

## LEGISLATIVE BILL 25

Approved by the Governor April 4, 2007

Introduced by Langemeier, 23

FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402, 71-4403, 71-4404, 71-4405, 71-4406, 71-4407, 71-4408, 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes of Nebraska; to define and redefine terms; to require vaccination of hybrid animals; to prohibit ownership of hybrid animals as prescribed; to change penalties; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-4401, Reissue Revised Statutes of Nebraska, is amended to read:

71-4401 For purposes of sections 71-4401 to 71-4412 and sections 3 and 4 of this act, unless the context otherwise requires:

(1) Domestic animal ~~shall mean~~ means any dog or cat, and cat ~~shall mean~~ means a cat which is a household pet;

(2) Vaccination against rabies ~~shall mean~~ means the inoculation of a domestic or hybrid animal with a rabies vaccine as approved by the rules and regulations adopted and promulgated by the Department of Health and Human Services Regulation and Licensure. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska;

(3) Compendium ~~shall mean~~ means the compendium of animal rabies vaccine as provided by the National Association of State Public Health Veterinarians;

(4) Department ~~shall mean~~ means the Department of Health and Human Services Regulation and Licensure;

(5) Hybrid animal means any animal which is the product of the breeding of a domestic dog with a nondomestic canine species;

~~(5)~~ (6) Own, unless otherwise specified, ~~shall mean~~ means to possess, keep, harbor, or have control of, charge of, or custody of a domestic or hybrid animal. This term ~~shall~~ does not apply to domestic or hybrid animals owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than thirty days;

~~(6)~~ (7) Owner ~~shall mean~~ means any person possessing, keeping, harboring, or having charge or control of any domestic or hybrid animal or permitting any domestic or hybrid animal to habitually be or remain on or be lodged or fed within such person's house, yard, or premises. This term ~~shall~~ does not apply to veterinarians or kennel operators temporarily maintaining on their premises domestic or hybrid animals owned by other persons for a period of not more than thirty days; and

~~(7)~~ (8) Rabies control authority ~~shall mean~~ means county, township, city, or village health and law enforcement officials who shall enforce sections 71-4401 to 71-4412 and sections 3 and 4 of this act relating to the vaccination and impoundment of domestic or hybrid animals. Such public officials ~~shall not be~~ are not responsible for any accident or disease of a domestic or hybrid animal resulting from the enforcement of such sections.

Sec. 2. Section 71-4402, Reissue Revised Statutes of Nebraska, is amended to read:

71-4402 (1) Every domestic animal in the State of Nebraska shall be vaccinated against rabies with a licensed vaccine and ~~shall be~~ revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. Young domestic animals shall be initially vaccinated at the age specified in such rules and regulations. Unvaccinated domestic animals acquired or moved into the State of Nebraska shall be vaccinated within thirty days after purchase or arrival unless under the age for initial vaccination.

(2) The rabies vaccine used to vaccinate domestic animals pursuant to this section shall be sold only to licensed veterinarians.

~~(3) The department shall adopt and promulgate rules and regulations for the control and prevention of rabies. Such rules and regulations shall generally comply with the compendium and the recommendations of the United States Public Health Service. The department may consider changes in the compendium and recommendations of the United States Public Health Service when adopting and promulgating such rules and regulations.~~

Sec. 3. (1) Except as provided in subsection (3) of this section, every hybrid animal in the State of Nebraska shall be vaccinated against rabies and shall be revaccinated at intervals specified by rules and

regulations adopted and promulgated by the department. A young hybrid animal shall be initially vaccinated at the age specified in such rules and regulations. An unvaccinated hybrid animal acquired or moved into the State of Nebraska shall be vaccinated within thirty days after purchase or arrival unless under the age for initial vaccination.

(2) The rabies vaccine used to vaccinate a hybrid animal pursuant to this section shall be sold only to licensed veterinarians.

(3) An owner of a hybrid animal in this state prior to the date of development of a licensed vaccine determined scientifically to be reliable in preventing rabies in a hybrid animal shall have one year after such date to comply with this section.

Sec. 4. The department shall adopt and promulgate rules and regulations for the control and prevention of rabies. Such rules and regulations shall generally comply with the compendium and the recommendations of the United States Public Health Service. The department may consider changes in the compendium and recommendations of the United States Public Health Service when adopting and promulgating such rules and regulations.

Sec. 5. Section 71-4403, Reissue Revised Statutes of Nebraska, is amended to read:

71-4403 It shall be the duty of each veterinarian, at the time of vaccinating any domestic or hybrid animal, to complete a certificate of rabies vaccination which shall include, but not be limited to, the following information:

- (1) The owner's name and address;
- (2) An adequate description of the domestic or hybrid animal, including, but not limited to, such items as the domestic or hybrid animal's breed, sex, age, name, and distinctive markings;
- (3) The date of vaccination;
- (4) The rabies vaccination tag number;
- (5) The type of rabies vaccine administered;
- (6) The manufacturer's serial number of the vaccine used; and
- (7) The site of vaccination.

Such veterinarian shall issue a tag with the certificate of vaccination.

Sec. 6. Section 71-4404, Reissue Revised Statutes of Nebraska, is amended to read:

71-4404 The cost of rabies vaccination shall be borne by the owner of the domestic or hybrid animal.

Sec. 7. Section 71-4405, Reissue Revised Statutes of Nebraska, is amended to read:

71-4405 (1) The provisions of sections 71-4401 to 71-4412 and sections 3 and 4 of this act with respect to vaccination shall not apply to any domestic or hybrid animal owned by a person temporarily remaining within the State of Nebraska for less than thirty days, to any domestic or hybrid animal brought into the State of Nebraska for field trial or show purposes, or to any domestic or hybrid animal brought into the state for hunting purposes for a period of less than thirty days. Such domestic or hybrid animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any domestic or hybrid animal into the State of Nebraska which does not comply with the animal health laws and import rules and regulations of the State of Nebraska which are applicable to domestic or hybrid animals.

(2) Domestic or hybrid animals assigned to a research institution or a similar facility shall be exempt from sections 71-4401 to 71-4412 and sections 3 and 4 of this act.

Sec. 8. Section 71-4406, Reissue Revised Statutes of Nebraska, is amended to read:

71-4406 (1) Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be seized by the rabies control authority for a period of not less than ten days if:

- (a) The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;
- (b) The animal is not vaccinated and is of a species determined by the department to be a rabid species; or
- (c) The animal is of a species which has been determined by the department to be a rabid species not amenable to rabies protection by immunization, whether or not such animal has been vaccinated.

If, after observation and examination by a veterinarian, at the end of the ten-day period the animal shows no clinical signs of rabies, the animal may be released to its owner.

(2) (a) Except as provided in subdivision (b) of this subsection, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in

accordance with section 71-4402 and section 3 of this act, or if such injury to a person is caused by an owned animal determined by the department to be a rabid species amenable to rabies protection by immunization which has been vaccinated, such animal shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days and shall be observed and examined by a veterinarian at the end of such ten-day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement.

(b) A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in subdivision (a) of this subsection. Such agency shall maintain ownership of and shall control and supervise the actions of such animal for a period of fifteen days following such injury. If during such period the death of the animal occurs for any reason, a veterinarian shall within twenty-four hours of the death examine the tissues of the animal for clinical signs of rabies.

(3) Any animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within seventy-two hours of the time of the bite or abrasion shall be immediately subject to any tests which the department believes are necessary to determine whether the animal is afflicted with rabies. The seventy-two-hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this subsection may include tests which require the animal to be destroyed.

Sec. 9. Section 71-4407, Reissue Revised Statutes of Nebraska, is amended to read:

71-4407 In the case of domestic or hybrid animals known to have been bitten by a rabid animal, the following rules shall apply:

(1) If the bitten or exposed domestic or hybrid animal has not been vaccinated in accordance with section 71-4402 and section 3 of this act, such bitten or exposed domestic or hybrid animal shall be immediately destroyed unless the owner is willing to place such domestic or hybrid animal in strict isolation in a kennel under veterinary supervision for a period of not less than six months; and

(2) If the bitten or exposed domestic or hybrid animal has been vaccinated in accordance with section 71-4402 and section 3 of this act, such domestic or hybrid animal shall be subject to the following procedure: (a) Such domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than thirty days following vaccination; (b) if such domestic or hybrid animal is not immediately revaccinated, such domestic or hybrid animal shall be confined in strict isolation in a kennel for a period of not less than six months under the supervision of a veterinarian; or (c) such domestic or hybrid animal shall be destroyed if the owner does not comply with either subdivision (a) or (b) of this subdivision.

Sec. 10. Section 71-4408, Reissue Revised Statutes of Nebraska, is amended to read:

71-4408 (1) The rabies control authority may authorize an animal pound or pounds or may enter into a cooperative agreement with a licensed veterinarian for the establishment and operation of a pound.

(2) Any dog or hybrid of the family Canidae found outside the owner's premises whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for such dog or hybrid of the family Canidae shall be impounded. The rabies control authority may require the impoundment of domestic or hybrid animals other than dogs or hybrids of the family Canidae. All impounded domestic or hybrid animals shall be given proper care, treatment, and maintenance. Each impounded domestic or hybrid animal shall be kept and maintained at the pound for a period of not less than seventy-two hours unless reclaimed earlier by the owner.

(3) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated domestic or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and by complying with the rabies vaccination requirement of sections 71-4401 to 71-4412 and sections 3 and 4 of this act within seventy-two hours of release. Any vaccinated domestic or hybrid animal impounded because its owner has not presented a valid certificate of rabies vaccination and a valid rabies vaccination tag for such domestic or hybrid animal may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(4) At the expiration of impoundment, a domestic or hybrid animal may be claimed by payment of established pound fees and by compliance with

the rabies vaccination requirement of sections 71-4401 to 71-4412 and sections 3 and 4 of this act within seventy-two hours of release. If the domestic or hybrid animal is unclaimed at the end of five days, the authorities may dispose of the domestic or hybrid animal in accordance with applicable laws or rules and regulations.

Sec. 11. Section 71-4409, Reissue Revised Statutes of Nebraska, is amended to read:

71-4409 The rabies control authority shall enforce sections 71-4401 to 71-4412 and sections 3 and 4 of this act.

In the event that the health and law enforcement officials of a county, township, city, or village fail to act with sufficient promptness in enforcing sections 71-4401 to 71-4412 and sections 3 and 4 of this act, the department may take all actions necessary for the proper administration and enforcement of such sections relating to vaccination and impoundment of domestic or hybrid animals. In such a case no authorized representatives of the department or any law enforcement officials enforcing such sections shall be responsible for any accident or disease of a domestic or hybrid animal resulting from the enforcement of such sections.

Sec. 12. Section 71-4410, Reissue Revised Statutes of Nebraska, is amended to read:

71-4410 The owner of any domestic or hybrid animal or any person who violates any of the provisions of sections 71-4401 to 71-4412 and sections 3 and 4 of this act shall be guilty of a Class V misdemeanor. When the owner of any domestic or hybrid animal or other animal fails or refuses to comply with section 71-4406 or 71-4407, the rabies control authority shall obtain an order for seizure of such animal pursuant to Chapter 29, article 8.

Sec. 13. Section 71-4412, Reissue Revised Statutes of Nebraska, is amended to read:

71-4412 In the State of Nebraska, all laws, ordinances, codes, or rules and regulations concerning the control of rabies or the vaccination of domestic or hybrid animals against rabies shall be enforced by the county, township, city, and village health and law enforcement officials or those other officers with regulatory authority as specified by the governing political subdivisions.

Whenever a county, township, city, or village requires the licensure of domestic or hybrid animals, it may require that, before a license is issued for the possession or maintenance of any domestic or hybrid animal in any such county, township, city, or village, the owner or keeper of the domestic or hybrid animal shall furnish to the clerk of such political subdivision a certification that the domestic or hybrid animal has been vaccinated against rabies in accordance with sections 71-4401 to 71-4412 and sections 3 and 4 of this act.

Sec. 14. Original sections 71-4401, 71-4402, 71-4403, 71-4404, 71-4405, 71-4406, 71-4407, 71-4408, 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes of Nebraska, are repealed.