

Assembly Bill No. 171—Assemblymembers
Yeager and Watts

CHAPTER.....

AN ACT relating to eggs; authorizing the State Quarantine Officer to take certain actions relating to the sale, offer or exposing for sale or transport for sale of egg products or shell eggs under certain circumstances; authorizing the State Quarantine Officer to adopt regulations relating to an order to temporarily suspend such requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an egg product or shell egg from being sold or offered, exposed or transported for sale within this State if the egg product or shell egg was produced by an egg-laying hen confined in certain enclosures that are not cage-free. (NRS 583.211-583.251) **Section 1** of this bill authorizes the State Quarantine Officer to order the temporary suspension of such requirements and any regulation relating to the sale of eggs in this State during an ongoing event that negatively impacts the national supply chain for egg products or shell eggs which may not exceed 120 consecutive days per suspension. **Section 1** additionally: (1) prohibits the State Quarantine Officer from ordering more than two temporary suspensions in 1 calendar year; and (2) requires the State Quarantine Officer to provide notice to the public when the order for the temporary suspension will be released. **Section 1** further authorizes the State Quarantine Officer to temporarily: (1) authorize the sale of grade B eggs; (2) prohibit certain governmental entities from purchasing eggs; and (3) authorize a farm owner or operator of a small egg flock to produce, sell or transport eggs to a retailer.

Section 8 of this bill authorizes the State Quarantine Officer to adopt regulations governing the circumstances in which a temporary suspension will be ordered and any requirements for such a temporary suspension.

Section 1.3 of this bill requires the State Quarantine Officer to enforce the provisions of **section 1**.

Sections 1.4, 1.5, 4-7 and 9 of this bill provide that the provisions of **section 1** are an exception to the existing prohibitions, enforcement and penalties relating to egg products and shell eggs produced by egg-laying hens confined in certain enclosures that are not cage-free.

Section 1.1 of this bill applies certain definitions relating to cage-free eggs to the provisions of **section 1**.

Section 9.5 of this bill requires the State Department of Agriculture to submit a report to the 83rd Session of the Legislature and the Chairs of the Standing Committees on Natural Resources.



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

Section 1. Chapter 583 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by federal law, the State Quarantine Officer may, by order, temporarily suspend the provisions of this section, NRS 583.110 to 583.251, inclusive, and any regulation relating to the sale of eggs in this State for a period of time which may not exceed 120 consecutive days per suspension during any ongoing event that negatively impacts the national supply chain for egg products or shell eggs, including, without limitation:

(a) A foreign animal disease identified by the Animal and Plant Health Inspection Service of the United States Department of Agriculture; or

(b) A federally declared disease emergency or natural disaster.

2. If the State Quarantine Officer orders the temporary suspension of the provisions of this section and NRS 583.110 to 583.251, inclusive, pursuant to subsection 1:

(a) Subject to the maximum duration specified in subsection 1, the temporary suspension remains in effect until the State Quarantine Officer orders the release of the temporary suspension;

(b) Not less than 14 days before the State Quarantine Officer orders the release of the temporary suspension, the State Quarantine Officer must provide notice to the public that the order temporarily suspending the provisions of this section and NRS 583.110 to 583.251, inclusive, will be released; and

(c) The State Quarantine Officer may temporarily:

(1) Authorize the sale of grade B eggs;

(2) Prohibit or otherwise limit the purchase of eggs by state agencies or local governments; and

(3) Authorize a farm owner or operator of a small egg flock to produce, sell or transport eggs and egg products to a retailer in this State.

3. The State Quarantine Officer may not order more than two temporary suspensions in 1 calendar year.

4. As used in this section, “farm owner or operator” has the meaning ascribed to it in NRS 583.218.



Sec. 1.1. NRS 583.110 is hereby amended to read as follows:
583.110 As used in NRS 583.110 to 583.210, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 583.111 to 583.120, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.3. NRS 583.130 is hereby amended to read as follows:

583.130 The State Quarantine Officer shall:

1. Enforce the provisions of NRS 583.110 to 583.210, inclusive ~~{}~~ *and section 1 of this act*.

2. Make and fix grades and standards for eggs.

3. Make such rules and regulations as may be necessary for the enforcement of NRS 583.110 to 583.210, inclusive ~~{}~~, *and section 1 of this act*.

Sec. 1.4. NRS 583.160 is hereby amended to read as follows:

583.160 ~~{}~~ *Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act*, it shall be unlawful for any person, firm or corporation to represent, advertise or sell as fresh eggs any eggs that do not conform to the classifications provided for fresh eggs in NRS 583.110 to 583.210, inclusive ~~{}~~, *and section 1 of this act*.

Sec. 1.5. NRS 583.210 is hereby amended to read as follows:

583.210 ~~{Any}~~ *Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act*, any person who violates any of the provisions of NRS 583.110 to 583.200, inclusive, *and section 1 of this act* is subject to a civil penalty pursuant to NRS 583.700.

Secs. 2 and 3. (Deleted by amendment.)

Sec. 4. NRS 583.237 is hereby amended to read as follows:

583.237 1. Except as otherwise provided in subsections 2 and 3 ~~{}~~ *and by an order issued by the State Quarantine Officer pursuant to section 1 of this act*, on or after July 1, 2022, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which has less than 1 square foot of usable floor space per egg-laying hen.

2. Except as otherwise provided in subsection 3 ~~{}~~ *and by an order issued by the State Quarantine Officer pursuant to section 1 of this act*, on or after January 1, 2024, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which:

(a) Is not a cage-free housing system; or

(b) Is a cage-free housing system that has less than:

(1) One square foot of usable floor space per egg-laying hen if the cage-free housing system provides egg-laying hens with



unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a multi-tiered aviary or partially slatted system; or

(2) One and one-half square feet of usable floor space per egg-laying hen if the cage-free housing system does not provide unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a single-level, all-litter floor system.

3. The prohibitions in subsections 1 and 2 do not apply to the confinement of an egg-laying hen during:

(a) Medical research for which the egg-laying hen is used;

(b) The examination, testing or treatment of or a surgical procedure performed on the egg-laying hen that is conducted by a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS or a person who is under the direct supervision of a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS;

(c) The transportation of the egg-laying hen;

(d) A State or county fair exhibition, 4-H program or other similar exhibition involving the egg-laying hen;

(e) The slaughter of the egg-laying hen so long as the slaughter complies with the rules and regulations governing the slaughtering of such animals; or

(f) Temporary periods for animal husbandry purposes. Such temporary periods must last not more than 6 hours in any 24-hour period and not more than 24 hours in total of such temporary periods are allowed in any 30-day period.

Sec. 5. NRS 583.239 is hereby amended to read as follows:

583.239 1. A farm owner or operator shall not sell, offer or expose for sale or transport for sale egg products or shell eggs within this State unless the farm owner or operator has been issued a certificate by the Department pursuant to NRS 576.128 and , *except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act*, an endorsement of the certificate by the Department indicating that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that complies with NRS 583.237.

2. To apply for an endorsement required by subsection 1, a farm owner or operator must submit to the Department with an application for a certificate or renewal of a certificate issued pursuant to NRS 576.128:

(a) An attestation that the farm owner or operator confined the egg-laying hens in a manner that complies with NRS 583.237; and



(b) Evidence that the enclosures for egg-laying hens have been inspected by a person described in subsection 4.

3. The Department shall issue the endorsement required by subsection 1 to an applicant if:

(a) The farm owner or operator submits the information required pursuant to subsection 2; and

(b) The Department determines that such information is sufficient to indicate compliance with NRS 583.237.

4. The Department may use a government inspector, including, without limitation, an inspector who is employed, contracted with or authorized by the Department, or a private inspection or process verification provider to ensure compliance with NRS 583.211 to 583.251, inclusive, during the production and the handling of egg products and shell eggs. If the Department uses such an inspector or provider, the Department must approve the inspector or provider as competent to ensure compliance with NRS 583.211 to 583.251, inclusive.

5. Each endorsement issued pursuant to subsection 3 is valid for the period for which the certificate issued pursuant to NRS 576.128 is valid.

6. If a holder of a certificate issued pursuant to NRS 576.128 holds an endorsement issued pursuant to this section, the Department shall include in any notice of renewal of the certificate provided to the holder of the certificate a notice to renew the endorsement issued pursuant to this section.

7. The Department may require an inspection of the enclosure for egg-laying hens to determine whether to renew an endorsement issued pursuant to this section. If the Department determines that an inspection of the enclosure is required for the renewal of the endorsement, the endorsement remains in effect until the endorsement expires or until the Department makes a determination whether to renew the endorsement, whichever occurs later.

8. The Department may not charge a fee for the issuance or renewal of an endorsement pursuant to this section.

Sec. 6. NRS 583.245 is hereby amended to read as follows:

583.245 1. ~~[A]~~ *Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act,* a business owner or operator shall not knowingly sell, offer or expose for sale or transport for sale egg products or shell eggs within this State if the business owner or operator knows or should have known that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that conflicts with the standards set forth in NRS 583.237.



2. ~~1A~~ *Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, a business owner or operator shall obtain a copy of the certificate issued pursuant to NRS 576.128 that contains the endorsement issued pursuant to NRS 583.239 from the farm owner or operator to whom the certificate is issued before doing any business governed by NRS 583.211 to 583.251, inclusive, with the farm owner or operator.*

3. The business owner or operator shall:

(a) Retain a copy of the certificate obtained pursuant to subsection 2; and

(b) Provide a copy of the certificate to the Department upon request.

4. It is a defense to any action to enforce NRS 583.211 to 583.251, inclusive, that a business owner or operator relied in good faith upon a certificate obtained pursuant to subsection 2.

Sec. 7. NRS 583.247 is hereby amended to read as follows:

583.247 *Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act:*

1. The Department shall enforce the provisions of NRS 583.211 to 583.251, inclusive.

2. The Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to an applicable farm or business and to the records of such a farm owner or operator or business owner or operator for the purpose of inspecting such farm, business or record to determine whether any of the provisions of NRS 583.211 to 583.251, inclusive, are being or have been violated.

Sec. 8. NRS 583.249 is hereby amended to read as follows:

583.249 The State Quarantine Officer may adopt such regulations as he or she deems necessary for carrying out the provisions of NRS 583.211 to 583.251, inclusive ~~1~~, *and section 1 of this act relating to the circumstances in which the State Quarantine Officer may order the temporary suspension of the provisions of NRS 583.110 to 583.251, inclusive, and section 1 of this act and requirements for the temporary suspension.*

Sec. 9. NRS 583.251 is hereby amended to read as follows:

583.251 ~~Any~~ *Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, any* person who violates any of the provisions of NRS 583.211 to 583.251, inclusive, is subject to a civil penalty pursuant to NRS 583.700.



Sec. 9.5. Not later than 60 days after the effective date of this act, the State Department of Agriculture shall submit a report of its findings relating to the difference in the cost of eggs and egg products sold by retailer or geographic region to the Director of the Legislative Counsel Bureau for transmittal to:

1. The 83rd Session of the Legislature;
2. The Chair of the Senate Standing Committee on Natural Resources during the 83rd Session of the Legislature; and
3. The Chair of the Assembly Standing Committee on Natural Resources during the 83rd Session of the Legislature.

Sec. 10. This act becomes effective upon passage and approval.



