

## LEGISLATIVE BILL 38

Approved by the Governor February 10, 1989

Introduced by R. Johnson, 34

AN ACT relating to agriculture; to amend sections 2-3002, 2-3921, 2-3923, 2-3925, 54-1363, and 81-2,162.06, Reissue Revised Statutes of Nebraska, 1943, and section 2-3005, Revised Statutes Supplement, 1988; to change a defined term; to provide labeling requirements for animal drugs; to provide construction standards for milk producers; to provide powers and duties for the Director of Agriculture; to change provisions relating to cancellation of certain registrations; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 2-3002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3002. As used in the Nebraska Poultry Disease Control Act, unless the context otherwise requires:

(1) Poultry shall mean domestic chickens, turkeys, ducks, and geese of all ages;

(2) Hatching eggs shall mean eggs of poultry for hatching purposes including embryonated eggs;

(3) Hatchery shall mean hatchery equipment on one premise operated or controlled by any person;

(4) Breeding flock shall mean two or more individuals of the same species and different sexes maintained together to produce fertile eggs for the hatching of offspring;

(5) Person shall mean an individual, corporation, firm, or partnership or any member or officer thereof; and

(6) ~~Pullorum-typhoid~~ Pullorum and typhoid clean shall mean ~~flocks~~ poultry in which no pullorum or typhoid reactors were found on the first official blood test or which have been retested with two consecutive official negative tests.

Sec. 2. That section 2-3005, Revised Statutes Supplement, 1988, be amended to read as follows:

2-3005. The State Veterinarian, subject to

the approval of the Director of Agriculture, shall adopt and promulgate such rules and regulations as are needed to carry out the purposes and intent of the Nebraska Poultry Disease Control Act. As far as practical, the disease provisions of the rules and regulations officially promulgated by the United States Department of Agriculture, commonly known and cited as the National Poultry Improvement Plan, shall be adopted (1) to establish and maintain breeding poultry flocks and hatcheries as pullorum and typhoid clean, (2) to require poultry entering exhibitions to be ~~pullorum-typhoid~~ tested negative to pullorum and typhoid or originate in a flock which is ~~typhoid or~~ pullorum and typhoid clean, ~~flock,~~ and (3) to assure that only ~~pullorum and typhoid clean~~ breeding poultry and hatching eggs which are pullorum and typhoid clean are moved into and within Nebraska.

Sec. 3. That section 2-3921, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3921. (1) The udders and teats of all milking cows shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitary method. The milker's clothing shall be cleaned and his or her hands clean and dry. Cows treated with antibiotics shall be milked last and the milk excluded from the supply as required in subdivision (7) of section 2-3917.

(2) Milk stools and surcingles shall be kept clean and properly stored. Dusty hay should not be fed in milking quarters immediately before milking. Strong flavored feeds should not be fed before milking.

(3) Animal drugs shall be properly labeled and stored in a manner which will not contaminate the milk or equipment used in the handling of milk. Proper labeling shall include the name and address of the manufacturer, distributor, or veterinary practitioner dispensing the product, directions for use, and cautionary statements if needed.

Sec. 4. That section 2-3923, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3923. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk in farm bulk tanks. It shall not be used for any other purpose. Adequate facilities for washing and storing milking equipment shall be provided either in

the milkhous or milkroom or in a nearby enclosed facility. Where C-I-P equipment is used, hot and cold running water shall be provided in the milkhous or milkroom. On and after October 1, 1989, all new producers issued permits under the Nebraska Manufacturing Milk Act shall be required to provide hot and cold running water in the milkhous or milkroom.

Any C-I-P equipment installed after April 24, 1980, shall be provided with hot and cold running water under pressure. If the milkhous or milkroom is a part of the barn or other building, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination. A milking parlor in operation on April 24, 1980, and used strictly as a milking facility in combination with a milkhous or milkroom, when properly equipped, arranged, and maintained, need not be partitioned. All milkhouses or milkrooms newly constructed or extensively remodeled after April 24, 1980, shall be separated from the milking barn or milking parlor by a partition and shall be ceiled and screened to prevent the entrance of dust, flies, and other contamination. Concentrates, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. All outside doors shall be self-closing. No animals shall be allowed in the milkhous or milkroom.

The farm bulk tank shall be properly located in the milkhous for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhous, properly centered under a suitable port opening in the wall for milkhose connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhous or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading.

Sec. 5. That section 2-3925, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3925. The dairy farm water supply shall be safe, clean, and ample for the cleaning of dairy utensils and equipment. The water supply shall meet the bacteriological standards established by the Department of Health at all times. Water samples shall be taken, analyzed, and found to be in compliance with the

requirements of the Nebraska Manufacturing Milk Act prior to the issuance of a license to the producer, and whenever any major change to the well or water source occurs. Wells or water sources which do not meet the construction standards of the Department of Health shall be tested annually, and wells which do meet the construction standards of the Department of Health shall be tested every three years. Whenever major alterations or repairs occur or a contaminated water source or well cannot be readily corrected, the water supply shall be unacceptable until such time as the construction standards are met and an acceptable supply is demonstrated. On and after October 1, 1989, all new producers issued permits under the Nebraska Manufacturing Milk Act shall be required to meet the construction standards established by the Department of Health for private water supplies.

Sec. 6. That section 54-1363, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1363. The State Veterinarian shall, subject to the approval of the Director of Agriculture, adopt and promulgate rules and regulations for the purpose of carrying out the provisions of sections 54-1348 to 54-1366 Nebraska Swine Brucellosis Act. Such rules and regulations shall be reasonable, shall be based on the latest available scientific information to further the control and eradication of swine brucellosis, and shall be adaptable to and serve the best interest of the swine industry in Nebraska.

Sec. 7. That section 81-2,162.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,162.06. (1) There shall be paid to the director, for all commercial fertilizers and soil conditioners distributed in this state to the ultimate user, except custom-blended products, an inspection fee at the rate fixed by the director but not exceeding ten cents per ton. The fee shall be paid by the person distributing the product to the ultimate user.

(2) Payment of the inspection fee shall be evidenced by a statement made with documents showing that fees corresponding to the tonnage were received by the director.

(3) Every person who distributes commercial fertilizer or soil conditioners to the ultimate user in this state shall file, not later than the last day of January and July of each year, a semiannual tonnage report on forms provided by the department setting forth

the number of net tons of commercial fertilizer and soil conditioners distributed in this state during the preceding six-month period, which report shall cover the periods from July 1 to December 31 and January 1 to June 30, and such other information as the director shall deem necessary. Upon and upon filing such the report, such person shall pay the inspection fee at the rate stated in prescribed pursuant to subsection (1) of this section. The minimum inspection fee required pursuant to this section shall be five dollars, and no inspection fee shall be paid more than once for any one product.

(4) If a person fails to report and pay the fees, as fee required by subsection (3) of this section, by January 31 and July 31, he or she may be required by the department to pay a penalty of up to twenty-five percent in addition to the fees fee due if paid during the period of February 1 to February 28 or August 1 to August 31 for the respective delinquency and an additional twenty-five percent penalty thereafter. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein in this subsection shall constitute sufficient cause for the cancellation of all product or firm facility registrations on file for such person.

(5) No information furnished to the department under this section shall be disclosed in such a way as to reveal the operation of any person.

Sec. 8. That original sections 2-3002, 2-3921, 2-3923, 2-3925, 54-1363, and 81-2,162.06, Reissue Revised Statutes of Nebraska, 1943, and section 2-3005, Revised Statutes Supplement, 1988, are repealed.