered for sale must be
22 mature but not overripe.

23 **Sec. 54.** This act becomes effective:

24 1. Upon passage and approval for the purpose of adopting
25 regulations and performing any other preparatory administrative
26 tasks necessary to carry out the provisions of this act; and

27 2. On January 1, 2015, for all other purposes.

