Tattoo & Permanent Makeup Establishments Regulations

Effective June 2009

Appendix A:

Nevada Revised Statutes (NRS) Chapter 585, Food, Drugs and Cosmetics: Adulteration; Labels; Brands

Serving Boulder City, Clark County, Henderson, Las Vegas, Mesquite and North Las Vegas

Southern Nevada District Board of Health
P.O. Box 3902, Las Vegas, NV 89127 |702.759.1000

NEVADA REVISED STATUTES CHAPTER 585-
FOOD, DRUGS AND COSMETICS: ADULTERATION; LABELS; BRANDS

GENERAL PROVISIONS

ADMINISTRATION

FOOD

GENERAL PROVISIONS

NRS 585.010 Short title. This chapter may be cited as the Nevada Food, Drug and Cosmetic Act. [1:177:1939; 1931 NCL § 6206]

NRS 585.020 Definitions. For the purpose of this chapter, the words and terms defined in NRS 585.030 to 585.150, inclusive, have the meanings ascribed to them in those sections. [Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1985, 530)

NRS 585.030 "Advertisement" defined. "Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.040 "Commissioner" defined. "Commissioner" means the Commissioner of Food and Drugs. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.050 "Contaminated with filth" defined. "Contaminated with filth" applies to any food, drug, device or cosmetic not securely protected from dust, dirt and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.060 "Cosmetic" defined.

1. "Cosmetic" means:
   (a) Articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, including wigs, hairpieces and postiches; and
   (b) Articles intended for use as a component of any such articles.
2. "Cosmetic" shall not include soap. [Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1969, 877)

NRS 585.070 "Device" defined. Except when used in NRS 585.170, "device" means instruments, apparatus and contrivances, including their components, parts and accessories, intended:

1. For use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or
2. To affect the structure or any function of the body of man or other animals. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.080 "Drug" defined.

1. "Drug" means:
   (a) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;
   (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
   (c) Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and
   (d) Articles intended for use as a component of any article specified in paragraph (a), (b) or (c).
2. "Drug" does not include devices or their components, parts or accessories. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.090 "Federal Act" defined. "Federal Act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as that act exists on June 30, 1983. [Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1983, 189)

NRS 585.100 "Food" defined. "Food" means:
1. Articles used for food or drink for man or other animals;
2. Chewing gum; and
3. Articles used for components of any such article. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.110 "Immediate container" defined. "Immediate container" does not include package liners. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.120 "Label" defined. "Label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this chapter that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement or other information also appears on the outside container or wrapper, if there is any, of the retail package of such article, or is easily legible through the outside container or wrapper. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.130 "Labeling" defined. "Labeling" means all labels and other written, printed or graphic matter:
1. Upon an article or any of its containers or wrappers; or
2. Accompanying such article. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.140 "New drug" defined. "New drug" means any drug the composition of which is such that the drug:
1. Is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended or suggested in the labeling thereof; or
2. As a result of investigations to determine its safety and effectiveness for use under those conditions, has become so recognized, but which has not, other than in the investigations, been used to a material extent or for a material time under those conditions. [Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1983, 189)

NRS 585.150 "Official compendium" defined. "Official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary or any supplement to any of them. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.170 Factors to be considered in determining whether label or advertisement is misleading. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, sound or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the

labeling or advertisement thereof or under such conditions of use as are customary or usual. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.180 Construction of representation that drug is antiseptic. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body. [Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.190 Scope of provisions regulating sales.

1. The provisions of this chapter regarding the selling of foods, drugs, devices or cosmetics shall be considered to include:
   (a) The manufacture, production, processing, packing, exposure, offer, possession and holding of any such article for sale;
   (b) The sale, dispensing and giving of any such article; and
   (c) The supplying or applying of any such articles in the conduct of any food, drug or cosmetic establishment.
2. The provisions of this chapter do not apply to the operation of any official establishment as defined in NRS 583.375. [Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1969, 991)

ADMINISTRATION

NRS 585.200 Appointment of Commissioner of Food and Drugs. The Administrator of the Health Division of the Department of Human Resources shall designate and appoint, for the enforcement of this chapter, a Commissioner and such other agents as he may deem necessary. [14:177:1939; 1931 NCL § 6206.13]—(NRS A 1959, 616; 1963, 972; 1967, 1178; 1969, 616)

NRS 585.210 Regulations.

1. The authority to promulgate regulations for the efficient enforcement of this chapter is hereby vested in the Commissioner.
2. The Commissioner is hereby authorized to make the regulations promulgated under this chapter conform, insofar as practicable, with those promulgated under the Federal Act. [Part 15:177:1939; 1931 NCL § 6206.14]

NRS 585.220 Hearings. Hearings authorized or required by this chapter shall be conducted by the Commissioner or such officer, agent or employee as the Commissioner may designate for the purpose. [Part 15:177:1939; 1931 NCL § 6206.14]

NRS 585.230 Record of adulterated, mislabeled or misbranded foods, drugs, devices and cosmetics; biennial report of Commissioner; dissemination of information.

1. The Commissioner shall keep a record of adulterated, mislabeled or misbranded foods, drugs, devices and cosmetics, in which record shall be included a list of cases examined and violations found and a list of the articles found adulterated, mislabeled or misbranded and the names of the manufacturers, producers, jobbers and sellers.
2. The record, or any parts thereof, may, in the discretion of the Commissioner, be included in the biennial report which the Commissioner is authorized to make to the State Board of Health.
3. The Commissioner may also cause to be disseminated such information regarding foods, drugs, devices and cosmetics as he deems necessary in the interest of public health and the protection of the consumer against fraud. [17:177:1939; 1931 NCL § 6206.16]—(NRS A 1959, 617)

NRS 585.240 Inspection of factories and vehicles: Purposes; examination of samples.

1. The Commissioner or his duly authorized agent is entitled to free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or may enter any vehicle being used to transport or hold such foods in commerce, for the purpose of:
   (a) Inspecting such factory, warehouse, establishment or vehicle to determine whether any of the provisions of this chapter is being violated; and
   (b) Securing samples or specimens of any food after paying or offering to pay for such sample.
2. The Commissioner shall make, or cause to be made, examinations of samples secured under the provisions of this section to determine whether any provision of this chapter is being violated. [16:177:1939; 1931 NCL § 6206.15]—(NRS A 1979, 1192)

NRS 585.245 Licensing of persons manufacturing, compounding, processing or packaging drugs, devices or cosmetics: Regulations; fees; inspection.

1. The Commissioner shall adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in a factory, warehouse, laboratory or other location in this state. The regulations must set forth the requirements for issuance and renewal of a license. Only a person who complies with the requirements of this chapter is entitled to a license. A license is not transferable from person to person or from place to place. The regulations must prescribe the length of term for which a license is issued and must set forth grounds and procedures for the revocation, suspension or nonrenewal of a license.
2. A valid license is required for the manufacturing, compounding, processing or packaging of drugs, devices or cosmetics in any factory, warehouse, laboratory or other location in this state. Licensed pharmacies compounding or packaging prescriptions are exempt from this provision.
3. The Commissioner shall establish and collect fees for the purpose of paying the costs of inspecting, testing and other functions required under the provisions of this chapter with respect to any drug, device or cosmetic. Failure to pay any fee imposed pursuant to this subsection is a ground for revocation, suspension or nonrenewal of a license. All such fees collected by the Commissioner must be deposited with the State Treasurer for credit to the State General Fund.
4. As a condition for entertaining the application of any applicant for any license authorized under this chapter, and as a further condition for the issuance of any such license, the Commissioner or his authorized agent is entitled to free access at all reasonable hours to any factory, warehouse or other location in which drugs, devices or cosmetics are manufactured, compounded, processed or packaged or held for introduction into commerce, and may enter any vehicle being used to transport or hold such drugs, devices or cosmetics in commerce, for the purposes of:
   (a) Inspecting the factory, warehouse, other location or vehicle to determine whether any of the provisions of this chapter is being violated; and
   (b) Securing samples or specimens of any drug, device or cosmetic after paying or offering to pay therefor.
5. The Commissioner shall make, or cause to be made, examinations of samples and specimens secured under the provisions of this section to determine whether any of the provisions of this chapter is being violated. (Added to NRS by 1979, 1191)

NRS 585.250 Tagging of articles believed to be dangerous to health: Contents of tag; unlawful sales.

1. Whenever the Commissioner, any of his authorized agents, or any member or inspector of the State Board of Pharmacy finds, or has probable cause to believe, that any food, drug, device or cosmetic is

adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this chapter, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

2. It shall be unlawful for any person to remove or dispose of such quarantined article by sale or otherwise without such permission. [Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1665)

NRS 585.260 Removal of tag or marking from detained or quarantined article; liability of person removing tag or other marking.

1. When the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy has found that an article so quarantined is not adulterated or misbranded, he shall remove the tag or other marking.
2. In any proceeding against the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy because of such quarantine, the Commissioner, his authorized agent, or member or inspector of the State Board of Pharmacy shall not be held liable if the court shall find that there was probable cause for such quarantine. [Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

NRS 585.270 Petition for condemnation and destruction of adulterated or misbranded article. When an article quarantined under NRS 585.250 has been found by the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy to be adulterated or misbranded, the Commissioner, his agent, or such member or inspector shall petition the judge of the district court in whose jurisdiction the article is quarantined for the condemnation and destruction of such article. [Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

NRS 585.280 Destruction of article found to be adulterated or misbranded. If the court finds that a quarantined article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed under the supervision of the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy. [Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

NRS 585.290 Correction of defect by proper labeling or processing. When the adulteration or misbranding can be corrected by proper labeling or processing of the article to the satisfaction of the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy, the court, after entry of the decree, may by order direct that such article be delivered to the owner or defender thereof for such labeling or processing under the supervision of the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy. [Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

FOOD

NRS 585.300 Adulterated food: Poisonous or insanitary ingredients. A food shall be deemed to be adulterated if:

1. It bears or contains any poisonous or deleterious substance which may render it injurious to health unless the substance is not an added substance and the quantity of the substance does not ordinarily render it injurious to health;
2. It consists in whole or in part of a diseased, contaminated, filthy or decomposed substance, or if it is otherwise unfit for food;

3. It has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or rendered diseased, unwholesome or injurious to health;
4. It is the product of an animal which was diseased, died otherwise than by slaughter or was fed upon the uncooked offal from a slaughterhouse;
5. Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
6. It bears or contains any color additive which is unsafe within the meaning of the Federal Act. [Part 6:177:1939; 1931 NCL § 6206.05]—(NRS A 1983, 190)

NRS 585.310 Adulterated food: Absence, substitution or addition of constituents. A food shall be deemed to be adulterated:
1. If any valuable constituent has been in whole or in part omitted or abstracted therefrom;
2. If any substance has been substituted wholly or in part therefor;
3. If damage or inferiority has been concealed in any manner; or
4. If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is. [Part 6:177:1939; 1931 NCL § 6206.05]

NRS 585.320 Adulterated food: Standards of purity, quality or strength. A food shall be deemed to be adulterated if it falls below the standard of purity, quality or strength which it purports or is represented to possess. [Part 6:177:1939; 1931 NCL § 6206.05]

NRS 585.330 Adulterated food: Confectionery containing nonnutritive substance.
1. A food shall be deemed to be adulterated if it is confectionery and it bears or contains any nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 percent, harmless natural wax not in excess of four-tenths of 1 percent, harmless natural gum and pectin.
2. This section does not apply to any confectionery by reason of its containing less than 4 percent alcohol by weight, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances. [Part 6:177:1939; 1931 NCL § 6206.05]—(NRS A 1981, 908)

NRS 585.350 Misbranded food. A food shall be deemed to be misbranded:
1. If its labeling is false or misleading in any particular.
2. If it is offered for sale under the name of another food.
3. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "Imitation," and immediately thereafter the name of the food imitated.
4. If its container is so made, formed or filled as to be misleading.
5. If it is not labeled as required by NRS 583.045.
6. If in package form, unless it bears a label containing:
   (a) The name and place of business of the manufacturer, packer or distributor.
   (b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count; but under this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulation prescribed by the Commissioner.
7. If it purports to be or is represented as a food for which a definition and standard of identity, quality and fill of container has been prescribed, unless it conforms to such standards of identity, quality and fill.
8. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the Commissioner determines to be,

and by regulations prescribes as, necessary in order to inform purchasers fully as to its value for such uses.

9. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; but the provisions of this subsection with respect to artificial color shall not apply in the case of butter, cheese or ice cream. [7:177:1939; 1931 NCL § 6206.06]—(NRS A 1965, 433)

NRS 585.355 Use of "honey" in product label or designation restricted; "honey" defined. A person shall not prepare, package, deliver for shipment, ship, transport or sell:

1. Any food product which is labeled or designated by the term "honey" alone if such food product consists partly or entirely of ingredients other than honey.
2. Any food product, except a honeydew melon, designated by any combination of words which include the word "honey" in the label or brand name unless such food product contains honey as an ingredient and the other ingredients are disclosed.
3. As used in this section, "honey" means the natural product of honeybees, drawn from the nectar of flowers, transformed by the bees and stored in a honeycomb and later marketed in the honeycomb or taken from it and marketed in a liquid, candied or granulated condition. (Added to NRS by 1975, 813)

NRS 585.360 Food containing filthy, decomposed or putrid substance declared nuisance; condemnation or destruction by Commissioner. Whenever the Commissioner or any of his authorized agents shall find in any room, building or other structure, or vehicle of transportation, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner or his authorized agents shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food. [Part 4:177:1939; 1931 NCL § 6206.03]

DRUGS AND DEVICES

NRS 585.370 Adulterated drugs and devices: Poisonous or insanitary ingredients. A drug or device shall be deemed to be adulterated if:

1. It consists in whole or in part of any filthy or decomposed substance;
2. It has been produced, prepared, packed or held under insanitary conditions whereby it may have been rendered injurious to health;
3. It is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
4. It is a drug and it bears or contains, for coloring only, a color additive which is unsafe within the meaning of the Federal Act. [Part 8:177:1939; 1931 NCL § 6206.07]—(NRS A 1983, 190)

NRS 585.380 Adulterated drugs and devices: Strength, quality or purity differing from official compendium.

1. A drug shall be deemed to be adulterated if it is represented as a drug, the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in the compendium. The determination as to strength, quality or purity must be made in accordance with the tests or methods of assay set forth in the compendium or, in the absence of or inadequacy of those tests or methods of assay, those prescribed pursuant to the Federal Act.

2. A drug which is defined in an official compendium shall not be deemed to be adulterated under this section because it differs from the standard of strength, quality or purity set forth in the compendium if that difference is plainly stated on its label. [Part 8:177:1939; 1931 NCL § 6206.07]—(NRS A 1983, 190)

NRS 585.390 Adulterated drugs and devices: Misrepresentation of strength, quality or purity if drug not in compendium. A drug or device shall be deemed to be adulterated if it is not subject to the provisions of NRS 585.380 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess. [Part 8:177:1939; 1931 NCL § 6206.07]

NRS 585.400 Adulterated drugs and devices: Mixture with or substitution of another substance. A drug or device shall be deemed to be adulterated if it is a drug and any substance has been:
1. Mixed or packed therewith so as to reduce its quality or strength; or
2. Substituted wholly or in part therefor. [Part 8:177:1939; 1931 NCL § 6206.07]

NRS 585.410 Misbranded drugs and devices: False or misleading label. A drug or device shall be deemed to be misbranded if its labeling is false or misleading in any particular. [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.420 Misbranded drugs and devices: Contents of label on package.
1. Except as provided in subsections 2 and 3, a drug or device shall be deemed to be misbranded if in package form unless it bears a label containing:
   (a) The name and place of business of the manufacturer, packer or distributor; and
   (b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count.
2. The label affixed to a container which contains a prescription drug intended for use by a human being shall include:
   (a) The name and place of business of the manufacturer; and
   (b) If different, the name and place of business of the packer or distributor,

➥of the drug in its final dosage form.
3. A label affixed to a container by a pharmacist is not required to include the name and place of business of the manufacturer, packer or distributor.
4. Under paragraph (b) of subsection 1, reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Commissioner. [Part 9:177:1939; 1931 NCL § 6206.08]—(NRS A 1977, 632)

NRS 585.430 Misbranded drugs and devices: Habit-forming substances. A drug or device shall be deemed to be misbranded if it is for use by man and contains any quantity of narcotic or hypnotic substances or any chemical derivative thereof, unless its label bears the name and quantity or proportion of such substance or derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming." [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.440 Misbranded drugs and devices: Designation of drug by name not in compendium.
1. A drug or device shall be deemed to be misbranded if it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears:
   (a) The common or usual name of the drug, if such there be; and
   (b) In case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including,

whether active or not, the name and quantity or proportion of any bromide, ether, chloroform, acetanilid, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances contained therein.

2. To the extent that compliance with the requirements of paragraph (b) of subsection 1 is impracticable, exemptions shall be established by regulations promulgated by the Commissioner. [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.450 Misbranded drugs and devices: Directions for use and warnings on label.

1. A drug or device shall be deemed to be misbranded unless its label bears:
   (a) Adequate directions for use; and
   (b) Such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration or administration or application, in such manner and form as are necessary for the protection of users.
2. Where any requirement of paragraph (a) of subsection 1, as applied to any drug or device, is not necessary for the protection of the public health, the Commissioner shall promulgate regulations exempting such drug or device from such requirements. [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.460 Misbranded drugs and devices: Misleading container; imitation; offer for sale under another name. A drug or device shall be deemed to be misbranded:

1. If it is a drug and its container is so made, formed or filled as to be misleading;
2. If it is an imitation of another drug; or
3. If it is offered for sale under the name of another drug. [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.470 Misbranded drugs and devices: Health-endangering when used as prescribed. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended or suggested in the labeling thereof. [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.480 Misbranded drugs and devices: Drug containing amidopyrine, barbituric acid, cinchophen, dinitrophenol or sulfanilamide sold without prescription. A drug or device shall be deemed to be misbranded if it is a drug sold at retail for use by man, and contains any quantity of amidopyrine, barbituric acid, cinchophen, dinitrophenol or sulfanilamide, unless it is sold on a written prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. [Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.485 Restrictions on sale of dimethyl sulfoxide; penalty.

1. Dimethyl sulfoxide may be sold, whether by wholesalers or retailers, in quantities of 1 gallon or more.
2. Dimethyl sulfoxide may be sold, prescribed or dispensed in quantities of less than 1 gallon only:
   (a) Pursuant to prescription by a dentist, podiatric physician or veterinarian licensed to practice his profession in this state or by a licensed physician; or
   (b) To a purchaser who gives his affidavit declaring that the dimethyl sulfoxide being purchased:
      (1) Will not be used for medicinal treatment of any human being; or
      (2) Will not be resold and will be used for industrial or commercial purposes in a laboratory or business which is licensed by the state or a local government.

3. A prescription for dimethyl sulfoxide may be filled only with a grade and quality of that substance which meets the requirements of the United States Food and Drug Administration.
4. Any person who gives a false affidavit for the purpose of obtaining dimethyl sulfoxide pursuant to paragraph (b) of subsection 2 is guilty of a misdemeanor. (Added to NRS by 1981, 1696; A 1993, 2237)

NRS 585.490 Introduction or delivery for introduction of new drug into intrastate commerce before application is effective prohibited. No person shall introduce or deliver for introduction into intrastate commerce any new drug which is subject to section 505 of the Federal Act (21 U.S.C. § 355), unless an application with respect to such drug has become effective thereunder. [10:177:1939; 1931 NCL § 6206.09]

NRS 585.495 Licensing of manufacture of amygdalin and procaine hydrochloride; duties and powers of Commissioner; injunctive relief.

1. State Board of Health shall license amygdalin (laetrile) and procaine hydrochloride with preservatives and stabilizers (Gerovital H3) for manufacture in this state. Such licensing is not a representation that either substance has any therapeutic effect.
2. The Commissioner shall:
   (a) Adopt regulations which prescribe minimum standards for manufacturers in preparing, compounding, processing and packaging each substance.
   (b) Make periodic tests and inspections of both the facilities for manufacture and samples of the substances to ascertain the purity, quality and identity of the substance and to determine that the substance meets the standards prescribed pursuant to paragraph (a).
   (c) Before acting upon an application for a license, collect the fees necessary to pay the cost of investigating the applicant. A license shall not be issued until the applicant has paid all actual costs for the initial testing, inspection, investigation and hearings.
3. The Commissioner may, after notice and hearing, revoke, suspend or refuse to renew the license of any person who:
   (a) Fails to maintain the standards required by paragraph (b) of subsection 2.
   (b) Violates any regulation adopted by the Commissioner.
   (c) Fails to pay any assessment prescribed in paragraph (c) of subsection 2 within a reasonable time.
4. The Attorney General shall, at the request of the Commissioner seek injunctive relief for any violation of the regulations adopted by the Commissioner. (Added to NRS by 1977, 1646; A 1979, 1193; 1983, 224)

NRS 585.497 Assessment on gross receipts from sale of amygdalin and procaine hydrochloride.

1. An assessment of 10 percent, payable quarterly to the Department of Taxation, is imposed upon the gross receipts of a manufacturer from the sale of each substance licensed for manufacture pursuant to NRS 585.495.
2. The Nevada Tax Commission shall prescribe by regulation appropriate forms for reporting such gross receipts, and shall when appropriate recompute the assessment and collect any deficiency in the manner provided for taxes required to be paid pursuant to title 32 of NRS. Each manufacturer shall report his sales and pay the assessment during the months of January, April, July and October for the respective preceding calendar quarters.
3. As used in this section:
   (a) "Gross receipts" means the total amount of the sale of each substance, valued in money, whether received in money or otherwise, without deduction for any of the following:
      (1) The cost of the substance sold.

(2) The cost of the materials used, labor or service, any interest paid or any losses or other expense.
(3) The cost of marketing the substance.
(4) The cost of transporting the substance before its sale to the purchaser.

(b) "Sale" includes any transfer of title or possession, exchange or barter, whether conditional or otherwise, of a substance for a consideration.

(c) "Total amount of the sale" includes:
(1) Any services that are a part of the sale; and
(2) All receipts, cash, credits and property of any kind. (Added to NRS by 1983, 223)

COSMETICS

NRS 585.500 Adulterated cosmetics. A cosmetic shall be deemed to be adulterated:

1. If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual; but this provision shall not apply to coal tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness.", and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this subsection and subsection 5 the term "hair dye" shall not include eyelash or eyebrow dyes.
2. If it consists in whole or in part of any filthy, putrid or decomposed substance.
3. If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.
4. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.
5. If it is not a hair dye and it bears or contains a coal tar color other than one from a batch which has been certified by the United States Department of Agriculture. [11:177:1939; 1931 NCL § 6206.10]

NRS 585.510 Misbranded cosmetics. A cosmetic shall be deemed to be misbranded:

1. If its labeling is false or misleading in any particular.
2. If in package form unless it bears a label containing:
   (a) The name and place of business of the manufacturer, packer or distributor; and
   (b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count. Under this paragraph, reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the Commissioner.
3. If its container is so made, formed or filled as to be misleading. [12:177:1939; 1931 NCL § 6206.11]

PROHIBITED ACTS AND PENALTIES

NRS 585.520 Prohibited acts. The following acts and the causing thereof within the State of Nevada are hereby prohibited:

1. The manufacture, sale or delivery, holding or offering for sale of any food, drug, device or cosmetic that is adulterated or misbranded.
2. The adulteration or misbranding of any food, drug, device or cosmetic.
3. The sale, delivery for sale, holding for sale or offering for sale of any article in violation of NRS 585.490.
4. The dissemination of any false advertisement.

5. The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by NRS 585.240 or 585.245.
6. The giving of a guaranty or undertaking, which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the State of Nevada from whom he received in good faith the food, drug, device or cosmetic.
7. The removal or disposal of a detained or embargoed article in violation of NRS 585.250.
8. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of or the doing of any other act with respect to a food, drug, device or cosmetic, if such act is done while such article is held for sale and results in such article being misbranded. [3:177:1939; 1931 NCL § 6206.02]—(NRS A 1979, 1193)

NRS 585.530 When advertisement deemed false. An advertisement of a food, drug, device or cosmetic shall be deemed to be false if it is false or misleading in any particular. [13:177:1939; 1931 NCL § 6206.12]

NRS 585.535 Unlawful to sell or offer to sell beverage container opened by detaching metal ring or tab; exceptions; penalty.

1. Except as otherwise provided in subsection 2, it is unlawful for a person to sell or offer for sale at retail a metal beverage container so designed and constructed that it is opened by detaching a metal ring or tab.
2. This section does not prohibit the sale of a beverage container which:
   (a) Is sealed with laminated tape, foil or other soft material that is detachable; or
   (b) Contains milk-based, soy-based or similar products which require heat and pressure in the canning process.
3. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than $500 for each violation. Each day of violation constitutes a separate offense. (Added to NRS by 1989, 277)

NRS 585.540 Duties of Attorney General and district attorneys; hearing by Commissioner before institution of criminal proceedings.

1. The Attorney General or any district attorney to whom the Commissioner or any of his authorized agents shall report any violation of this chapter shall cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner required by law.
2. Before any violation of this chapter is reported to the Attorney General or a district attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the Commissioner or his designated agent, either orally or in writing, in person or by attorney, with regard to such contemplated proceeding. [5:177:1939; 1931 NCL § 6206.04]

NRS 585.550 Penalties.

1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.
2. A person who violates any other provision of this chapter is guilty of a gross misdemeanor. [18:177:1939; 1931 NCL § 6206.17]—(NRS A 1967, 619; 1979, 1194; 1995, 1306)