

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R031-01

Effective April 2, 2002

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

AUTHORITY: §§1-4, NRS 571.210.

Section 1. NAC 571.040 is hereby amended to read as follows:

571.040 1. Except as otherwise provided in subsection 3, a person shall not ship, transport or otherwise move into Nevada any cattle or bison that do not react negatively to a test for brucellosis.

2. Except as otherwise provided in subsection 3, a person shall not ship, transport or otherwise move cattle or bison into Nevada unless:

(a) Each animal is accompanied by a health certificate and an entry permit.

(b) All female cattle and bison that are 12 months of age or older bear a legible official tattoo as evidence of calfhood vaccination against brucellosis.

(c) The following cattle and bison react negatively to a test for brucellosis within the 30 days before entry into Nevada:

(1) All bulls that are 18 months of age or older;

(2) Vaccinated female bison that are 24 months of age or older;

(3) Vaccinated female dairy cattle that are 20 months of age or older; and

(4) Other vaccinated female cattle that are 24 months of age or older.

(d) All ~~{dairy}~~ cattle and bison that are 12 months of age or older react negatively to a test for tuberculosis ~~{within}~~ :

(1) Within the 30 days before entry into Nevada ~~{ }~~ ;

(2) Not earlier than 90 days after such entry but not later than 120 days after such entry; and

(3) Not earlier than 180 days after such entry but not later than 210 days after such entry.

(e) All steers originating from Mexico:

(1) Are branded with the letter “M” on the right jaw; and

(2) Have reacted negatively to a test for tuberculosis within the 12 months before entry into Nevada.

3. The administrator may exempt a person who wishes to ship, transport or otherwise move into Nevada:

(a) Cattle and bison from the requirements of testing for brucellosis if the cattle or bison enter Nevada from a herd, area or state that is recognized as free of brucellosis by the United States Department of Agriculture.

(b) Cattle from the requirements of having a health certificate, an entry permit and a test for brucellosis before entry into Nevada if the cattle are moved from a farm of origin to a stockyard which is approved by the administrator. A test for brucellosis is required when the cattle arrive at the stockyard and before the identity of the farm of origin is lost.

(c) ~~{Dairy-cattle}~~ **Cattle** and bison from the requirement of testing for tuberculosis if the cattle or bison originate from a ~~{herd-or}~~ state that is recognized as free of tuberculosis by the United States Department of Agriculture.

(d) Cattle from the requirement of calfhod vaccination against brucellosis if the cattle are shipped, transported or moved for seasonal grazing in Nevada from an area that is recognized as free of brucellosis by the United States Department of Agriculture and, within 30 days before entry into Nevada, test negative for the presence of brucellosis. During the period in which the cattle are located in Nevada, the ownership of the cattle must not change and the cattle must not commingle with any other cattle except for shipment, transport or movement directly to a location for slaughter.

4. A person shall not ship, transport or move into Nevada any sexually intact cattle originating from Mexico except under such conditions as are specified by the administrator.

Sec. 2. NAC 571.045 is hereby amended to read as follows:

571.045 *1. An owner of native cattle or bison who ~~uses land~~ has his principal place of operation in Nevada and ~~another state for grazing~~ who owns or controls property in an adjoining state may apply for a ~~grazing~~ permit to move the native cattle or bison ~~into Nevada if an agreement has been signed by the owner and the official of~~ between the principal place of operation and the property without obtaining an entry permit or a health certificate. The officer who is responsible for managing livestock in each state where the cattle or bison graze ~~who is responsible for managing livestock in that state. The grazing~~ must approve the permit. The permit is valid for 1 year and must be renewed annually. As used in this subsection, “native cattle or bison” means cattle or bison bearing a brand that is registered in Nevada.*

2. An owner of cattle or bison who has his principal base of operation in another state may apply for a permit to move the cattle or bison into Nevada for grazing without obtaining an entry permit or a health certificate under such conditions as are specified by the

administrator. The permit is valid for not more than 12 months as determined by the administrator and must be renewed upon expiration.

Sec. 3. NAC 571.095 is hereby amended to read as follows:

571.095 1. A person who is transporting livestock shall stop at a check point for inspection of the livestock ~~{when so}~~ *if* requested by an employee of the department.

2. Except as otherwise provided in subsection 3, a person who is transporting livestock shall carry health certificates for the livestock. The health certificates must have been issued within the previous 30 days.

3. The following livestock are not required to have health certificates:

(a) Livestock being transported only within Nevada.

(b) Livestock being transported into Nevada for grazing if the driver has in his immediate possession a grazing permit issued by the department.

(c) Livestock being transported into Nevada only for slaughter.

(d) Livestock being transported through Nevada if the state of destination for the livestock does not require a health certificate.

4. An owner or operator of a conveyance used for transporting livestock shall maintain the conveyance in a sanitary condition. If a conveyance is used to transport livestock infected with or exposed to an infectious disease, the owner or operator must have the conveyance cleaned and disinfected if so ordered by the administrator.

Sec. 4. NAC 571.355 is hereby amended to read as follows:

571.355 Female cattle *or bison that are more than 12 months of age* must be vaccinated for brucellosis before any change of ownership occurs in Nevada ~~{}~~ *unless the cattle or bison are:*

- 1. Identified as spayed females in a manner approved by the administrator;*
- 2. Sold for slaughter directly to or through a sales yard that is approved by the administrator;*
- 3. Sold and immediately transported to a destination that is located outside Nevada; or*
- 4. Consigned for finishing to a feedlot that is registered with the United States Department of Agriculture and, after finishing, are moved from the feedlot to a location for slaughter.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R031-01

The Nevada State Board of Agriculture, adopted regulation assigned LCB File No. R031-01 which pertains to chapters 571 of the Nevada Administrative Code on October 29, 2001. A copy of the regulations as adopted is attached hereto.

Notice date: 10/9/2001
Hearing date: 10/9/2001

Date of adoption by agency: 10/29/2001
Filing date: 4/2/2002

INFORMATIONAL STATEMENT

1. A public workshop was held on October 9, 2001 in Reno Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

A public hearing was held on October 9, 2001 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada County libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (775) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada County libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held October 9, 2001-Reno
0 people attended
No written statements were submitted

Hearing held October 9, 2001-Reno
There were no business or public attendees
No written statements were submitted.

3. Comments were solicited from business and the public by posting in public locations and through direct mail notices as outlined in #1 above. There were no oral or written comments submitted.

The amendments were adopted without changes. No changes were requested and there was no opposition to adoption of these amendments.

4. The economic effects of the adopted amendments on the business that it is to regulate include:

- a. Adverse effects:
None
 - b. Beneficial effects:
These regulations provide for entry of healthy animals entering Nevada.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
5. Economic effects of the proposed amendments on the public include:
- a. Adverse effects:
None
 - b. Beneficial effects:
The regulations prevent entry of infected animals into Nevada. Entry of infected animals into Nevada would spread disease to livestock.
 - c. Immediate and long-term effects:
The adverse and beneficial effects are the same for the immediate and long-term.
6. Economic cost to the agency for the enforcement of the regulation:
There will not be any additional cost to the agency to enforce the amendments adopted.
7. There are no other state or federal agency regulations that the adopted amendments overlap or duplicate.
8. The amendments adopted do not include any provisions more stringent than any federal regulation that regulates the same activity.
9. This regulation does not establish or increase any fees.

STATE DEPARTMENT OF AGRICULTURE

SMALL BUSINESS IMPACT DISCLOSURE PROCESS PURSUANT TO 233B Nevada Administrative Procedures Act

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation:

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

Note: Small Business is defined as a business conducted for profit which employs fewer than 150 full-time or part-time employees@ (NRS 233B.0382).

3. If YES to either of questions 1& 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop ?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Part 2 (NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for 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.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.