

LEGISLATIVE BILL 344

Approved by the Governor July 24, 2020

Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Blood, 3; Hansen, B., 16; Lathrop, 12; Moser, 22; Slama, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 37-478, 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes Cumulative Supplement, 2018; to adopt the Animal Health and Disease Control Act; to eliminate and provide general powers and duties of and for the Department of Agriculture; to eliminate the Nebraska Poultry Disease Control Act, the Bovine Tuberculosis Act, the Anthrax Control Act, the Animal Importation Act, the Nebraska Swine Brucellosis Act, the Nebraska Bovine Brucellosis Act, the Pseudorabies Control and Eradication Act, the Scrapie Control and Eradication Act, and the Bureau of Animal Industry; to terminate the Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund, the Brucellosis Control Cash Fund, the Pseudorabies Control Cash Fund, and the Scrapie Control Cash Fund and make fund transfers to and create the Animal Health and Disease Control Cash Fund; to provide for criminal and administrative penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701, 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16, 54-706.17, 54-743, 54-744, 54-745, 54-746, 54-747, 54-753.01, 54-753.04, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724, 54-2725, 54-2726, 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732, 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756, 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised Statutes of Nebraska, sections 54-701.03, 54-704, 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382, Revised Statutes Cumulative Supplement, 2018, and sections 54-703 and 54-744.01, Revised Statutes Supplement, 2019.

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

Section 1. Sections 1 to 57 of this act shall be known and may be cited as the Animal Health and Disease Control Act.

Sec. 2. For purposes of sections 54-753.05 and 54-797 to 54-7,103 and the Animal Health and Disease Control Act, unless the context otherwise requires, the definitions found in sections 3 to 38 of this act shall be used.

Sec. 3. Accredited veterinarian means a veterinarian duly licensed by the State of Nebraska and approved by the administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Sec. 4. Affected animal, herd, or flock means an animal, herd, or flock which contains an animal infected with or exposed to a dangerous disease.

Sec. 5. Affected premises means premises upon which is or was located an affected animal, herd, or flock or suspected affected animal, herd, flock, or disease agent of a dangerous disease.

Sec. 6. Animal means all vertebrate members of the animal kingdom except humans or wild animals at large.

Sec. 7. Approved laboratory means an animal disease diagnostic laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians to conduct animal disease testing.

Sec. 8. Cattle means all domestic bovine animals, including beef cattle, dairy cattle, and bison.

Sec. 9. Certificate of veterinary inspection means a legible document, paper, or electronic submission, issued by an accredited veterinarian at the point of origin of an animal movement which meets federal and state requirements for interstate or intrastate movement of animals. Certificate of veterinary inspection does not include Form 7001 of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Sec. 10. Controlled movement means a temporary movement restriction controlling the movement of animals, animal products, and fomites into, within, and out of a regulatory control area where affected animals, herds, or flocks are or were located.

Sec. 11. Dangerous disease means an infectious, contagious, or otherwise transmissible disease, infestation, or exposure which has the potential for rapid spread, serious economic impact, or serious threat to livestock health, and is of major importance in the trade of livestock and livestock products.

Sec. 12. Department means the Department of Agriculture.

Sec. 13. Director means the Director of Agriculture or his or her designee.

Sec. 14. Domesticated cervine animal means any elk, deer, or other member of the family cervidae legally obtained from a facility which has a license, permit, or registration authorizing domesticated cervine animals which has been issued by the state in which such facility is located and such animal is raised in a confined area.

Sec. 15. Embargo means a temporary movement restriction of any affected or suspect animal, herd, or flock.

Sec. 16. Exposed means an animal, herd, flock, or premises which has come into contact with a disease agent which affects livestock.

Sec. 17. Foreign animal or transboundary disease means a disease not endemic to the United States or which has been eradicated in the United States, and which is of significant economic, trade, and food security importance.

Sec. 18. Herd or flock means one or more groups of livestock under common ownership or supervision, maintained on common ground for any purpose, or which are geographically separated but which have an interchange of livestock or equipment.

Sec. 19. Herd or flock management plan means a written disease management plan that is designed by the herd owner or the owner's representative in conjunction with the State Veterinarian or federal area veterinarian in charge to eradicate or reduce exposure to a dangerous disease from an affected herd or flock. Such plan may require additional disease management practices deemed necessary by the State Veterinarian to eradicate such disease.

Sec. 20. Infected or positive animal, herd, or flock means an animal that has tested positive to an official test.

Sec. 21. Livestock means cattle, swine, sheep, horses, mules, donkeys, goats, domesticated cervine animals, ratite birds, poultry, llamas, and alpacas.

Sec. 22. Negative animal, herd, or flock means any animal, herd, or flock which has been tested and found negative to an official test.

Sec. 23. Official test means a diagnostic test approved by USDA/APHIS/VS or the department for determining the presence or absence of a program disease.

Sec. 24. Permit for entry or permit means a pre-movement authorization for entry into the State of Nebraska obtained from the department which states the conditions under which the animal movement may be made and the location where the animal or animals are going and includes a permit authorization number which is required to be recorded on the certificate of veterinary inspection.

Sec. 25. Person means any individual, governmental entity, corporation, society, firm, association, partnership, limited liability company, joint stock company, association, or any other corporate body or legal entity.

Sec. 26. Poultry means domesticated birds that serve as a source of eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, and geese.

Sec. 27. Premises means land, buildings, vehicles, equipment, pens, holding facilities, and grounds upon which an animal, herd, or flock is or was, housed, kept, located, grazed, or transported.

Sec. 28. Program disease means a dangerous disease for which specific state or federal legislation exists for disease control or eradication, or is classified as a program disease by the department or USDA/APHIS/VS.

Sec. 29. Program disease activity or surveillance means determining the presence, control, eradication, surveillance, or monitoring of program diseases and may include, but is not limited to, testing, taking of diagnostic samples, treating, vaccinating, monitoring, or surveillance of any animals, affected animals, or suspected affected animals or any premises, affected premises, or suspected affected premises.

Sec. 30. Program standards means the supplemental guidelines and uniform methods and rules adopted and approved by USDA/APHIS/VS for further clarification of established procedures for the regulation, control, eradication, and enforcement of livestock program diseases.

Sec. 31. Quarantine means a restriction imposed on animal movement, premises, or regulated articles issued by the department.

Sec. 32. Ratite bird means any ostrich, emu, rhea, kiwi, or cassowary.

Sec. 33. Regulated article means any item capable of transmitting a dangerous disease including conveyances, equipment, feed, or any other item established by the department.

Sec. 34. Responder or suspect means any animal which exhibits a response

to an official test, and such animal is classified as a responder or suspect by the testing veterinarian or laboratory.

Sec. 35. Sale means a sale, lease, loan, trade, barter, or gift.

Sec. 36. State Veterinarian means the veterinarian appointed pursuant to section 81-202 or his or her designee, subordinate to the director.

Sec. 37. Trace or tracing means the epidemiological investigative process of determining the origin and movements of animals, animal products, and possible vectors that may be involved in the spread or transmissibility of a disease agent.

Sec. 38. USDA/APHIS/VS means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

Sec. 39. The Legislature finds and declares it is the policy of this state that animal health and disease control are essential to the livestock industry and the health of the economy of Nebraska. The purpose of the Animal Health and Disease Control Act is to further the best interests of Nebraska's livestock industry and to grow Nebraska agriculture. In carrying out its duty to protect the health of Nebraska's livestock, the department may use USDA/APHIS/VS program standards to determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous diseases among livestock and transmissible from other animals to livestock.

Sec. 40. In carrying out its duties to prevent, suppress, control, and eradicate dangerous diseases the department may:

(1) Issue quarantines to any person or public or private premises within the state where an affected animal, suspected affected animal, or regulated article is or was located, and upon any animal imported into Nebraska in violation of the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, and any importation rules or regulations until such quarantine is released by the State Veterinarian. Whenever additional animals are placed within a quarantined premises or area, such quarantine may be amended accordingly by the department. Births and death loss shall be included on inventory documentation pursuant to the quarantine;

(2) Regulate or prohibit animal or regulated article movement into, within, or through the state through quarantines, controlled movement orders, importation orders, or embargoes as deemed necessary by the State Veterinarian;

(3) Require an affected animal or suspected affected animal to be (a) euthanized, detained, slaughtered, or sold for immediate slaughter at a federally inspected slaughter establishment or (b) inspected, tested, treated, subjected to an epidemiological investigation, monitored, or vaccinated. The department may require tested animals to be identified by an official identification eartag. Costs for confinement, restraint, and furnishing the necessary assistance and facilities for such activities shall be the responsibility of the owner or custodian of the animal;

(4) Seek an emergency proclamation by the Governor in accordance with section 81-829.40 when deemed appropriate. All state agencies and political subdivisions of the state shall cooperate with the implementation of any emergency procedures and measures developed pursuant to such proclamation;

(5)(a) Access records or animals and enter any premises related to the purposes of the Animal Health and Disease Control Act or the Exotic Animal Auction or Exchange Venue Act without being subject to any action for trespass or reasonable damages if reasonable care is exercised; and

(b) Obtain an inspection warrant in the manner prescribed in sections 29-830 to 29-835 if any person refuses to allow the department access or entry as authorized under this subdivision;

(6) Adopt and promulgate rules and regulations to enforce and effectuate the general purpose and provisions of the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, and any other provisions the department deems necessary for carrying out its duties under such acts including:

(a) Standards for program diseases to align with USDA/APHIS/VS program standards;

(b) Provisions for maintaining a livestock disease reporting system;

(c) Procedures for establishing and maintaining accredited, certified, validated, or designated disease-free animals, herds, or flocks;

(d) In consultation with the Department of Environment and Energy and the Department of Health and Human Services, best management practices for the disposal of carcasses of dead livestock;

(e) In consultation with the Department of Environment and Energy and the University of Nebraska, operating procedures governing composting of livestock carcasses;

(f) Recommendations of where and how any available federal funds and state personnel and materials are to be allocated for the purpose of program disease activities; and

(g) Provisions for secure food supply plans to ensure the continuity of business is maintained during a foreign animal or transboundary disease outbreak;

(7) When funds are available, develop a livestock emergency response system capable of coordinating and executing a rapid response to the incursion or potential incursion of a dangerous livestock disease episode which poses a threat to the health of the state's livestock and could cause a serious economic impact on the state, international trade, or both;

(8) Allow animals intended for direct slaughter to move to a controlled feedlot for qualified purposes; and

(9) Approve qualified commuter herd agreements and livestock producer plans and, when appropriate, allow for exceptions to requirements by written compliance agreements.

Sec. 41. Any veterinary inspector or agent of the USDA/APHIS/VS who has been officially assigned by the United States Department of Agriculture for service in Nebraska may be officially authorized by the department to perform and exercise such powers and duties as may be prescribed by the department, and when so authorized shall have and exercise all rights and powers under the Animal Health and Disease Control Act and the Exotic Animal Auction or Exchange Venue Act as agents of the department.

Sec. 42. In carrying out its animal disease control and eradication responsibilities, the department may cooperate and contract with public or private persons and enter into agreements with other state or federal agencies to allow personnel from such agencies to work in Nebraska and to allow department personnel to work in other states or with federal agencies under a cooperative work program.

Sec. 43. (1) Whenever any person fails to carry out program disease activities or other responsibilities required under the Animal Health and Disease Control Act, the department may perform such functions. Upon completion of any such required program disease activities, the department shall determine its actual administrative costs incurred in handling the affected animal, herd, or flock or affected premises and conducting necessary and related activities and notify the owner or custodian in writing. Such owner or custodian shall reimburse the department its actual administrative costs within thirty days following the date of the notice.

(2) Any person failing to reimburse the department shall be assessed a late fee of twenty-five percent of the amount due for each thirty days of delinquent nonpayment up to one hundred percent of the original amount. The purpose of the late fee is to cover administrative costs associated with collecting the amount overdue. All such payments assessed and collected pursuant to this section shall be remitted to the State Treasurer for credit to the Animal Health and Disease Control Cash Fund.

(3) The department may provide funds from the Animal Health and Disease Control Cash Fund to or on behalf of herd owners for program disease activities or any portion thereof in connection with the implementation of the Animal Health and Disease Control Act if funds for such activities or any portion have been appropriated. The department may develop statewide priorities for the expenditure of state funds available for animal disease control and eradication program activities. If funds are not available, the owner of such animal shall continue the program at his or her own expense. A portion of such state funds may be used by the department to pay a portion of the costs of testing done by or for accredited veterinarians if such work is approved by the department.

(4) In administering program disease activities pursuant to this section, the department shall not pay for:

(a) Testing done for a change of ownership at private treaty or at concentration points;

(b) Costs of gathering, confining, and restraining animals subject to testing or costs of providing necessary facilities and assistance;

(c) Costs of testing to qualify or maintain herd accreditation, certification, validation, and monitored status; or

(d) Indemnity for any animal destroyed as a result of being affected with a program disease or other dangerous disease unless funding is specifically appropriated by the Legislature for such purpose.

(5) The department shall not be liable for actual or incidental costs incurred by any person due to departmental actions in enforcing this section, including any action for trespass or damages.

Sec. 44. (1) The owner or custodian of an affected animal, herd, or flock or affected premises may be required by the department to develop a written animal, herd, or flock management plan.

(2) Any affected premises may be required to be cleaned, disinfected, destroyed, or disposed of, or any combination thereof, to prevent transmission and spread of dangerous disease from one premises to another, or from one group of animals to another, when deemed necessary by the State Veterinarian.

(3) It is the duty of any person who discovers, suspects, or has reason to believe that any animal belonging to him or her, or which he or she has in his or her possession or custody, or which belonging to another person may come under his or her observation, is an affected animal to immediately report such fact, belief, or suspicion to the department or its agent, employee, or appointee.

Sec. 45. (1) Any person who reasonably suspects that any beef or dairy breeding bull belonging to him or her, or which he or she has in his or her possession or custody, is infected with bovine trichomoniasis shall not sell or transport such animal except for consignment directly to a federally recognized slaughter establishment unless such person causes such animal to be tested for bovine trichomoniasis.

(2) Any person who owns or has possession or custody of a beef or dairy breeding bull, or who has a beef or dairy breeding bull belonging to another under his or her observation, for which an approved laboratory confirmed diagnosis of bovine trichomoniasis has been made shall report such diagnosis to the department within five business days after receipt of the laboratory confirmation.

(3) Any such breeding bull for which a laboratory confirmation of bovine trichomoniasis has been made shall not be sold or transported except for

consignment directly to a federally recognized slaughter establishment. The department may issue an order for such trichomoniasis positive bull to go directly to slaughter if the owner or custodian of such animal does not comply as set forth in this section.

(4) An owner or manager of any beef or dairy breeding bull for which an approved laboratory confirmed diagnosis of bovine trichomoniasis has been made shall notify each adjacent landowner or land manager of the diagnosis if such land is capable of maintaining livestock susceptible to bovine trichomoniasis. Such notification shall be made to each landowner or land manager within fourteen days after the diagnosis even if cattle are not currently maintained on the owner's or manager's land.

(5) The owner or manager of the cattle shall submit to the department a form or affidavit attesting to the fact that the notification required under this section has occurred. The form or affidavit shall be submitted to the department within fourteen days after the diagnosis and shall include the names of adjacent landowners or land managers who were notified and their contact information. If an owner or a manager does not within such fourteen-day period submit the form or affidavit indicating that adjacent landowners or land managers have been notified as required under this subsection, the department shall notify such adjacent landowners or land managers of the diagnosis.

(6) The department shall assess the administrative costs of the department to notify the adjacent landowners or land managers against the owner or manager that failed to comply with subsection (5) of this section. The department shall determine the scope of adjacent land based on the disease characteristics and modes of transmission. The department shall remit any administrative costs collected under this subsection to the State Treasurer for credit to the Animal Health and Disease Control Act Cash Fund.

Sec. 46. (1) It is the duty of the owner or custodian of any dead animal to properly dispose of the animal within thirty-six hours after receiving knowledge of the animal's death unless a different timeframe is established in a herd or flock management plan or otherwise allowed by the State Veterinarian. Proper disposal of a dead animal is limited to:

(a) Burial on the premises where such animal died or on any adjacent property under the control of the animal's owner or custodian and coverage to a depth of at least four feet below the surface of the ground except as required in subsection (7) of this section;

(b) Complete incineration;

(c) Composting on the premises where such animal died or on an adjacent property under the ownership and control of the owner or custodian;

(d) Alkaline hydrolysis tissue digestion by a veterinary clinic or laboratory;

(e) Transportation by a licensed rendering establishment or other hauler approved by the State Veterinarian;

(f) Transportation to a veterinary clinic or laboratory for purposes of diagnostic testing; or

(g) Transportation with written permission of the State Veterinarian:

(i) To a rendering establishment licensed under the Nebraska Meat and Poultry Inspection Law;

(ii) To a compost site approved by the State Veterinarian;

(iii) To a facility with a permit to operate as a landfill under the Integrated Solid Waste Management Act so long as the operator of the landfill agrees to accept the dead animal;

(iv) To any facility which lawfully disposes of dead animals; or

(v) As specified in a herd or flock management plan.

(2) A dead animal properly disposed of pursuant to this section is exempt from the requirements for disposal of solid waste under the Integrated Solid Waste Management Act.

(3) Any vehicle used by the owner or custodian to transport a dead animal shall be constructed in such a manner that the contents are covered and will not fall, leak, or spill from the vehicle. Violation of this subsection is a traffic infraction as defined in section 60-672.

(4) It is hereby made the duty of the sheriff of each county to cause the proper disposal of the carcass of any animal or carcass part remaining unburied or otherwise disposed of after notice from the department that any such carcass has not been properly buried or disposed of in violation of this section. The sheriff may enter any premises where any such carcass is located for the purpose of carrying out this section and may cause each carcass to be properly buried or disposed of on such premises. The county board of commissioners or supervisors shall allow such sums for the services as it may deem reasonable, and such sums shall be paid to the persons rendering the services upon vouchers as other claims against the county are paid. The owner of such animal shall be liable to the county for the expense of such burial or disposal, to be recovered in a civil action, unless the owner pays such expenses within thirty days after notice and demand therefor.

(5) If anthrax is suspected in any animal death, the owner or custodian of the animal or herd shall be responsible to have samples submitted to an approved laboratory for confirmation.

(6) If an animal has or is suspected to have died of anthrax, it shall be unlawful to:

(a) Transport such animal or animal carcass, except as directed and approved by the department;

(b) Use the flesh or organs of such animal or animal carcass for food for livestock or human consumption; or

(c) Remove the skin or hide of such animal or animal carcass.

(7) The disposition of any anthrax-infected animal carcass shall be carried out under the direction of the department. It shall be the duty of the owner or custodian of an animal that has died of anthrax to bury or burn the carcass on the premises where the carcass is found, unless directed otherwise by the State Veterinarian. If such carcass is buried, no portion of the carcass shall be interred closer than six feet from the surface of the ground. The department may direct the owner or custodian of an infected herd to treat the herd and to clean and disinfect the premises in accordance with the herd plan.

Sec. 47. (1) All animals brought into this state shall be accompanied by a pre-entry certificate of veterinary inspection, except:

(a) Animals brought directly to slaughter as defined in 9 C.F.R. 86.1 to a recognized slaughtering establishment as defined in 9 C.F.R. 78.1, as such regulations existed on January 1, 2020;

(b) Cattle, swine, horses, sheep, and goats brought from the farm or ranch of origin directly to an establishment approved under 9 C.F.R. 71.20, as such regulation existed on January 1, 2020;

(c) Poultry under eight weeks of age accompanied by a VS Form 9-3, Report of Sales of Hatching Eggs, Chicks, and Poults, and classified prior to movement into Nebraska as pullorum and typhoid clean or equivalent status pursuant to 9 C.F.R. part 145, the National Poultry Improvement Plan, as such plan existed on January 1, 2020; and

(d) Animals moving directly to a veterinary clinic or approved laboratory for diagnosis, treatment, or health examination, except that live animals without a pre-entry certificate of veterinary inspection shall not stay in Nebraska longer than the duration of such diagnosis, treatment, or health examination and during such stay shall be separated from other animals.

(2) The department may require that a prior entry permit be obtained for animals if it deems such permit is necessary for the protection of the health of domestic animals in the state.

(3) Except as provided in the Animal Health and Disease Control Act or the Exotic Animal Auction or Exchange Venue Act, no person shall move from a premises any animal which is affected or suspected of being affected with any dangerous disease without first having obtained a permit from the department.

(4) It shall be unlawful for any person to cause any animal to be diverted from the destination stated on the certificate of veterinary inspection except by written permission of the State Veterinarian.

(5) Any animal which does not qualify for entry into Nebraska pursuant to department rules and regulations may, at the discretion of the State Veterinarian, be subject to the department powers outlined in section 40 of this act.

Sec. 48. (1) Livestock imported into Nebraska shall comply with federal animal disease traceability requirements for official identification of animals as set forth in 9 C.F.R. part 86, as such part existed on January 1, 2020, which the Legislature hereby adopts by reference. If there is an inconsistency between such federal regulations and the Animal Health and Disease Control Act, and any adopted and promulgated rules or regulations or order issued by the department, the requirements of the act, rules or regulations, or order control.

(2) An official identification device or method may be applied by an animal's owner, the owner's representative, an accredited veterinarian, or an approved tagging site. Official identification devices are intended to provide permanent identification of livestock and to ensure the ability to find the source of animal disease outbreaks. Removal of these devices is prohibited except at the time of slaughter, upon the death of the animal at any location, when an area veterinarian in charge replaces a device, or as otherwise approved by the department.

Sec. 49. (1) Any information that a person provides to the department for purposes of premises registration or for voluntary participation in or compliance with animal disease traceability shall not be a public record subject to disclosure under sections 84-712 to 84-712.09. The department and its employees or agents shall not disclose such information to any other person or agency, except when such disclosure:

(a) Is authorized by the person who provided the information; or

(b) Is necessary for purposes of disease surveillance or to carry out epidemiological investigations related to incidences of animal disease.

(2) The department may disclose information as authorized by this section subject to any confidentiality requirements that the department determines are appropriate under the circumstances.

(3) Any person who violates this section shall be subject to prosecution for official misconduct pursuant to section 28-924.

(4) Nothing in this section shall be construed to prohibit the department from discussing, reporting, or otherwise disclosing the progress or results of disease surveillance activities or epidemiological investigations related to incidence of animal disease.

Sec. 50. Any person subject to the Animal Health and Disease Control Act or any rule or regulation adopted and promulgated under the act shall keep records or reports pertaining to vaccination of animals, herds, or flocks, official diagnostic test results, and movement of affected animals, herds, or flocks infected with, exposed to, or suspected of being infected with or exposed to a program disease for five years. Such person shall keep any other records or make any other reports the department deems necessary to enforce the act.

Sec. 51. (1) The State Veterinarian may restrict the sale and use of vaccine as he or she deems appropriate.

(2) The sale and use of vaccines which are licensed and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Center for Veterinary Biologics, shall be used for the vaccination of livestock and such vaccines shall be distributed and administered by an accredited veterinarian licensed to practice in Nebraska.

(3) An affected animal, herd, or flock shall only be vaccinated by or under approval by an accredited veterinarian licensed to practice in Nebraska.

(4) Owners or custodians of animals, herds, or flocks not affected due to anthrax may purchase anthrax vaccine from an accredited veterinarian licensed to practice in Nebraska for purposes of treating such animals.

Sec. 52. As used in this section, waste animal products means all meat or other materials derived in whole or in part from animals that are the result of handling, preparing, cooking, or consumption of human food. For purposes of controlling the spread of dangerous diseases of animals, it shall be unlawful for any person to feed waste animal products to animals except as follows:

(1) The material is regulated and approved as feed under the Commercial Feed Act; and

(2) A person may feed waste animal products to his or her own animals so long as such waste animal products are obtained from the person's own household, and the animals so fed, if consumed, are consumed by no one other than the members of that household.

Sec. 53. (1) Whenever the director has reason to believe that any person has violated the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, any rule or regulation adopted and promulgated under such acts, or any order of the director, the director may issue a cease and desist order. Proceedings initiated pursuant to this section shall not preclude the department from pursuing other administrative, civil, or criminal sanctions according to law.

(2) Any notice or order issued pursuant to the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or any rule or regulation adopted and promulgated under such acts shall be properly served when it is personally served on the alleged violator or when it is sent by certified or regular United States mail to the last-known address of the alleged violator.

(3) A notice of the right to a hearing shall include notice that such right to a hearing may be waived by the alleged violator.

(4) All hearings shall be conducted by the director at the time and place he or she designates. The director shall make findings of fact and conclusions of law based on the complete hearing record and issue an order.

(5) Any person aggrieved by the findings and conclusions of the director shall have ten days after the entry of the director's order to request a new hearing if such person can show that a mistake of fact has been made which affected the director's determination. Any order of the director becomes final upon the expiration of ten days after its entry if no request for a new hearing is made.

(6) When a person, including a nonresident of this state, engages in conduct prohibited or made actionable by the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, any rule or regulation adopted and promulgated under such acts, or any order of the director, the engagement in such conduct shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such person in any action which arises under this section.

(7) The department may assess an administrative fine of up to five thousand dollars for any violation of the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, any rule or regulation adopted and promulgated under such acts, or any order of the director. Each violation shall constitute a separate offense. Whenever a violation has occurred, the following shall be considered when determining the amount of any administrative fine:

(a) The culpability and good faith of the violator and any past violations;

(b) The seriousness of the violation, including the amount of any actual or potential risk to the health of Nebraska's livestock or livestock industry; and

(c) The extent to which the violator derived financial gain as a result of committing or permitting the violation, including a determination of the size of the violator's business and the impact of the administrative fine on such business.

(8) The director shall advise the Attorney General of the failure of any person to pay an administrative fine imposed under this section. The Attorney General shall bring an action in the district court of Lancaster County to recover the fine.

(9) The department may apply for a temporary restraining order, a temporary or permanent injunction, or a mandatory injunction against any person violating or threatening to violate the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or any rules and regulations adopted and promulgated under either act. It shall be the duty of the Attorney General or the county attorney of the county in which the violation occurred or is about to occur, when notified by the director of such violation, to pursue appropriate proceedings without delay pursuant to this section.

(10) Nothing in this section shall be construed to require the director to

report all acts for prosecution if in the opinion of the director the public interest will best be served through other administrative or civil procedures.

(11) All money collected by the department pursuant to this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 54. (1) For purposes of this section, law enforcement officer has the same meaning as in section 54-902. Special investigator means a special investigator appointed as a deputy state sheriff and employed by the department for state law enforcement purposes pursuant to section 81-201.

(2) The department or any officer, special investigator, agent, employee, or appointee thereof may request any law enforcement officer to execute the orders of the department, and such law enforcement officer shall have authority to execute the orders of the department.

(3) Any special investigator, or any law enforcement officer whose assistance is requested pursuant to subsection (2) of this section, may arrest any person found violating the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or any rule or regulation adopted and promulgated under such acts, and such officer or special investigator shall immediately notify the county attorney of such arrest. The county attorney shall prosecute the arrested person according to the law.

Sec. 55. (1) Any person who imports livestock or causes livestock to be imported into the State of Nebraska in violation of an embargo or importation order issued by the State Veterinarian shall be guilty of a Class IV felony.

(2) Any person who violates any provision of the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or any rules and regulations duly adopted and promulgated thereunder, for which no other criminal penalty is provided by such acts, shall be deemed guilty of a Class II misdemeanor.

(3) An owner or custodian of an affected animal, herd, or flock or affected premises who fails to develop a required herd management plan or who fails to follow such a plan is guilty of a Class I misdemeanor.

Sec. 56. It shall be unlawful for any person to violate the Animal Health and Disease Control Act and the Exotic Animal Auction or Exchange Venue Act or any rule or regulation adopted and promulgated pursuant to such acts. It is a violation for any person to:

(1) Deny access to any officer, agent, employee, or appointee of the department or offer any resistance to, thwart, or hinder such persons by misrepresentation or concealment;

(2) Violate a controlled movement order or quarantine or remove an animal which has been placed under a controlled movement order or quarantine until such controlled movement order or quarantine is released by the State Veterinarian;

(3) Fail to pay any administrative fine levied pursuant to section 53 of this act;

(4) Interfere in any way with or obstruct an officer, agent, employee, or appointee of the department from entering any premises to carry out his or her duties under the Animal Health and Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or any rules or regulations promulgated under such acts, or to interfere in any way with the department in the performance of its duties;

(5) If an owner or a custodian of an affected animal, refuse to perform program disease activities, refuse to perform any other duty required by the State Veterinarian under the Animal Health and Disease Control Act, or refuse to dispose of such affected animal if ordered to do so by the State Veterinarian;

(6) Knowingly harbor, sell, or otherwise dispose of any affected animal or any part thereof except as provided by the Animal Health and Disease Control Act and the rules and regulations adopted and promulgated by the department under the act;

(7) Except by permit issued by the department, bring, cause to be brought, or aid in bringing into this state any animal which he or she knows to be infected with, exposed to, or suspected of being exposed to any dangerous disease, or which he or she knows has originated from a quarantined area, herd, or flock;

(8) Violate a disease control requirement established through livestock herd agreements or health plans, compliance agreements, or controlled feedlot agreements; or

(9) Bring, cause to be brought, or aid in bringing into this state any animal in violation of section 47 or 48 of this act or any rule or regulation adopted and promulgated by the department.

Sec. 57. The Animal Health and Disease Control Act Cash Fund is created. The fund shall consist of administrative costs collected and money appropriated or transferred by the Legislature and gifts, grants, costs, or charges received or collected from any source, including federal, state, public, and private sources. The fund shall be used to carry out the Animal Health and Disease Control Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 58. Section 2-3812, Revised Statutes Cumulative Supplement, 2018, is amended to read:

2-3812 There is hereby created the Nebraska Agricultural Products Marketing Cash Fund. The fund shall consist of administrative costs collected under subsection (4) of section 54-742 and money appropriated by the

Legislature which is received as gifts or grants or collected as fees or charges from any source, including federal, state, public, and private. The fund shall be utilized for the purpose of carrying out the Nebraska Agricultural Products Marketing Act ~~and for purposes of subsection (4) of section 54-742.~~ Any money in such fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 59. Section 37-478, Reissue Revised Statutes of Nebraska, is amended to read:

37-478 (1) To conduct an auction in this state of captive wild birds, captive wild mammals, or captive wildlife as specified in subsection (1) of section 37-477, a person shall apply to the commission on a form prescribed by the commission for a captive wildlife auction permit. An applicant for a permit shall specify the dates of the auction and shall apply for a permit for each auction to be held in the state. The application for the permit shall include the applicant's social security number. The fee for such permit shall be not more than sixty-five dollars, as established by the commission pursuant to section 37-327. The commission shall adopt and promulgate rules and regulations specifying application requirements and procedures, reporting and inspection requirements, and other requirements related to auction activities.

(2) A permit holder shall not (a) take wild birds, wild mammals, or other wildlife from the wild in Nebraska or (b) purchase wild birds, wild mammals, or other wildlife from any person other than the commission or a person authorized to propagate and dispose of wild birds, wild mammals, or other wildlife. A permit under this section is not required for an auction of domesticated cervine animals as defined in section 14 of this act ~~54-701-03.~~

Sec. 60. Section 37-479, Reissue Revised Statutes of Nebraska, is amended to read:

37-479 (1) To purchase, possess, propagate, or sell captive wild birds, captive wild mammals, or captive wildlife as specified in subsection (1) of section 37-477 or to sell parts thereof, except as provided in section 37-505, a person shall apply to the commission on a form prescribed by the commission for a captive wildlife permit. The commission shall adopt and promulgate rules and regulations specifying application requirements and procedures. The permit shall expire on December 31. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not more than thirty dollars, as established by the commission pursuant to section 37-327. A holder of a captive wildlife permit shall report to the commission by January 15 for the preceding calendar year on forms provided by the commission. The commission shall adopt and promulgate rules and regulations specifying the requirements for the reports.

(2) A permit holder shall not (a) take wild birds, wild mammals, or wildlife from the wild in Nebraska or (b) purchase wild birds, wild mammals, or wildlife from any person other than the commission or a person authorized to propagate and dispose of wild birds, wild mammals, or wildlife. A permit under this section is not required for possession or production of domesticated cervine animals as defined in section 14 of this act ~~54-701-03.~~

(3) It shall be unlawful to lure or entice wildlife into a domesticated cervine animal facility for the purpose of containing such wildlife. Any person violating this subsection shall be guilty of a Class II misdemeanor and upon conviction shall be fined at least one thousand dollars.

Sec. 61. Section 37-505, Reissue Revised Statutes of Nebraska, is amended to read:

37-505 (1) It shall be unlawful to buy, sell, or barter the meat or flesh of game animals or game birds whether such animals or birds were killed or taken within or outside this state. Except as otherwise provided in this section, it shall be unlawful to buy, sell, or barter other parts of game animals or game birds.

(2) It shall be lawful to buy, sell, or barter only the following parts of legally taken antelope, deer, elk, rabbits, squirrels, and upland game birds: The hides, hair, hooves, bones, antlers, and horns of antelope, deer, or elk, the skins, tails, or feet of rabbits and squirrels, and the feathers or skins of upland game birds.

(3) It shall be lawful to pick up, possess, buy, sell, or barter antlers or horns which have been dropped or shed by antelope, deer, or elk. It shall be unlawful to pick up, possess, buy, sell, or barter mountain sheep or any part of a mountain sheep except (a) as permitted by law or rule or regulation of the commission and (b) for possession of mountain sheep or any part of a mountain sheep lawfully obtained in this state or another state or country.

(4) The commission may provide by rules and regulations for allowing, restricting, or prohibiting the acquisition, possession, purchase, sale, or barter of discarded parts, including, but not limited to, horns and antlers, or parts of dead game animals and upland game birds which have died from natural causes or causes which were not associated with any known illegal acts, which parts are discovered by individuals.

(5) Any domesticated cervine animal as defined in section 14 of this act ~~54-701-03~~ or any part of such an animal may be bought, sold, or bartered if the animal or parts are appropriately marked for proof of ownership according to rules and regulations adopted and promulgated by the Department of Agriculture.

(6) It shall be unlawful to buy, sell, or barter any sport fish protected by the Game Law at any time whether the fish was killed or taken within or outside this state, except that game fish lawfully shipped in from outside this state by residents of this state or fish lawfully acquired from a person having

an aquaculture permit or, in the case of bullheads, pursuant to section 37-545 may be sold in this state. The burden of proof shall be upon any such buyer, seller, or possessor to show by competent and satisfactory evidence that any game fish in his or her possession or sold by him or her was lawfully shipped in from outside this state or was lawfully acquired from one of such sources.

(7) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 62. Section 37-524, Reissue Revised Statutes of Nebraska, is amended to read:

37-524 (1) It shall be unlawful for any person, partnership, limited liability company, association, or corporation to import into the state or possess aquatic invasive species, the animal known as the San Juan rabbit, or any other species of wild vertebrate animal, including domesticated cervine animals as defined in section 14 of this act 54-701.03, declared by the commission following public hearing and consultation with the Department of Agriculture to constitute a serious threat to economic or ecologic conditions, except that the commission may authorize by specific written permit the acquisition and possession of such species for educational or scientific purposes. It shall also be unlawful to release to the wild any nonnative bird or nonnative mammal without written authorization from the commission. Any person, partnership, limited liability company, association, or corporation violating the provisions of this subsection shall be guilty of a Class IV misdemeanor.

(2) Following public hearing and consultation with the Department of Agriculture, the commission may, by rule and regulation, regulate or limit the importation and possession of any aquatic invasive species or wild vertebrate animal, including a domesticated cervine animal as defined in section 14 of this act 54-701.03, which is found to constitute a serious threat to economic or ecologic conditions.

Sec. 63. Section 37-1402, Reissue Revised Statutes of Nebraska, is amended to read:

37-1402 For purposes of sections 37-1401 to 37-1406, invasive species means aquatic or terrestrial organisms not native to the region that cause economic or biological harm and are capable of spreading to new areas, and invasive species does not include livestock as defined in section 21 of this act sections 54-1368 and section 54-1902, honey bees, domestic pets, intentionally planted agronomic crops, or nonnative organisms that do not cause economic or biological harm.

Sec. 64. Section 54-626, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-626 For purposes of the Commercial Dog and Cat Operator Inspection Act:

(1) Animal control facility means a facility operated by or under contract with the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;

(2) Animal rescue means a person or group of persons who hold themselves out as an animal rescue, accept or solicit for dogs or cats with the intention of finding permanent adoptive homes or providing lifelong care for such dogs or cats, or who use foster homes as the primary means of housing dogs or cats;

(3) Animal shelter means a facility used to house or contain dogs or cats and owned, operated, or maintained by an incorporated humane society, an animal welfare society, a society for the prevention of cruelty to animals, or another nonprofit organization devoted to the welfare, protection, and humane treatment of such animals;

(4) Boarding kennel means a facility which is primarily used to house or contain dogs or cats owned by persons other than the operator of such facility. The primary function of a boarding kennel is to temporarily harbor dogs or cats when the owner of the dogs or cats is unable to do so or to provide training, grooming, or other nonveterinary service for consideration before returning the dogs or cats to the owner. A facility which provides such training, grooming, or other nonveterinary service is not a boarding kennel for the purposes of the act unless dogs or cats owned by persons other than the operator of such facility are housed at such facility overnight. Veterinary clinics, animal control facilities, animal rescues, and nonprofit animal shelters are not boarding kennels for the purposes of the act;

(5) Breeding dog means any sexually intact male or female dog six months of age or older owned or harbored by a commercial dog breeder;

(6) Cat means any animal which is wholly or in part of the species *Felis domesticus*;

(7) Commercial cat breeder means a person engaged in the business of breeding cats:

(a) Who sells, exchanges, leases, or in any way transfers or offers to sell, exchange, lease, or transfer thirty-one or more cats in a twelve-month period beginning on April 1 of each year;

(b) Who owns or harbors four or more cats, intended for breeding, in a twelve-month period beginning on April 1 of each year;

(c) Whose cats produce a total of four or more litters within a twelve-month period beginning on April 1 of each year; or

(d) Who knowingly sells, exchanges, or leases cats for later retail sale or brokered trading;

(8) Commercial dog breeder means a person engaged in the business of breeding dogs:

(a) Who sells, exchanges, leases, or in any way transfers or offers to

sell, exchange, lease, or transfer thirty-one or more dogs in a twelve-month period beginning on April 1 of each year;

(b) Who owns or harbors four or more dogs, intended for breeding, in a twelve-month period beginning on April 1 of each year;

(c) Whose dogs produce a total of four or more litters within a twelve-month period beginning on April 1 of each year; or

(d) Who knowingly sells, exchanges, or leases dogs for later retail sale or brokered trading;

(9) Dealer means any person who is not a commercial dog or cat breeder or a pet shop but is engaged in the business of buying for resale or selling or exchanging dogs or cats as a principal or agent or who claims to be so engaged. A person who purchases, sells, exchanges, or leases thirty or fewer dogs or cats in a twelve-month period is not a dealer;

(10) Department means the ~~Bureau of Animal Industry of the~~ Department of Agriculture with the State Veterinarian in charge, subordinate only to the director;

(11) Director means the Director of Agriculture or his or her designated employee;

(12) Dog means any animal which is wholly or in part of the species *Canis familiaris*;

(13) Foster home means any person who provides temporary housing for twenty or fewer dogs or cats that are six months of age or older in any twelve-month period and is affiliated with a person operating as an animal rescue that uses foster homes as its primary housing of dogs or cats. To be considered a foster home, a person shall not participate in the acquisition of the dogs or cats for which temporary care is provided. Any foster home which houses more than twenty dogs or cats that are six months of age or older in any twelve-month period or who participates in the acquisition of dogs or cats shall be licensed as an animal rescue;

(14) Harbor means:

(a) Providing shelter or housing for a dog or cat regulated under the act;

or

(b) Maintaining the care, supervision, or control of a dog or cat regulated under the act;

(15) Housing facility means any room, building, or areas used to contain a primary enclosure;

(16) Inspector means any person who is employed by the department and who is authorized to perform inspections pursuant to the act;

(17) Licensee means a person who has qualified for and received a license from the department pursuant to the act;

(18) Normal business hours means daily between 7 a.m. and 7 p.m. unless an applicant, a licensee, or any other person the department has reasonable cause to believe is required by the act to be licensed provides in writing to the department a description of his or her own normal business hours which reasonably allows the department to make inspections;

(19) Operator means a person performing the activities of an animal control facility, an animal rescue, an animal shelter, a boarding kennel, a commercial cat breeder, a commercial dog breeder, a dealer, or a pet shop;

(20) Pet animal means an animal kept as a household pet for the purpose of companionship, which includes, but is not limited to, dogs, cats, birds, fish, rabbits, rodents, amphibians, and reptiles;

(21) Pet shop means a retail establishment which sells pet animals and related supplies;

(22) Premises means all public or private buildings, vehicles, equipment, containers, kennels, pens, and cages used by an operator and the public or private ground upon which an operator's facility is located if such buildings, vehicles, equipment, containers, kennels, pens, cages, or ground are used by the owner or operator in the usual course of business;

(23) Primary enclosure means any structure used to immediately restrict a dog or cat to a limited amount of space, such as a room, pen, cage, or compartment;

(24) Secretary of Agriculture means the Secretary of Agriculture of the United States Department of Agriculture;

(25) Significant threat to the health or safety of dogs or cats means:

(a) Not providing shelter or protection from extreme weather resulting in life-threatening conditions predisposing to hyperthermia or hypothermia in dogs or cats that are not acclimated to the temperature;

(b) Acute injuries involving potentially life-threatening medical emergencies in which the owner refuses to seek immediate veterinary care;

(c) Not providing food or water resulting in conditions of potential starvation or severe dehydration;

(d) Egregious human abuse such as trauma from beating, torturing, mutilating, burning, or scalding; or

(e) Failing to maintain sanitation resulting in egregious situations where a dog or cat cannot avoid walking, lying, or standing in feces;

(26) Stop-movement order means a directive preventing the movement of any dog or cat onto or from the premises; and

(27) Unaltered means any male or female dog or cat which has not been neutered or spayed or otherwise rendered incapable of reproduction.

Sec. 65. Section 54-645, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-645 For purposes of the Dog and Cat Purchase Protection Act:

(1) Casual breeder means any person, other than a commercial dog or cat

breeder as such terms are defined in section 54-626, who offers for sale, sells, trades, or receives consideration for one or more pet animals from a litter produced by a female dog or cat owned by such casual breeder;

(2) Clinical symptom means indication of an illness or dysfunction that is apparent to a veterinarian based on the veterinarian's observation, examination, or testing of an animal or on a review of the animal's medical records;

(3) Health certificate means the official small animal certificate of veterinary inspection of the ~~Bureau of Animal Industry of the Department of Agriculture~~;

(4) Pet animal means a dog, wholly or in part of the species *Canis familiaris*, or a cat, wholly or in part of the species *Felis domesticus*, that is under fifteen months of age;

(5) Purchaser means the final owner of a pet animal purchased from a seller. Purchaser does not include a person who purchases a pet animal for resale;

(6) Seller means a casual breeder or any commercial establishment, including a commercial dog or cat breeder, dealer, or pet shop as such terms are defined in section 54-626, that engages in a business of selling pet animals to a purchaser. A seller does not include an animal control facility, animal rescue, or animal shelter as defined in section 54-626 or any animal adoption activity that an animal control facility, animal rescue, or animal shelter conducts offsite at any pet store or other commercial establishment; and

(7)(a) Serious health problem means a congenital or hereditary defect or contagious disease that causes severe illness or death of the pet animal.

(b) Serious health problem does not include (i) parvovirus if the diagnosis of parvovirus is made after the seven-business-day requirement in subsection (1) of section 54-647 or (ii) any other contagious disease that causes severe illness or death after ten calendar days after delivery of the pet animal to the purchaser.

Sec. 66. Section 54-706.12, Reissue Revised Statutes of Nebraska, is amended to read:

54-706.12 The Bovine Tuberculosis Cash Fund is created. The fund shall consist of money appropriated by the Legislature and gifts, grants, costs, or charges from any source, including federal, state, public, and private sources. The fund shall be used to carry out the Bovine Tuberculosis Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund terminates on the effective date of this act and the State Treasurer shall transfer any money in the fund on such date to the Animal Health and Disease Control Cash Fund.

Sec. 67. Section 54-778, Reissue Revised Statutes of Nebraska, is amended to read:

~~54-778 (1) The owner or custodian of an affected herd or affected premises shall be responsible to pay for costs related to: (a) The quarantine, testing, or vaccination of an affected herd; (b) the disinfection or cleaning of the premises of an affected herd; and (c) any other costs associated with the control of anthrax in such herd.~~

~~(2) The department may assess and collect payment for services provided and expenses incurred pursuant to its responsibilities under the Anthrax Control Act.~~

~~(3) Any person failing to carry out the responsibilities set out in the act and any rules and regulations adopted and promulgated thereunder shall be guilty of a Class I misdemeanor. Whenever any person fails to carry out such responsibilities under the act, the department may perform such functions. Upon completion of any required anthrax control activities, the department shall determine its actual costs incurred in handling the affected herd and affected premises and conducting the testing and notify the herd owner or custodian in writing. The herd owner or custodian shall reimburse the department its actual costs within fifteen days following the date of the notice. Any person failing to reimburse the department shall be assessed a late fee of up to twenty-five percent of the amount due for each thirty days of nonpayment to reimburse the department for its costs of collecting the amount due.~~

~~(4) Any costs and fees assessed and collected pursuant to this section shall be remitted to the State Treasurer for credit to the Anthrax Control Act Cash Fund.~~

~~(5) The Anthrax Control Act Cash Fund is created. The fund shall consist of money appropriated by the Legislature and gifts, grants, costs, or charges from any source, including federal, state, public, and private sources. The fund shall be used to carry out the Anthrax Control Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund terminates on the effective date of this act and the State Treasurer shall transfer any money in the fund on such date to the Animal Health and Disease Control Cash Fund.~~

Sec. 68. Section 54-797, Reissue Revised Statutes of Nebraska, is amended to read:

54-797 The Department of Agriculture shall provide voluntary livestock certification programs when requested by a livestock health committee and others when deemed by the department to be beneficial and appropriate for the livestock industry. The department shall work together with the appropriate livestock producers or groups and the Department of Veterinary and Biomedical

Sciences of the University of Nebraska to establish procedures for the certification of participating herds. The Department of Agriculture may maintain, through the Bureau of Animal Industry, a livestock certification registry for each livestock certification program that provides information regarding the voluntary certification program and may include the names of participating livestock producers who have a herd or flock enrolled in the voluntary livestock certification program.

Sec. 69. Section 54-7,105, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-7,105 (1) Sections 54-7,105 to ~~54-7,109~~ ~~54-7,110~~ shall be known and may be cited as the Exotic Animal Auction or Exchange Venue Act.

(2) The purpose of the Exotic Animal Auction or Exchange Venue Act is to require an exotic animal auction or exchange venue organizer to obtain a permit from the department before conducting an exotic animal auction or exchange venue and to maintain records for animal disease tracking purposes. Exotic animals sold at an exotic animal auction or exchange venue are often foreign to the United States or to the State of Nebraska. These exotic animals may carry dangerous, infectious, contagious, or otherwise transmissible diseases, including foreign animal diseases, which could pose a threat to Nebraska's livestock health and the livestock industry.

Sec. 70. Section 54-7,105.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-7,105.01 For purposes of the Exotic Animal Auction or Exchange Venue Act:

(1) Accredited veterinarian has the same meaning as in section 3 of this act ~~54-701.03~~;

(2) Animal has the same meaning as in section 6 of this act ~~54-701.03~~;

(3) Animal welfare organization has the same meaning as in section 54-2503;

(4) Certificate of veterinary inspection means a legible document approved by the department, either paper copy or electronic, issued by an accredited veterinarian at the point of origin of an animal movement which records the (a) name and address of both consignor and consignee, (b) purpose of animal's movement, (c) destination in the state which includes the street address or enhanced-911 address of the premises, (d) age, breed, sex, and number of animals in the shipment, (e) description of the animals, (f) individual identification, when required, and (g) health examination date of the animals. The certificate of veterinary inspection is an acknowledgment by the accredited veterinarian of the apparent absence of any infectious, dangerous, contagious, or otherwise transmissible disease of any animal sold or offered for sale, purchased, bartered, or other change of ownership at an exotic animal auction or exchange venue;

(5) Change of ownership means the transfer within the State of Nebraska of possession or control of an animal allowed to be transferred through consignment, sale, purchase, barter, lease, exchange, trade, gift, or any other transfer of possession or control at an exotic animal auction or exchange venue;

(6) Dangerous disease has the same meaning as in section 11 of this act ~~54-701.03~~;

(7) Department means the Department of Agriculture of the State of Nebraska;

(8) Domesticated cervine animal has the same meaning as in section 14 of this act ~~54-701.03~~;

(9) Exotic animal means any animal which is not commonly sold through licensed livestock auction markets pursuant to the Livestock Auction Market Act. Such animals shall include, but not be limited to, miniature cattle (bovine), miniature horses, miniature donkeys, sheep (ovine), goats (caprine), alpacas (camelid), llamas (camelid), pot-bellied pigs (porcine), and small mammals, with the exception of cats of the *Felis domesticus* species and dogs of the *Canis familiaris* species. The term also includes birds and poultry. The term does not include beef and dairy cattle, calves, swine, bison, or domesticated cervine animals;

(10) Exotic animal auction or exchange venue means any event or location, other than a livestock auction market as defined in section 54-1158 or events by an animal welfare organization or at an animal welfare organization location, where (a) an exotic animal is consigned, purchased, sold, traded, bartered, given away, or otherwise transferred, (b) an offer to purchase an exotic animal is made, (c) an exotic animal is offered to be consigned, sold, traded, bartered, given away, or otherwise transferred, or (d) any other event or location where there is a change of ownership of an exotic animal;

(11) Exotic animal auction or exchange venue organizer means a person in charge of organizing an exotic animal auction or exchange venue event, and may include any person who: (a) Arranges events for third parties to have private sales or trades of exotic animals; (b) organizes or coordinates exotic animal auctions or exchange venues; (c) leases out areas for exotic animal auctions or exchange venues; (d) provides or coordinates other similar arrangements involving exotic animals at retail establishments such as feed and supply stores, farm implement stores, and farm and ranch stores, which allow such sales in or on the premises; or (e) takes exotic animals for consignment on behalf of third parties;

(12) Officially identified means the application of an official identification device or method approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services;

and

(13) Poultry has the same meaning as in section ~~26 of this act 54-701.03.~~

Sec. 71. Section 54-7,107, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-7,107 (1) An exotic animal auction or exchange venue organizer shall maintain records for each exotic animal auction or exchange venue such organizer arranges, organizes, leases areas for, consigns, or otherwise coordinates at least five years after the date of the exotic animal auction or exchange venue. The records shall include:

(a) The name, address, and telephone number of the exotic animal auction or exchange venue organizer;

(b) The name and address of all persons who purchased, sold, traded, bartered, gave away, or otherwise transferred an exotic animal at the exotic animal auction or exchange venue;

(c) The number of and species or type of each exotic animal purchased, sold, traded, bartered, given away, or otherwise transferred at the exotic animal auction or exchange venue;

(d) The date of purchase, sale, trade, barter, or other transfer of an exotic animal at the exotic animal auction or exchange venue; and

(e) When required by the Animal Health and Disease Control ~~Importation~~ Act or the Exotic Animal Auction or Exchange Venue Act, a copy of the completed certificate of veterinary inspection for each exotic animal purchased, sold, traded, bartered, given away, or otherwise transferred at the exotic animal auction or exchange venue.

(2) An exotic animal auction or exchange venue organizer shall, during all reasonable times, permit authorized employees and agents of the department to have access to and to copy any or all records relating to his or her exotic animal auction or exchange venue business.

(3) When necessary for the enforcement of the Exotic Animal Auction or Exchange Venue Act or any rules and regulations adopted and promulgated pursuant to such act, the authorized employees and agents of the department may access the records required by this section.

Sec. 72. Section 54-7,108, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-7,108 (1) No beef or dairy cattle, calves, swine, bison, or domesticated cervine animals shall be, or offered to be, consigned, purchased, sold, bartered, traded, given away, or otherwise transferred at an exotic animal auction or exchange venue.

(2) An exotic animal auction or exchange venue organizer shall contact the department if a particular animal cannot be readily identified as an animal that is prohibited from being consigned, purchased, sold, bartered, traded, given away, or otherwise transferred at an exotic animal auction or exchange venue under this section.

(3) No bovine, camelid, caprine, ovine, or porcine animal shall be, or be offered to be, consigned, purchased, sold, bartered, traded, given away, or otherwise transferred at an exotic animal auction or exchange venue unless, prior to a change of ownership or other transfer of the animal, a completed certificate of veterinary inspection for such animal is presented to the exotic animal auction or exchange venue organizer. Such certificate of veterinary inspection shall be signed by an accredited veterinarian on the date of or no more than thirty days prior to the date the exotic animal auction or exchange venue is held.

(4) An exotic animal auction or exchange venue organizer shall contract with an accredited veterinarian to be present during the exotic animal auction or exchange venue for visually inspecting such exotic animals and to issue necessary certificates of veterinary inspection for change of ownership when required by the Animal Health and Disease Control ~~Importation~~ Act or the Exotic Animal Auction or Exchange Venue Act.

(5) All dairy goats imported into Nebraska shall have an official tuberculin test prior to import into Nebraska. All sheep and goats shall have official identification as required under the Animal Health and Disease Control Scrapie Control and Eradication Act.

(6) A copy of the certificate of veterinary inspection shall be submitted to the department by the exotic animal auction or exchange venue organizer within seven days from the date the exotic animal auction or exchange venue was held.

(7) Any bovine, camelid, caprine, ovine, or porcine animal which is not prohibited from transfer at an exotic animal auction or exchange venue shall be officially identified prior to change of ownership.

Sec. 73. Section 54-1158, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1158 As used in the Livestock Auction Market Act, unless the context otherwise requires:

(1) Accredited veterinarian has the same meaning as in section 3 of this act 54-701.03;

(2) Department means the Department of Agriculture;

(3) Designated veterinarian means an accredited veterinarian who has been designated and authorized by the State Veterinarian to make inspections of livestock at livestock auction markets as may be required by law or regulation whether such livestock is moved in interstate or intrastate commerce;

(4) Director means the Director of Agriculture;

(5) Livestock means cattle, calves, swine, sheep, and goats;

(6) Livestock auction market means any place, establishment, or facility

commonly known as a livestock auction market, sales ring, or the like, conducted or operated for compensation as an auction market for livestock, consisting of pens or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment;

(7) Livestock auction market operator means any person engaged in the business of conducting or operating a livestock auction market, whether personally or through agents or employees;

(8) Market license means the license for a livestock auction market authorized to be issued under the act;

(9) Person means any individual, firm, association, partnership, limited liability company, or corporation; and

(10) State Veterinarian means the veterinarian appointed pursuant to section 81-202, in charge of the Bureau of Animal Industry within the department or his or her designee, subordinate to the director.

Sec. 74. Section 54-1371, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1371 ~~(1) Whenever brucellosis testing is performed under section 54-1369 with respect to a sale at private treaty or under section 54-1370, the owner of the animals shall be responsible for gathering, confining, and restraining the animals to be tested and shall provide the necessary facilities and assistance. With respect to tests conducted at markets, concentration points, or slaughter establishments, the responsibility shall be borne by the owner of the establishment.~~

~~(2) Any person failing to carry out the responsibilities set out under subsection (1) of this section shall be guilty of a Class IV misdemeanor.~~

~~(3) Whenever any person fails to carry out the responsibilities set out under subsection (1) of this section, the department shall perform such functions. Upon completion of the testing, the department shall determine its actual costs incurred in handling the livestock and conducting the testing and notify the responsible person in writing. The responsible person shall reimburse the department its actual costs within fifteen days following the date of the notice. Any person failing to reimburse the department as required shall be assessed an administrative fee of up to twenty-five percent of the amount due for each thirty days of delinquency. The purpose of the additional administrative fee is to cover the administrative costs associated with collecting the actual costs incurred and any administrative fees.~~

~~The (4) All money received by the department under subsection (3) of this section shall be remitted to the State Treasurer for credit to the Brucellosis Control Cash Fund, which fund is hereby created. Expenditures from the fund may be made to conduct brucellosis testing under the Nebraska Bovine Brucellosis Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund terminates on the effective date of this act and the State Treasurer shall transfer any money in the fund on such date to the Animal Health and Disease Control Cash Fund.~~

Sec. 75. Section 54-2293, Reissue Revised Statutes of Nebraska, is amended to read:

54-2293 The Pseudorabies Control Cash Fund shall consist of money appropriated by the Legislature and gifts, grants, costs, or charges from any source, including federal, state, public, and private sources. The fund shall be utilized for the purpose of carrying out the Pseudorabies Control and Eradication Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund terminates on the effective date of this act and the State Treasurer shall transfer any money in the fund on such date to the Animal Health and Disease Control Cash Fund.

Sec. 76. Section 54-2304, Reissue Revised Statutes of Nebraska, is amended to read:

54-2304 For purposes of the Domesticated Cervine Animal Act, unless the context otherwise requires:

(1) Commission means the Game and Parks Commission or its authorized agent;

(2) Department means the Department of Agriculture or its authorized agent;

(3) Director means the Director of Agriculture or his or her designee;

(4) Domesticated cervine animal has the same meaning as in section 14 of this act 54-701.03; and

(5) Person means any individual, firm, group of individuals, partnership, limited liability company, corporation, unincorporated association, cooperative, or other entity, public or private.

Sec. 77. Section 54-2314, Reissue Revised Statutes of Nebraska, is amended to read:

54-2314 (1) In order to prevent, suppress, control, and eradicate dangerous transmissible diseases among the domesticated cervine animals of this state, the department may place in quarantine any county, or part of any county, any private premises, or any private or public stockyards and may quarantine any domesticated cervine animal infected with such disease or which has been or is suspected of having been exposed to such disease. Such animals shall remain under quarantine until released by the department. An infected animal may be destroyed as provided in the Animal Health and Disease Control Act by section 54-747.

(2) The department may regulate or prohibit the arrival into, departure

from, and movement within the state of any domesticated cervine animal infected with a dangerous transmissible disease or exposed or suspected of having been exposed to such disease.

Sec. 78. Section 54-2757, Reissue Revised Statutes of Nebraska, is amended to read:

54-2757 The Scrapie Control Cash Fund is created. The fund shall consist of money appropriated by the Legislature and gifts, grants, costs, or charges from any source, including federal, state, public, and private sources. The fund shall be utilized for the purpose of carrying out the Scrapie Control and Eradication Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund terminates on the effective date of this act and the State Treasurer shall transfer any money in the fund on such date to the Animal Health and Disease Control Cash Fund.

Sec. 79. Section 81-202, Reissue Revised Statutes of Nebraska, is amended to read:

81-202 Within the Department of Agriculture there shall be the position of a Bureau of Animal Industry, with the State Veterinarian appointed by and in charge, subordinate only to the Director of Agriculture. The powers and duties of the department provided by law for the protection of the health of livestock as defined in section 21 of this act ~~54-701.03~~ shall be exercised and discharged through the department ~~Bureau of Animal Industry~~ under the direction of the State Veterinarian. The State Veterinarian shall hold office at the will of the director. The State Veterinarian shall receive such salary as fixed by the director and approved by the Governor. The State Veterinarian shall have authority to employ assistants and fix their compensation, subject to the approval of the director. The State Veterinarian shall be a graduate of a college of veterinary medicine accredited by the American Veterinary Medical Association, shall be licensed and accredited as a veterinarian, and shall have demonstrated administrative ability.

Sec. 80. The Revisor of Statutes shall assign sections 1 to 57 of this act to a new article in Chapter 54.

Sec. 81. Original sections 37-478, 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes Cumulative Supplement, 2018, are repealed.

Sec. 82. The following sections are outright repealed: Sections 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701, 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16, 54-706.17, 54-743, 54-744, 54-745, 54-746, 54-747, 54-753.01, 54-753.04, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724, 54-2725, 54-2726, 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732, 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756, 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised Statutes of Nebraska, sections 54-701.03, 54-704, 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382, Revised Statutes Cumulative Supplement, 2018, and sections 54-703 and 54-744.01, Revised Statutes Supplement, 2019.