

LEGISLATIVE BILL 61

Approved by the Governor March 07, 2019

Introduced by Halloran, 33; Blood, 3.

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402.03, 71-4403, 71-4406, and 71-4407, Reissue Revised Statutes of Nebraska; to redefine terms; to change and eliminate provisions relating to vaccination and rules and regulations; to change provisions relating to seizure, confinement, testing, and disposition of a domestic animal and postexposure management of domestic animals and livestock; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4402.01, Reissue Revised Statutes of Nebraska.

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

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

71-4401 For purposes of sections 71-4401 to 71-4412, unless the context otherwise requires:

(1) Compendium means the Compendium of Animal Rabies Prevention and Control as published by the National Association of State Public Health Veterinarians;

(2) Department means the Department of Health and Human Services;

(3) {1} Domestic animal means any dog of the species *Canis familiaris*, or cat of the species *Felis domesticus*, or ferret of the species *Mustela putorius furo*, and cat means a cat which is a household pet;

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

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

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

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

(8) {2} Vaccination against rabies means the inoculation of a domestic or hybrid animal with a United States Department of Agriculture-licensed rabies vaccine administered consistent with its labeling as approved by the rules and regulations adopted and promulgated by the department. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska or licensed in the state where the vaccination was administered. ÷

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

~~(4) Department means the Department of Health and Human Services;~~

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

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

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

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

Sec. 2. Section 71-4402.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-4402.03 To protect the health, safety, and welfare of the public and to ensure, to the greatest extent possible, efficient and adequate practices, the The department shall adopt and promulgate rules and regulations for the

control and prevention of rabies. Such rules and regulations shall generally comply with the compendium and the recommendations of the Centers for Disease Control and Prevention of the United States Public Health Service of the United States Department of Health and Human Services. The department may consider changes in the compendium and recommendations of the Centers for Disease Control and Prevention of the United States Public Health Service of the United States Department of Health and Human Services when adopting and promulgating such rules and regulations.

Sec. 3. Section 71-4403, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

Sec. 4. Section 71-4406, Reissue Revised Statutes of Nebraska, is amended to read:

71-4406 ~~(1) Any domestic animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be subjected to post-incident management as provided in rules and regulations adopted and promulgated by the department. seized by the rabies control authority for a period of not less than ten days if:~~

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

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

~~(2)(a) Except as provided in subdivision (b) of this subsection, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with sections 71-4402 and 71-4402.02, or if such injury to a person is caused by an owned animal determined by the department to be a rabid species amenable to rabies protection by immunization which has been vaccinated, such animal shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days and shall be observed and examined by a veterinarian at the end of such ten-day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement.~~

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

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

Sec. 5. Section 71-4407, Reissue Revised Statutes of Nebraska, is amended to read:

71-4407 Domestic ~~In the case of domestic or hybrid animals or livestock known to have been exposed to bitten by a confirmed or suspected rabid animal, the following rules shall be subjected to postexposure management as provided in rules and regulations adopted and promulgated by the department. apply:~~

~~(1) If the bitten or exposed domestic or hybrid animal has not been vaccinated in accordance with sections 71-4402 and 71-4402.02, such bitten or exposed domestic or hybrid animal shall be immediately destroyed unless the owner is willing to place such domestic or hybrid animal in strict isolation in a kennel under veterinary supervision for a period of not less than six months; and~~

~~(2) If the bitten or exposed domestic or hybrid animal has been vaccinated~~

~~in accordance with sections 71-4402 and 71-4402.02, such domestic or hybrid animal shall be subject to the following procedure: (a) Such domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than thirty days following vaccination; (b) if such domestic or hybrid animal is not immediately revaccinated, such domestic or hybrid animal shall be confined in strict isolation in a kennel for a period of not less than six months under the supervision of a veterinarian; or (c) such domestic or hybrid animal shall be destroyed if the owner does not comply with either subdivision (a) or (b) of this subdivision.~~

Sec. 6. Original sections 71-4401, 71-4402.03, 71-4403, 71-4406, and 71-4407, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. The following section is outright repealed: Section 71-4402.01, Reissue Revised Statutes of Nebraska.