

LEGISLATIVE BILL 104

Approved by the Governor June 3, 1987

Introduced by Dierks, 40; Rogers, 41

AN ACT relating to rabies; to amend sections 71-4401 to 71-4410 and 71-4412, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change vaccination and other provisions; to require that domestic animals be vaccinated for rabies as prescribed; to provide for the seizure and disposition of certain animals; to provide for rules and regulations; to provide for enforcement; to provide penalties; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 71-4401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4401. For purposes of sections 71-4401 to 71-4412 and section 12 of this act, unless the context otherwise requires:

(1) Dog shall mean any canine animal, male or female, sexed or neutered Domestic animal shall mean any dog or cat, and cat shall mean a cat which is a household pet;

(2) Vaccination against rabies shall mean the inoculation of a dog domestic animal with a rabies vaccine licensed by the United States Department of Agriculture on December 25, 1969 as approved by the rules and regulations adopted and promulgated by the Department of Health. Such vaccination shall must be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska;

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

(4) Department shall mean the Department of Health;

(5) ~~{3}~~ Own, unless otherwise specified, shall mean to possess, keep, harbor, or have control of, charge of, or custody of a dog domestic animal. This term shall not apply to dogs domestic animals owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a

period of ~~no~~ not more than thirty days;

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

(7) (5) Rabies control authority shall mean county, township, city, or village health and law enforcement officials who shall enforce the provisions of sections 71-4401 to 71-4412 and section 12 of this act relating to the vaccination and impoundment of dogs domestic animals. Such public officials shall not be responsible for any accident or disease of a dog domestic animal resulting from the enforcement of the provisions of such sections, 71-4401 to 71-4412-

Sec. 2. That section 71-4402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4402. (1) Every domestic animal Effective January 1, 1979, in the State of Nebraska, every dog four months of age and older 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 dogs domestic animals shall be initially vaccinated within thirty days after they have reached four months of age at the age specified in such rules and regulations. Unvaccinated dogs domestic animals acquired or moved into the State of Nebraska must shall be vaccinated within thirty days after purchase or arrival, unless under four months of the age as specified above for initial vaccination.

(2) 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. Every dog shall be revaccinated following a period of not more than thirty-six months since its last vaccination with chick embryo, LEP (Low Egg Passage) Fluory Vaccine or following a period of not more than twelve months since its last vaccination with killed or inactivated vaccine. The intervals of any

other antirabies vaccines shall be set by the State Veterinarian, and he shall follow the latest recommendations of the United States Public Health Service on December 25, 1969.

Sec. 3. That section 71-4403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4403. It shall be the duty of each veterinarian, at the time of vaccinating any dog domestic 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 dog domestic animal, including, but not limited to, such items as the dog's domestic 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;

and

- (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. 4. That section 71-4404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Sec. 5. That section 71-4405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4405. (1) The provisions of sections 71-4401 to 71-4412 and section 12 of this act with respect to vaccination shall not apply to any dog domestic animal owned by a person temporarily remaining within the State of Nebraska for less than thirty days, to any dog domestic animal brought into the State of Nebraska for field trial or show purposes, or to any dog domestic animal brought into the state for hunting purposes for a period of less than thirty days. Such dogs domestic animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any dog domestic 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 dogs domestic animals.

(2) Begg Domestic animals assigned to a research institution or a similar facility shall be exempt from the provisions of sections 71-4401 to 71-4412 and section 12 of this act.

Sec. 6. That section 71-4406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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) 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, 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.

(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. Any dog or any other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with section 71-4402, which has bitten any person and caused an abrasion of the skin of such person, shall be seized by the rabies control authority and impounded under the supervision of a licensed veterinarian or a public health authority for a period of not less than ten days. If upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of a stray, it shall be disposed of in accordance with applicable laws.

(2) Any dog, vaccinated in accordance with the provisions of section 71-4402, or any other animal which has bitten any person, 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, at which time the dog or other animal shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog or other animal may be released from confinement.

Sec. 7. That section 71-4407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

(1) In the case of a dog which If the bitten or exposed domestic animal has not been vaccinated in accordance with section 71-4402, and which has been bitten by a known rabid animal, such bitten or exposed dog domestic animal shall be immediately destroyed unless the owner is willing to place such dog domestic 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 dog is domestic animal has been vaccinated in accordance with the provisions of section 71-4402, such dog domestic animal shall be subject to the following procedure: (a) Such dog domestic animal shall be immediately revaccinated and confined for a period of not less than thirty days following vaccination; or (b) if such dog domestic animal is not immediately revaccinated, such dog domestic 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 dog

domestic animal shall be destroyed if the owner does not comply with either subdivision (a) or (b) of this subsection subdivision.

Sec. 8. That section 71-4408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

(2) Any dog 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 shall be impounded. The rabies control authority may require the impoundment of domestic animals other than dogs. All impounded ~~dogs~~ domestic animals shall be given proper care, treatment, and maintenance. Each impounded ~~dog~~ domestic animal shall be kept and maintained at the pound for a period of not less than ~~five days~~ 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 ~~dog~~ domestic 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 section 12 of this act within seventy-two hours of release. Any vaccinated ~~dog~~ domestic animal impounded because its owner has not presented a valid certificate of rabies vaccination and a valid rabies vaccination tag for such ~~dog~~ domestic 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 ~~dog~~ domestic 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 section 12 of this act within seventy-two hours of release. If the ~~dog~~ domestic animal is unclaimed at the end of five days, the authorities may dispose of the ~~dog~~ domestic animal in accordance with applicable laws or rules and regulations.

Sec. 9. That section 71-4409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4409. The rabies control authority shall enforce the provisions of sections 71-4401 to 71-4412 and section 12 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 section 12 of this act, the Department of Health department may take all actions necessary for the proper administration and enforcement of the provisions of such sections 71-4401 to 71-4412 relating to vaccination and impoundment of dogs domestic animals. In such a case no authorized representatives of the department or any law enforcement officials enforcing the provisions of such sections 71-4401 to 71-4412 shall be responsible for any accident or disease of a dog domestic animal resulting from the enforcement of the provisions of such sections. 71-4401 to 71-4412.

Sec. 10. That section 71-4410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4410. The owner of any dog domestic animal or any person who violates any of the provisions of sections 71-4401 to 71-4412 and section 12 of this act shall be guilty of a Class V misdemeanor. When the owner of any dog domestic animal or other animal fails or refuses to comply with the provisions of 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. 11. That section 71-4412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4412. Effective January 17, 1970, in In the State of Nebraska, all laws, ordinances, codes, or rules and regulations concerning the control of rabies or the vaccination of dogs domestic animals against rabies shall be enforced by the county, and township, and 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 dogs domestic animals, it may require that, before a license is issued for the possession or maintenance of any dog domestic animal in any such county, township, city, or village, the owner or keeper of the dog domestic animal shall furnish to the clerk of such political subdivision a certification that the dog domestic animal has been vaccinated against

rabies in accordance with the provisions of sections 71-4401 to 71-4412 and section 12 of this act.

Sec. 12. The department shall adopt and promulgate rules and regulations to:

- (1) Determine rabid species of animals;
- (2) Determine rabid species of animals amenable to rabies protection by immunization; and
- (3) Determine tests for identifying animals afflicted with rabies.

When adopting and promulgating such rules and regulations, the department shall consider the general knowledge of the medical profession and related scientific fields, the compendium, and the recommendations of the United States Public Health Service.

Sec. 13. That original sections 71-4401 to 71-4410 and 71-4412, Reissue Revised Statutes of Nebraska, 1943, are repealed.