

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

**LCB File No. R142-10**

CHAPTER 565 - INSPECTION OF BRANDS

- 565.010 Definitions.
- 565.015 “Administrator” defined.
  
- 565.021 “Animals” and “livestock” defined.
- 565.026 “Brand inspection” defined.
- 565.031 “Brand inspection clearance certificate” defined.
- 565.035 “Brand inspector” defined.
- 565.049 “Department” defined.
- 565.051 “Deputy brand inspector I” defined.
- 565.052 “Deputy brand inspector II” defined.
- 565.053 “Director” defined.
- 565.055 “District” defined.
- 565.065 “Division” defined.
- 565.070 “Enforcement officer” defined.
- 565.071** ***“Inventory Inspection” defined***
- 565.075 “Livestock movement permit” defined.
- 565.076** ***“Regular Sale” defined***
- 565.080 “Slaughter” defined.
- 565.085 “Time and place of change of ownership” defined.
- 565.150 Severability.
- 565.160** ***“Special Sale” defined***
- 565.200 Brand inspections: Requirements; places; times.
- 565.210 Brand inspection districts.
- 565.220 Special permits.
- 565.230 Fees.
- 565.300 Identifying and recording brands; impounding animals of undetermined ownership; checking prior transactions; reporting suspected violators; unbranded and freshly branded calves.
- 565.310 Enforcement; conflicts of interest.

NAC 565.010 Definitions. (NRS 565.040) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 565.015 to 565.085 , inclusive, have the meanings ascribed to them in those sections.

[Dep’t of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77]—(NAC A by Div. of Agriculture, 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.015 “Administrator” defined. (NRS 565.040) “Administrator” means the Administrator of the Division.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

NAC 565.018 “Agricultural enforcement officer II” and “agricultural enforcement officer III” defined. (NRS 565.040) “Agricultural enforcement officer II” or “agricultural enforcement officer III” means an employee who:

1. Is under the immediate supervision of the Administrator;
2. Is certified by the Peace Officers’ Standards and Training Commission pursuant to NRS 289.550;
3. Has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure pursuant to subsection 3 of NRS 289.290;
4. Is assigned supervisory and administrative responsibilities in designated geographical areas of this State; and
5. Supervises all deputy brand inspectors and enforcement officers assigned to his geographical area.

(Added to NAC by Dep’t of Agriculture by R213-05, eff. 6-28-2006)

NAC 565.021 “Animals” and “livestock” defined. (NRS 565.040) “Animals” or “livestock” means:

1. All cattle and other members of the bovine species; and
2. All horses, mules, burros, asses and other members of the equine species.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

NAC 565.026 “Brand inspection” defined. (NRS 565.040) “Brand inspection” means a careful examination of each animal offered for such inspection and an examination of the brands, marks or other characteristics thereon and the recording of information on the brand inspection clearance certificate as required.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.031 “Brand inspection clearance certificate” defined. ~~(NRS 565.040)~~ (NRS 565.120) “Brand inspection clearance certificate” means a certificate on a form prescribed by the Division and signed by an authorized agent of the Department, listing brands and information as required.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.035 “Brand inspector” defined. (NRS 565.040) “Brand inspector” means a deputy brand inspector I or deputy brand inspector II.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.049 “Department” defined. (NRS 565.040) “Department” means the State Department of Agriculture.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)—(Substituted in revision for NAC 565.041)

NAC 565.051 “Deputy brand inspector I” defined. (NRS 565.040) “Deputy brand inspector I” means a part-time, hourly employee who:

1. Is appointed by the Administrator and confirmed by the Director; and
2. Is responsible for brand inspection activities in local areas under the supervision of an enforcement officer.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.052 “Deputy brand inspector II” defined. (NRS 565.040) “Deputy brand inspector II” means a part-time or full-time hourly employee who:

1. Is appointed by the Administrator and confirmed by the Director;
2. Is certified by the Peace Officers’ Standards and Training Commission pursuant to NRS 289.550;
3. Has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure pursuant to subsection 3 of NRS 289.290;

4. Is responsible for brand inspection activities in local areas under the supervision of an agricultural enforcement officer II or agricultural enforcement officer III; and

5. Supervises each deputy brand inspector I assigned to him.

(Added to NAC by Dep’t of Agriculture by R213-05, eff. 6-28-2006)

NAC 565.053 “Director” defined. (NRS 565.040) “Director” means the Director of the Department.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)—(Substituted in revision for NAC 565.045)

NAC 565.055 “District” defined. (NRS 565.040) “District” means a brand inspection district created by the Director pursuant to NRS 565.040.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

NAC 565.065 “Division” defined. (NRS 565.040) “Division” means the Division of Livestock Identification of the Department.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

NAC 565.070 “Enforcement officer” defined. (NRS 565.040) “Enforcement officer” means a deputy brand inspector II, agricultural enforcement officer II or agricultural enforcement officer III.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

***NAC 565.071 “Inventory Inspection” means a brand inspection of all livestock maintained as inventory by an owner of livestock.***

NAC 565.075 “Livestock movement permit” defined. ( NRS 565.040 ) “Livestock movement permit” means a permit granted pursuant to paragraph (c) of subsection 1 of NAC 565.220 .

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

***NAC 565.076 “Regular Sale” defined. A regular sale is a sale conducted by a public livestock auction, conducted according to the days set forth in the license issued by the State Board of Agriculture.***

NAC 565.080 “Slaughter” defined. (NRS 565.040) “Slaughter” includes slaughter on a ranch, slaughter for a person’s own use and slaughter in a licensed slaughterhouse.  
(Added to NAC by Div. of Agriculture, eff. 11-3-97)

NAC 565.085 “Time and place of change of ownership” defined. (NRS 565.040) The time and place of “change of ownership” are the time and place where possession of the livestock passes to the new owner.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

NAC 565.150 Severability. (NRS 565.040) The provisions of this chapter are severable. If any provision of this chapter or any application to any person, thing or circumstance is held invalid, the Department intends that such invalidity not affect the remaining provisions or applications to the extent that they can be given effect.

(Added to NAC by Div. of Agriculture, eff. 11-3-97)

***NAC 565.160 Special sales defined:***

***1. a sale conducted by any operator of a public livestock auction that is held on a day not set forth in his regular license issued by the State Board of Agriculture.***

***2. a sale conducted by any operator of a public livestock auction that is held on a one-time basis and day or days as set forth in a special license issued by the Department of Agriculture.***

NAC 565.200 Brand inspections: Requirements; places; times. (NRS 565.040)

1. Brand inspections are not required:

(a) If the owner of the animals has a livestock movement permit, the animals are being moved within this State and there is no change of ownership or slaughter involved.

(b) For the sale or transportation within this State of dairy breed calves under the age of 1 month.

(c) For the transportation within this State of horses if the horses are accompanied by a current annual or lifetime horse permit or a livestock movement permit.

2. Unless excepted, brand inspections are required:

(a) Before animals are moved out of this State and in all cases where a change of ownership or slaughter is involved.

(b) Before animals are herded or trailed out of this State.

□□ If a deputy brand inspector I makes an exception to the requirements of this subsection, he shall immediately report the exception to the agricultural enforcement officer II or agricultural enforcement officer III supervising the area where the animals are located.

3. Animals for slaughter in a district will be inspected at the place of slaughter immediately before slaughter except as otherwise provided in this chapter.

4. Animals being moved out of this State by truck or trailer will be inspected at a site and time designated by the brand inspector.

5. Animals on which ownership is being changed will be inspected at a site and time designated by the brand inspector.

***6. Animals which are consigned to a regular or special sale will be charged an inspection regardless of whether they sell.***

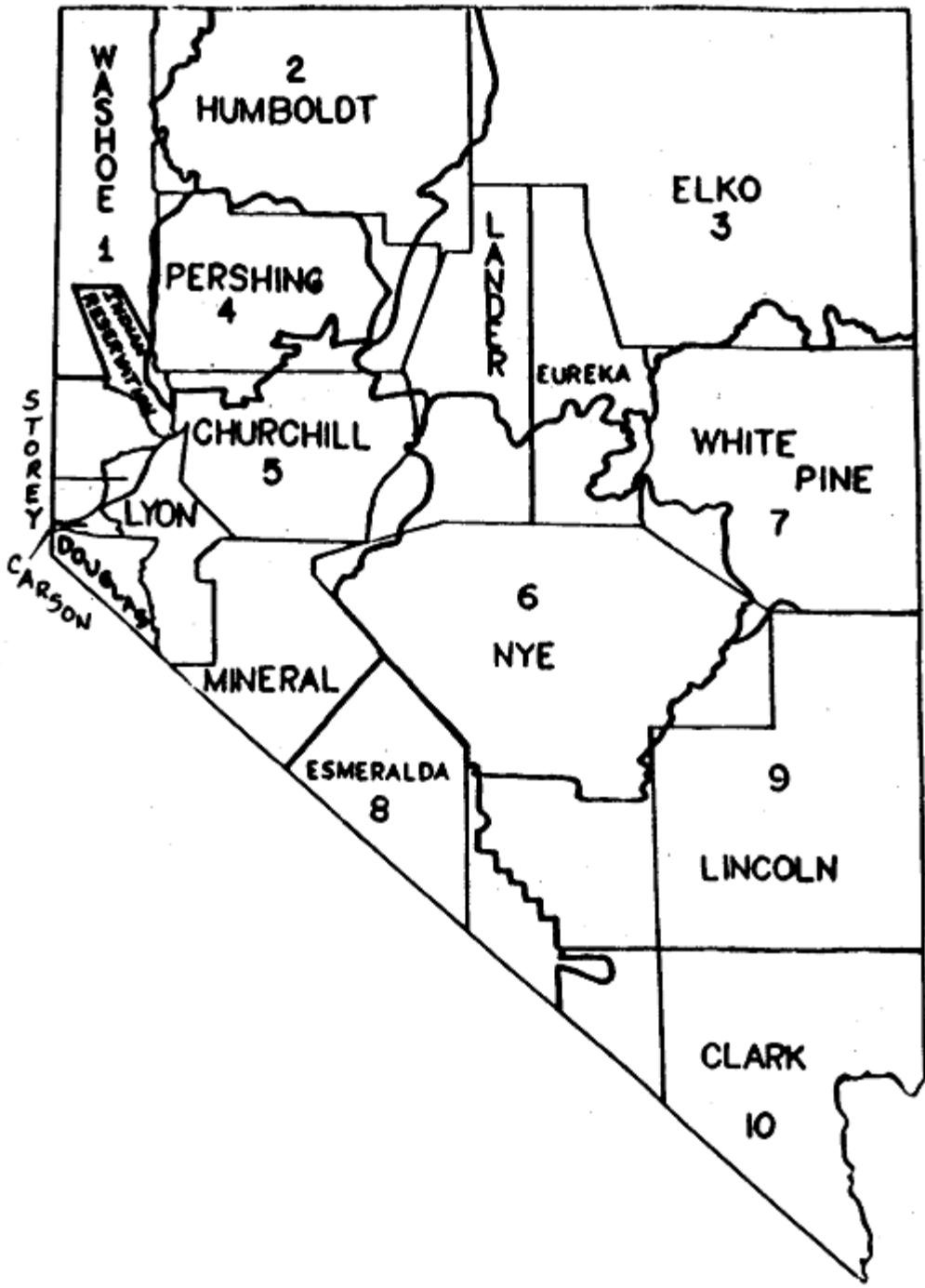
~~[6.]~~ 7. An owner of animals who intends to herd or trail the animals out of this State must give notice to the brand inspector at least 24 hours before the animals may be herded or trailed out of this State.

~~[7.]~~ 8. All brand inspections must be made during daylight hours or with adequate lighting under uncrowded conditions where the brand inspector is satisfied that he can identify all brands, marks, color and sex. Brands and marks on the animals must be recorded by the brand inspector on the brand inspection clearance certificate.

[Dep't of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77]—(NAC A 10-18-89; A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R213-05, 6-28-2006)

NAC 565.210 Brand inspection districts. (NRS 565.040)

1. The areas designated as districts and assigned numbers by the Director are those areas and numbers marked on the following map:



2. A copy of the map may be obtained from the State Department of Agriculture, Division of Livestock Identification, 4780 East Idaho Street, Elko, Nevada 89801.

(Added to NAC by Dep't of Agriculture, eff. 10-16-86; A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R213-05, 6-28-2006)

NAC 565.220 Special permits. (NRS 565.040, 565.070, 565.090)

1. The Director may issue special permits in the following specific instances:

~~[(a) Extraordinary permit: The Director, subject to ratification by the State Board of Agriculture, may issue a permit for the movement of livestock across the boundaries of this State if:~~

- ~~—— (1) The movement of the livestock is for pasturing purposes only.~~
- ~~—— (2) The permittee is a livestock operation based in the State of Nevada that is located in a county adjoining the county in the state of destination.~~
- ~~—— (3) The permittee has completed an application on a form provided by the Department before March 1 of the year in which the movement of the livestock will occur.~~
- ~~—— (4) Brand inspections will be performed on all of the livestock leaving this State.~~
- ~~—— (5) The permittee has paid the following fees for the brand inspection:~~
  - ~~—— (I) For each bull or pair consisting of a cow and calf, 40 cents.~~
  - ~~—— (II) For each yearling animal or weaned calf, 90 cents.~~
  - ~~—— (III) For each calf declared by the permittee to be sold out of this State or not otherwise returned to this State with its mother, 90 cents.~~
  - ~~—— (IV) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$16 per hour.~~
  - ~~—— (V) For the time necessary for the brand inspector to conduct the inspection, \$16 per hour.~~
  - ~~—— (VI) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.~~
- ~~—— (6) The permittee has notified the brand inspector at least 24 hours before the livestock is scheduled to be moved.~~

~~-(b)] (a) Horse permit: The Director may make available an annual or lifetime permit for the movement of any horse that may be used in lieu of a brand inspection if the permittee:~~

- ~~(1) Completes an application on a form provided by the Department; and~~
- ~~(2) Pays for each horse:~~
  - ~~(I) A fee of \$15 an annual permit; or~~
  - ~~(II) A fee of \$30 for a lifetime permit.~~

~~[(c)] (b) Livestock movement permit: The Director may issue a permit for the movement of livestock within this State. ~~[that have not been]~~ *Authorized use of a livestock movement permit does not require the movement of livestock, branded with the permittees registered Nevada brand [livestock] to be* inspected by a brand inspector. A livestock movement permit is required for the movement of *branded* livestock across the boundaries of a *brand* district *unless the livestock have been inspected by a brand inspector*. Before moving livestock *using* ~~[pursuant to]~~ a livestock movement permit, the permittee shall complete a statement on a form provided by the Department that includes, without limitation, the number of livestock being moved, a description of the livestock being moved, *the brands and markings of the livestock* and the destination of the livestock being moved. The permittee shall carry a copy of the completed form during the movement of the livestock. Not more than 10 days after the movement of the livestock is completed, the permittee shall submit a copy of the completed form to the Department.~~

A livestock movement permit is not valid for:

- (1) The transportation of livestock across the boundaries of this State;
- (2) Proof *or Change* of ownership;
- (3) Slaughter;

(4) The transportation of unbranded *livestock* ~~[cattle]~~, ~~except [for]~~ unbranded *calves and foals* ~~[cattle that are shipped]~~ *traveling* as pairs or accompanied by proof of brand inspection or other proof of ownership; or

(5) The transportation of calves with brands that are not healed and peeled.

**(6) Any cattle not branded with the permittees registered Nevada brand.**

2. The State Board of Agriculture ~~[may]~~ *shall* establish ~~[a]~~ reasonable fees for the issuance of ~~[a]~~ special permits *and cause these rates to be published on the Department's Website.*

3. The Director may revoke a special permit specified in this section if the permit is used for a purpose other than the purpose for which it is issued.

[Dep't of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77]—(NAC A 10-18-89; A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R023-99, 11-18-99; R098-02, 9-20-2002; R213-05, 6-28-2006)

NAC 565.230 Fees. (NRS 565.040, 565.070)

1. Except as otherwise provided in this section and NAC 565.220, an owner of livestock must pay the following fees for the brand inspection of the livestock if the owner has given the brand inspector notice of at least 24 hours:

(a) For the inspection of the first head of livestock, \$10; and

(b) For the inspection of each additional head of livestock, \$1 per head.

2. An owner of horses must pay the following fees for the brand inspection of the horses if the owner has given the brand inspector notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

(a) For the first horse inspected, \$10; and

(b) For each additional horse inspected, \$3 each.

3. If an owner of cattle requests a brand inspection and, before conducting the brand inspection, the brand inspector determines that a brand inspection of the cattle may be effectively conducted in the district and authorizes the owner of the cattle to bring the cattle to the brand inspector or to the office of the Division for the brand inspection, the owner must pay a fee of \$1 for each head of cattle inspected.

4. In addition to any fees required to be paid pursuant to subsection 1 or 2, if an owner of livestock did not give the brand inspector notice of at least 24 hours, the inspection takes place at a location designated by the owner or a brand inspection or re-inspection is required because of a violation of a provision of chapter 564 , 565 , 566 or 569 of NRS or is conducted on a day that is a state holiday, the owner must pay:

(a) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$16 per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, \$16 per hour.

(c) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.

5. If a brand inspector has been assigned to inspect the brands of livestock at a *regular* sale conducted by a ~~[livestock commission company]~~ *public livestock auction* ~~[and the sale is conducted on a weekly basis]~~, the amount of the brand inspection fee is:

(a) For cattle, \$1 per head of livestock consigned.

(b) For horses:

(1) Ten dollars for the first horse consigned by the owner; and



(2) Three dollars for each additional horse consigned by the same owner.

6. If a brand inspector has been assigned to a special sale of *livestock* ~~[horses or bulls]~~, the amount of the brand inspection fee is, in addition to the fees set forth in paragraphs (a) and (b) of subsection 5:

(a) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$16 per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, \$16 per hour.

(c) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.

□□ The fees set forth in this subsection must be paid on all consigned ~~[cattle and horses]~~*livestock* regardless of whether the ~~[cattle or horses]~~ *livestock* are actually sold at the special sale.

7. If an owner of livestock requests an inventory inspection of the livestock, the owner must pay the following fees:

(a) For each head of livestock inspected, 40 cents.

(b) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$16 per hour.

(c) For the time necessary for the brand inspector to conduct the inspection, \$16 per hour.

(d) For the mileage of the brand inspector to reach the place of inspection from his duty station and to reach his duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.

8. All fees collected pursuant to this section must be forwarded biweekly to the Department together with the original brand inspection clearance certificate covering the inspection for which the fees were collected, unless prior arrangements have been made with the Administrator.

~~[9. If livestock is consigned to a livestock commission company within this State, the only time at which a fee may be collected for brand inspection is when the change of ownership of the livestock occurs.~~

~~— 10. As used in this section, “inventory inspection” means a brand inspection of all livestock maintained as inventory by an owner of livestock. The term does not include a brand inspection that is conducted:~~

~~— (a) For the issuance of a brand inspection clearance certificate; or~~

~~— (b) To transport any livestock.]~~

[Dep’t of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77]—(NAC A by Div. of Agriculture, 11-3-97; A by Dep’t of Agriculture by R097-02, 9-20-2002; R213-05, 6-28-2006)

NAC 565.300 Identifying and recording brands; impounding animals of undetermined ownership; checking prior transactions; reporting suspected violators; unbranded and freshly branded calves. (NRS 565.040, 565.155)

1. The current and immediate prior brands on an animal and additional brands at the discretion of the brand inspector must be recorded by the brand inspector on the brand inspection clearance certificate. If the brand inspector cannot clearly identify the brands, he shall clip the hair or take other measures as necessary to identify the animal.

2. If the ownership of the animal cannot be determined, the brand inspector shall impound the animal for further investigation.

3. The brand inspector shall check prior transactions by checking brand inspection records or consulting with the owners of prior brands to determine that the transactions were legal.

4. Suspected violators must be reported immediately to the agricultural enforcement officer II or agricultural enforcement officer III who is responsible for the area in which the brand inspection occurs.

5. A calf being sold or shipped without brands or without brands and marks healed and peeled must be inspected while paired with its mother immediately before sale or shipment. In the case of unbranded leppy calves or freshly branded calves:

(a) A statement signed by the producer verifying ownership of the calves must be written on the brand inspection clearance certificate at the time of inspection; or

(b) An affidavit of ownership must be completed by the producer or brand inspector and attached to the original brand inspection clearance certificate.

[Dep't of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77]—(NAC A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R213-05, 6-28-2006)

NAC 565.310 Enforcement; conflicts of interest. (NRS 565.040, 565.155)

1. The Director shall train, equip and instruct enforcement officers to stop vehicles carrying animals and verify that the transportation of animals complies with all regulations. The Division may inspect any animal at any location at any time when there is probable cause to believe that a theft may be in progress, or strays or the natural drifting of neighboring herds of animals may cause commingling of the animals or at any time a brand inspection may be in the best interest of the industry.

2. No employee may perform a brand inspection on any animal owned or to be purchased by himself, his employer, any member of his household or his immediate family, or on any animal in which he, his employer, a member of his household or a member of his immediate family has any financial interest.

[Dep't of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77]—(NAC A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R213-05, 6-28-2006)