

LEGISLATIVE BILL 848

Approved by the Governor April 18, 2022

Introduced by Halloran, 33.

A BILL FOR AN ACT relating to the Animal Health and Disease Control Act; to amend sections 54-2940 and 54-2946, Reissue Revised Statutes of Nebraska; to change powers of the Department of Agriculture and duties of owners or custodians of dead animals relating to catastrophic livestock mortality or euthanization; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 54-2940, Reissue Revised Statutes of Nebraska, is amended to read:

54-2940 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) When funds are available, support planning for and assistance with catastrophic livestock mortality disposal, including the acquisition of equipment and supplies and securing of services, to augment preparedness for

and response to a disease, natural disaster, or other emergency event resulting in catastrophic livestock mortality or euthanization;

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

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

Sec. 2. Section 54-2946, Reissue Revised Statutes of Nebraska, is amended to read:

54-2946 (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; ~~or~~

(vi) In the event of a disease, natural disaster, or other emergency event resulting in catastrophic livestock mortality or euthanization, to a location designated by a county or other local emergency management organization.

(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. 3. Original sections 54-2940 and 54-2946, Reissue Revised Statutes of Nebraska, are repealed.