

**PROPOSED REGULATION OF THE  
DIVISION OF AGRICULTURE OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R097-98**

June 29, 1998

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

AUTHORITY: §§2-16, NRS 561.301 and 576.128; §§17 and 18, NRS 561.295, 561.301 and 576.128; §19, NRS 561.301, 576.128 and 576.150; §20, NRS 561.295, 561.301 and 576.128; §21, NRS 233B.063.

**Section 1.** Chapter 576 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Administrator” means the administrator of the division.*

**Sec. 4.** *“Board” means the state board of agriculture.*

**Sec. 5.** *“Division” means the division of agriculture of the department of business and industry.*

**Sec. 6.** *As used in sections 6 to 20, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 7 and 8 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 7.** *“Agricultural product of the soil” means a crop grown in soil or any other medium.*

**Sec. 8.** *“Certified producer’s certificate” means a written document issued by the division pursuant to sections 9, 10 and 11 of this regulation which indicates that the holder of the certificate has obtained certification that he is an actual producer of an agricultural product of the soil.*

**Sec. 9.** *1. To obtain a certified producer’s certificate, a person must submit to the division an application on a form prescribed by the division.*

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

*(a) A list of any agricultural product of the soil that the applicant anticipates that he will grow during the 12 months for which the certificate is valid;*

*(b) A detailed map that indicates the location of each property at which the agricultural product of the soil listed pursuant to paragraph (a) will be grown; and*

*(c) The fee for the inspection of the property required pursuant to section 10 of this regulation.*

*3. A person may obtain an application for a certified producer’s certificate by submitting a request to the Department of Business and Industry, Division of Agriculture, 350 Capitol Hill Avenue, Reno, NV 89502, or by calling the division at (702) 688-1180.*

*4. An application must be submitted to the division at least 30 days before the harvest of an agricultural product of the soil that is listed on the application.*

**Sec. 10.** *1. Except as otherwise provided in subsection 2, before approving an application for a certified producer’s certificate, the division, or an authorized representative*

*of the division, will inspect each property 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. The division will charge a nonrefundable fee of \$20 for such an inspection, regardless of the number of properties indicated on the application.*

*2. If only organic agricultural products of the soil are listed on the application, the division will waive the inspection and related fee required pursuant to this section.*

**Sec. 11.** *1. Upon approval of an application, the division 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 application is approved. A holder of a certified producer's certificate may renew the certificate by submitting the form for renewal furnished by the division within 30 days before his certificate expires.*

*4. If the holder of a certified producer's certificate wishes to have an additional agricultural product of the soil listed on his certificate, he must apply to the division, in writing, at least 30 days before the harvest of the additional agricultural product of the soil. The application must include, without limitation:*

*(a) An identification of the additional agricultural product of the soil that will be grown;  
and*

*(b) A detailed map that indicates the location of each property at which the additional agricultural product of the soil will be grown.*

**Sec. 12.** *1. Except as otherwise provided in subsection 2, the division, or an authorized representative of the division, will, at least annually, inspect each property indicated on the application of a holder of a certified producer's certificate to verify the production of each agricultural product of the soil that is listed on the certificate or the existence in storage of each agricultural product of the soil that is listed on the certificate which has been harvested, or both. The division will charge a nonrefundable fee of \$20 for such an inspection, regardless of the number of properties indicated on the application.*

*2. If only organic agricultural products of the soil are listed on the certificate, the division will waive the inspection and related fee required pursuant to this section.*

**Sec. 13.** *The division will recognize a certified producer's certificate, or the equivalent thereof, that is issued by a governmental agency or private organization in another state if:*

*1. The procedures used by the agency or organization are substantially similar to the procedures set forth in sections 6 to 20, inclusive, of this regulation;*

*2. The information that appears on the certificate is essentially the same as the information that appears on a certified producer's certificate issued by the division; and*

*3. The holder of the certificate prominently displays the certificate at each location at which the holder of the certificate is selling an agricultural product of the soil that is listed on the certificate.*

**Sec. 14.** *The division will maintain a list of each person to whom the division has issued a certified producer's certificate.*

**Sec. 15.** *1. A holder of a certified producer's certificate may sell at a farmer's market agricultural products of the soil for which he and no more than two other persons hold certified producer's certificates. The products must be displayed separately from other products which are not agricultural products of the soil and which are available for sale.*

*2. The certified producer's certificate on which an agricultural product of the soil that is available for sale at a farmer's market is listed must be displayed prominently at each location at which the product is available for sale.*

*3. The division, or an authorized representative of the division, will, at least once every 6 months, inspect each farmer's market at which a holder of a certified producer's certificate sells an agricultural product of the soil to verify compliance with sections 6 to 20, inclusive of this regulation.*

*4. "Farmers' market" has the meaning ascribed to it in NRS 244.336.*

**Sec. 16.** *A person shall not claim or imply in the advertising, selling or labeling of an agricultural product of the soil or otherwise represent that the product is "certified" unless the division has issued to that person a certified producer's certificate for that product.*

**Sec. 17.** *The administrator may issue a written order to stop the sale of an agricultural product of the soil if that product is advertised, sold, labeled or otherwise represented as certified in violation of sections 6 to 20, inclusive, of this regulation. A person shall not sell an agricultural product of the soil for which the administrator has issued a written order to stop the sale pursuant to this section until the division determines that the advertising, selling, labeling or other representation of the product complies with sections 6 to 20, inclusive, of this regulation.*

**Sec. 18.** *The division may suspend or revoke a certified producer's certificate issued to a person pursuant to sections 6 to 20, inclusive, of this regulation if the division determines that the person violated the provisions of sections 6 to 20, inclusive, of this regulation.*

**Sec. 19.** *In addition to any other penalty, the administrator may, pursuant to NRS 576.150, impose a civil penalty of \$100 against a person for each:*

- 1. Violation of sections 6 to 20, inclusive, of this regulation; or*
- 2. Failure to comply with a notice, order or rule of the division adopted pursuant to sections 6 to 20, inclusive, of this regulation.*

**Sec. 20.** *A person:*

- 1. Who is issued a written order to stop the sale of an agricultural product of the soil pursuant to section 17 of this regulation;*
  - 2. Whose certified producer's certificate has been suspended or revoked pursuant to section 18 of this regulation; or*
  - 3. Against whom the administrator has imposed a civil penalty pursuant to section 19 of this regulation,*
- may request a hearing pursuant to subsection 2 of NRS 561.295.*

**Sec. 21.** NAC 576.120 and 576.130 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**576.120 “Board” defined.** “Board” means the state board of agriculture.

**576.130 “Division” defined.** “Division” means the division of agriculture of the department of business and industry.