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## States' Farm Animal Welfare Statutes: *Nevada*



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# A National Agricultural Law Center Research Publication

## States' Farm Animal Welfare Statutes: Nevada

### **NRS 583.211 to 583.251**

*This document is current through Act 19 of the 2021 Regular Legislative Session and E.R.O. 2021-1.*

#### **NRS 583.211 Definitions. [Effective July 1, 2022.]**

As used in NRS 583.211 to 583.251, inclusive, unless the context otherwise requires, the words and terms defined in NRS 583.212 to 583.224, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2021, 2211, effective July 1, 2022)

#### **NRS 583.212 “Business owner or operator” defined. [Effective July 1, 2022.]**

“Business owner or operator” means any person who owns or controls the operations of a business.

(Added to NRS by 2021, 2211, effective July 1, 2022)

#### **NRS 583.213 “Cage-free housing system” defined. [Effective July 1, 2022.]**

1. “Cage-free housing system” means an enclosure for egg-laying hens which is located indoors or outdoors, in which egg-laying hens are unrestricted and free to roam, except as otherwise provided in paragraph (c), and which:

(a) Provides egg-laying hens enrichment that allows the egg-laying hens to exhibit natural behaviors, including, without limitation, scratch areas, perches, nest boxes and dust bathing areas;

(b) Enables farm employees to provide care while standing within the usable floor space for the egg-laying hens; and

(c) For a system located indoors, allows the egg-laying hens to be unrestricted and free to roam, except for the presence of:

(1) Exterior walls; and

(2) Interior fencing that is used to contain the entire flock of egg-laying hens within the system or to subdivide the flock of egg-laying hens into smaller groups if such interior fencing:

(l) Enables farm employees to walk through each



contained or subdivided area to provide care to egg-laying hens;

(II) Provides each egg-laying hen the minimum amount of usable floor space, as set forth in NRS 583.237.

2. The term includes, without limitation:

(a) Multi-tiered aviaries, partially slatted systems and single-level, all-litter floor systems which satisfy the conditions set forth in paragraphs (a), (b) and (c) of subsection 1; and

(b) Any future systems which satisfy the conditions set forth in paragraphs (a), (b) and (c) of subsection 1.

3. The term does not include systems that are commonly referred to as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages or any similar cage system.

(Added to NRS by 2021, 2211, effective July 1, 2022)

**NRS 583.214 “Egg products” defined. [Effective July 1, 2022.]**

1. “Egg products” means the eggs of an egg-laying hen that are:

(a) Separated from the shells of the eggs;

(b) Intended for human consumption in liquid, solid, dried or frozen form;

(c) Raw or cooked; and

(d) In a form with the yolks and whites in their natural proportions or with the yolks and whites separated, mixed or mixed and strained.

2. The term does not include pizzas, cookies, cookie dough, ice cream, mixes used for making pancakes or cakes or any other combination food product that is composed of more than egg products, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers or similar food additives.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.215 “Egg-laying hen” defined. [Effective July 1, 2022.]**

“Egg-laying hen” means a female chicken, turkey, duck, goose or guinea fowl that is domesticated and is kept for the purpose of producing eggs commercially (Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.216 “Enclosure” defined. [Effective July 1, 2022.]**



“Enclosure” means a structure used to confine an egg-laying hen.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.217 “Farm” defined. [Effective July 1, 2022.]**

1. “Farm” means the land, buildings, support facilities and equipment used wholly or partially for the purpose of commercially producing animals or animal products that are used for food.

2. The term does not include live animal markets or official plants if the market or plant is receiving inspection service pursuant to the Egg Products Inspection Act, 21 U.S.C. §§ 1031 et seq.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.218 “Farm owner or operator” defined. [Effective July 1, 2022.]**

“Farm owner or operator” means a person who owns a farm or controls the operations of a farm.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.219 “Multi-tiered aviary” defined. [Effective July 1, 2022.]**

“Multi-tiered aviary” means a cage-free housing system where egg-laying hens have unrestricted access to multiple elevated flat platforms that provide the egg-laying hens with usable floor space both on top of and underneath the platforms.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.2205 “Partially slatted system” defined. [Effective July 1, 2022.]**

“Partially slatted system” means a cage-free housing system where egg-laying hens have unrestricted access to elevated flat platforms under which manure drops through the flooring to a pit or belt that removes manure which is below the platforms.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.221 “Sale” defined. [Effective July 1, 2022.]**

1. “Sale” means a commercial sale by a business that sells any item covered by NRS 583.211 to 583.251, inclusive, which occurs at the location where the buyer takes physical possession of the item.

2. The term does not include a sale undertaken at an official plant if the plant is receiving inspection service pursuant to the Egg Products Inspection Act, 21 U.S.C. §§ 1031 et seq.



(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.222 “Shell egg” defined. [Effective July 1, 2022.]**

“Shell egg” means a whole egg of an egg-laying hen that is in its shell form and intended for human consumption.

(Added to NRS by 2021, 2212, effective July 1, 2022)

**NRS 583.223 “Single-level, all-litter floor system” defined. [Effective July 1, 2022.]**

“Single-level, all-litter floor system” means a cage-free housing system that uses litter for a ground cover and where egg-laying hens have limited or no access to elevated flat platforms.

(Added to NRS by 2021, 2213, effective July 1, 2022)

**NRS 583.224 “Usable floor space” defined. [Effective July 1, 2022.]**

1. “Usable floor space” means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.

2. The term includes both ground space and elevated flat or nearly flat platforms upon which the egg-laying hens can roost.

3. The term does not include perches or ramps.

(Added to NRS by 2021, 2213, effective July 1, 2022)

**NRS 583.231 Legislative declaration. [Effective July 1, 2022.]**

The Legislature finds and declares that the regulation of egg production on farms in this State and the regulation of the sale of eggs and egg products in this State is necessary to:

1. Protect the health and welfare of consumers and citizens of this State;
2. Promote food safety; and
3. Advance animal welfare.

(Added to NRS by 2021, 2211, effective July 1, 2022)

**NRS 583.235 Applicability. [Effective July 1, 2022.]**

The provisions of NRS 583.211 to 583.251, inclusive, do not apply to the production, sale or transport for sale in this State of shell eggs by a farm owner or operator with an annual shell egg production from 3,000 or fewer egg-laying hens if all shell eggs sold or



transported for sale in this State by the owner or operator are derived from the 3,000 or fewer egg-laying hens.

(Added to NRS by 2021, 2211, effective July 1, 2022)

**NRS 583.237 Prohibitions on confining egg-laying hens in certain enclosures; exceptions. [Effective July 1, 2022.]**

1. Except as otherwise provided in subsections 2 and 3, 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, 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

(Added to NRS by 2021, 2213, effective July 1, 2022)

**NRS 583.239 Endorsement to sell, offer or expose for sale or transport for sale egg products or shell eggs: Requirement; application; issuance; inspection; duration; notice of renewal; prohibition on charging fees. [Effective July 1, 2022.]**

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 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. (Added to NRS by 2021, 2213, effective July 1, 2022)

**NRS 583.241 Endorsement to sell, offer or expose for sale or transport for sale egg products or shell eggs: Denial, suspension or revocation. [Effective July 1, 2022.]**

The Department may deny an application for an endorsement or an application for the renewal of an endorsement submitted pursuant to NRS 583.239 or suspend or revoke an endorsement issued pursuant to NRS 583.239 upon any of the following grounds:

1. The failure or refusal of a farm owner or operator to comply with the provisions of NRS 583.211 to 583.251, inclusive, or any regulations adopted by the State Quarantine Officer pursuant thereto;
2. The failure or refusal of a farm owner or operator to cooperate with an inspection conducted pursuant to NRS 583.239 or 583.247; or
3. Selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State without being issued a certificate pursuant to NRS 576.128 and an endorsement issued pursuant to NRS 583.239.

(Added to NRS by 2021, 2214, effective July 1, 2022)

**NRS 583.243 Endorsement to sell, offer or expose for sale or transport for sale egg products or shell eggs: Appeal of denial, suspension or revocation. [Effective July 1, 2022.]**

A farm owner or operator who is aggrieved by an action of the Department concerning the denial, suspension or revocation of an endorsement pursuant to NRS 583.241 may, not later than 10 business days after the date on which the action of the Department is taken, file a notice of appeal to the Department in the manner set forth by the State Quarantine Officer by regulation.

(Added to NRS by 2021, 2215, effective July 1, 2022)

**NRS 583.245 Business owners and operators: Prohibition on engaging in certain acts; requirement to obtain, retain and provide copies of certain certificates; reliance in good faith is defense. [Effective July 1, 2022.]**





1. 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. 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.

(Added to NRS by 2021, 2215, effective July 1, 2022)

**NRS 583.247 Enforcement; free access to farm or business and records of farm or business. [Effective July 1, 2022.]**

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.

(Added to NRS by 2021, 2215, effective July 1, 2022)

**NRS 583.249 Regulations. [Effective July 1, 2022.]**

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.

(Added to NRS by 2021, 2215, effective July 1, 2022)

**NRS 583.251 Civil penalty. [Effective July 1, 2022.]**

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.

(Added to NRS by 2021, 2215, effective July 1, 2022)

