

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 25

FINAL READING

Introduced by Langemeier, 23

Read first time January 4, 2007

Committee: Agriculture

A BILL

1 FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402,
2 71-4403, 71-4404, 71-4405, 71-4406, 71-4407, 71-4408,
3 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes
4 of Nebraska; to define and redefine terms; to require
5 vaccination of hybrid animals; to prohibit ownership
6 of hybrid animals as prescribed; to change penalties;
7 to provide for rules and regulations; to harmonize
8 provisions; and to repeal the original sections.

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

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

3 71-4401 For purposes of sections 71-4401 to 71-4412
4 and sections 3 and 4 of this act, unless the context otherwise
5 requires:

6 (1) Domestic animal ~~shall mean~~ means any dog or cat, and
7 cat ~~shall mean~~ means a cat which is a household pet;

8 (2) Vaccination against rabies ~~shall mean~~ means the
9 inoculation of a domestic or hybrid animal with a rabies vaccine
10 as approved by the rules and regulations adopted and promulgated
11 by the Department of Health and Human Services Regulation and
12 Licensure. Such vaccination shall be performed by a veterinarian
13 duly licensed to practice veterinary medicine in the State of
14 Nebraska;

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

18 (4) Department ~~shall mean~~ means the Department of Health
19 and Human Services Regulation and Licensure;

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

23 ~~(5)~~ (6) Own, unless otherwise specified, ~~shall mean~~ means
24 to possess, keep, harbor, or have control of, charge of, or custody
25 of a domestic or hybrid animal. This term ~~shall~~ does not apply

1 to domestic or hybrid animals owned by other persons which are
 2 temporarily maintained on the premises of a veterinarian or kennel
 3 operator for a period of not more than thirty days;

4 ~~(6)~~ (7) Owner ~~shall mean~~ means any person possessing,
 5 keeping, harboring, or having charge or control of any domestic
 6 or hybrid animal or permitting any domestic or hybrid animal to
 7 habitually be or remain on or be lodged or fed within such person's
 8 house, yard, or premises. This term ~~shall~~ does not apply to
 9 veterinarians or kennel operators temporarily maintaining on their
 10 premises domestic or hybrid animals owned by other persons for a
 11 period of not more than thirty days; and

12 ~~(7)~~ (8) Rabies control authority ~~shall mean~~ means county,
 13 township, city, or village health and law enforcement officials who
 14 shall enforce sections 71-4401 to 71-4412 and sections 3 and 4 of
 15 this act relating to the vaccination and impoundment of domestic
 16 or hybrid animals. Such public officials ~~shall not be~~ are not
 17 responsible for any accident or disease of a domestic or hybrid
 18 animal resulting from the enforcement of such sections.

19 Sec. 2. Section 71-4402, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 71-4402 (1) Every domestic animal in the State of
 22 Nebraska shall be vaccinated against rabies with a licensed
 23 vaccine and ~~shall be~~ revaccinated at intervals specified by
 24 rules and regulations adopted and promulgated by the department.
 25 Young domestic animals shall be initially vaccinated at the age

1 specified in such rules and regulations. Unvaccinated domestic
2 animals acquired or moved into the State of Nebraska shall be
3 vaccinated within thirty days after purchase or arrival unless
4 under the age for initial vaccination.

5 (2) The rabies vaccine used to vaccinate domestic
6 animals pursuant to this section shall be sold only to licensed
7 veterinarians.

8 ~~(3) The department shall adopt and promulgate rules~~
9 ~~and regulations for the control and prevention of rabies. Such~~
10 ~~rules and regulations shall generally comply with the compendium~~
11 ~~and the recommendations of the United States Public Health~~
12 ~~Service. The department may consider changes in the compendium~~
13 ~~and recommendations of the United States Public Health Service when~~
14 ~~adopting and promulgating such rules and regulations.~~

15 Sec. 3. (1) Every hybrid animal in the State of Nebraska
16 shall be vaccinated against rabies with a licensed vaccine
17 determined scientifically to be reliable in preventing rabies
18 in a hybrid animal and shall be revaccinated at intervals specified
19 by rules and regulations adopted and promulgated by the department.
20 A young hybrid animal shall be initially vaccinated at the age
21 specified in such rules and regulations. An unvaccinated hybrid
22 animal acquired or moved into the State of Nebraska shall be
23 vaccinated within thirty days after purchase or arrival unless
24 under the age for initial vaccination.

25 (2) The rabies vaccine used to vaccinate a hybrid

1 animal pursuant to this section shall be sold only to licensed
2 veterinarians.

3 (3) It is unlawful to own a hybrid animal in this state
4 if no licensed vaccine determined scientifically to be reliable in
5 preventing rabies is available for a hybrid animal.

6 (4) If no licensed vaccine determined scientifically to
7 be reliable in preventing rabies is available for a hybrid animal,
8 an owner of a hybrid animal prior to the effective date of this
9 act may continue to own or harbor such hybrid animal until (a) the
10 hybrid animal dies or physical possession of the hybrid animal is
11 transferred to an owner in another state or (b) one year after the
12 effective date of this act, whichever is shorter, if the hybrid
13 animal is kept by the owner in an enclosure adequate to prevent the
14 escape of the hybrid animal.

15 Sec. 4. The department shall adopt and promulgate rules
16 and regulations for the control and prevention of rabies. Such
17 rules and regulations shall generally comply with the compendium
18 and the recommendations of the United States Public Health
19 Service. The department may consider changes in the compendium
20 and recommendations of the United States Public Health Service when
21 adopting and promulgating such rules and regulations.

22 Sec. 5. Section 71-4403, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-4403 It shall be the duty of each veterinarian, at the
25 time of vaccinating any domestic or hybrid animal, to complete a

1 certificate of rabies vaccination which shall include, but not be
2 limited to, the following information:

3 (1) The owner's name and address;

4 (2) An adequate description of the domestic or hybrid
5 animal, including, but not limited to, such items as the domestic
6 or hybrid animal's breed, sex, age, name, and distinctive markings;

7 (3) The date of vaccination;

8 (4) The rabies vaccination tag number;

9 (5) The type of rabies vaccine administered;

10 (6) The manufacturer's serial number of the vaccine used;

11 and

12 (7) The site of vaccination.

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

15 Sec. 6. Section 71-4404, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-4404 The cost of rabies vaccination shall be borne by
18 the owner of the domestic or hybrid animal.

19 Sec. 7. Section 71-4405, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-4405 (1) The provisions of sections 71-4401 to 71-4412
22 and sections 3 and 4 of this act with respect to vaccination
23 shall not apply to any domestic or hybrid animal owned by a
24 person temporarily remaining within the State of Nebraska for less
25 than thirty days, to any domestic or hybrid animal brought into

1 the State of Nebraska for field trial or show purposes, or to
2 any domestic or hybrid animal brought into the state for hunting
3 purposes for a period of less than thirty days. Such domestic or
4 hybrid animals shall be kept under strict supervision of the owner.
5 It shall be unlawful to bring any domestic or hybrid animal into
6 the State of Nebraska which does not comply with the animal health
7 laws and import rules and regulations of the State of Nebraska
8 which are applicable to domestic or hybrid animals.

9 (2) Domestic or hybrid animals assigned to a research
10 institution or a similar facility shall be exempt from sections
11 71-4401 to 71-4412 and sections 3 and 4 of this act.

12 Sec. 8. Section 71-4406, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-4406 (1) Any animal which is owned by a person and has
15 bitten any person or caused an abrasion of the skin of any person
16 shall be seized by the rabies control authority for a period of not
17 less than ten days if:

18 (a) The animal is suspected of having rabies, regardless
19 of the species and whether or not the animal has been vaccinated;

20 (b) The animal is not vaccinated and is of a species
21 determined by the department to be a rabid species; or

22 (c) The animal is of a species which has been determined
23 by the department to be a rabid species not amenable to rabies
24 protection by immunization, whether or not such animal has been
25 vaccinated.

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

4 (2)(a) Except as provided in subdivision (b) of this
5 subsection, whenever any person has been bitten or has an abrasion
6 of the skin caused by an animal owned by another person, which
7 animal has been vaccinated in accordance with section 71-4402 and
8 section 3 of this act, or if such injury to a person is caused by
9 an owned animal determined by the department to be a rabid species
10 amenable to rabies protection by immunization which has been
11 vaccinated, such animal shall be confined by the owner or other
12 responsible person as required by the rabies control authority for
13 a period of at least ten days and shall be observed and examined by
14 a veterinarian at the end of such ten-day period. If no clinical
15 signs of rabies are found by the veterinarian, such animal may be
16 released from confinement.

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

1 for clinical signs of rabies.

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

12 Sec. 9. Section 71-4407, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-4407 In the case of domestic or hybrid animals known
15 to have been bitten by a rabid animal, the following rules shall
16 apply:

17 (1) If the bitten or exposed domestic or hybrid animal
18 has not been vaccinated in accordance with section 71-4402 and
19 section 3 of this act, such bitten or exposed domestic or hybrid
20 animal shall be immediately destroyed unless the owner is willing
21 to place such domestic or hybrid animal in strict isolation in a
22 kennel under veterinary supervision for a period of not less than
23 six months; and

24 (2) If the bitten or exposed domestic or hybrid animal
25 has been vaccinated in accordance with section 71-4402 and section

1 3 of this act, such domestic or hybrid animal shall be subject to
2 the following procedure: (a) Such domestic or hybrid animal shall
3 be immediately revaccinated and confined for a period of not less
4 than thirty days following vaccination; (b) if such domestic or
5 hybrid animal is not immediately revaccinated, such domestic or
6 hybrid animal shall be confined in strict isolation in a kennel
7 for a period of not less than six months under the supervision
8 of a veterinarian; or (c) such domestic or hybrid animal shall be
9 destroyed if the owner does not comply with either subdivision (a)
10 or (b) of this subdivision.

11 Sec. 10. Section 71-4408, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-4408 (1) The rabies control authority may authorize an
14 animal pound or pounds or may enter into a cooperative agreement
15 with a licensed veterinarian for the establishment and operation of
16 a pound.

17 (2) Any dog or hybrid of the family Canidae found
18 outside the owner's premises whose owner does not possess a valid
19 certificate of rabies vaccination and valid rabies vaccination
20 tag for such dog or hybrid of the family Canidae shall be
21 impounded. The rabies control authority may require the impoundment
22 of domestic or hybrid animals other than dogs or hybrids of the
23 family Canidae. All impounded domestic or hybrid animals shall
24 be given proper care, treatment, and maintenance. Each impounded
25 domestic or hybrid animal shall be kept and maintained at the pound

1 for a period of not less than seventy-two hours unless reclaimed
2 earlier by the owner.

3 (3) Notice of impoundment of all animals, including any
4 significant marks of identification, shall be posted at the pound
5 as public notification of impoundment. Any unvaccinated domestic or
6 hybrid animal may be reclaimed by its owner during the period of
7 impoundment by payment of prescribed pound fees and by complying
8 with the rabies vaccination requirement of sections 71-4401 to
9 71-4412 and sections 3 and 4 of this act within seventy-two hours
10 of release. Any vaccinated domestic or hybrid animal impounded
11 because its owner has not presented a valid certificate of rabies
12 vaccination and a valid rabies vaccination tag for such domestic
13 or hybrid animal may be reclaimed by its owner by furnishing proof
14 of rabies vaccination and payment of all impoundment fees prior to
15 release.

16 (4) At the expiration of impoundment, a domestic or
17 hybrid animal may be claimed by payment of established pound
18 fees and by compliance with the rabies vaccination requirement of
19 sections 71-4401 to 71-4412 and sections 3 and 4 of this act within
20 seventy-two hours of release. If the domestic or hybrid animal is
21 unclaimed at the end of five days, the authorities may dispose of
22 the domestic or hybrid animal in accordance with applicable laws or
23 rules and regulations.

24 Sec. 11. Section 71-4409, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-4409 The rabies control authority shall enforce
2 sections 71-4401 to 71-4412 and sections 3 and 4 of this act.

3 In the event that the health and law enforcement
4 officials of a county, township, city, or village fail to act
5 with sufficient promptness in enforcing sections 71-4401 to 71-4412
6 and sections 3 and 4 of this act, the department may take all
7 actions necessary for the proper administration and enforcement of
8 such sections relating to vaccination and impoundment of domestic
9 or hybrid animals. In such a case no authorized representatives
10 of the department or any law enforcement officials enforcing such
11 sections shall be responsible for any accident or disease of a
12 domestic or hybrid animal resulting from the enforcement of such
13 sections.

14 Sec. 12. Section 71-4410, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-4410 The owner of any domestic or hybrid animal or any
17 person who violates any of the provisions of sections 71-4401 to
18 71-4412 and sections 3 and 4 of this act shall be guilty of a Class
19 V misdemeanor. When the owner of any domestic or hybrid animal or
20 other animal fails or refuses to comply with section 71-4406 or
21 71-4407, the rabies control authority shall obtain an order for
22 seizure of such animal pursuant to Chapter 29, article 8.

23 Sec. 13. Section 71-4412, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-4412 In the State of Nebraska, all laws, ordinances,

1 codes, or rules and regulations concerning the control of rabies or
2 the vaccination of domestic or hybrid animals against rabies shall
3 be enforced by the county, township, city, and village health and
4 law enforcement officials or those other officers with regulatory
5 authority as specified by the governing political subdivisions.

6 Whenever a county, township, city, or village requires
7 the licensure of domestic or hybrid animals, it may require that,
8 before a license is issued for the possession or maintenance of any
9 domestic or hybrid animal in any such county, township, city, or
10 village, the owner or keeper of the domestic or hybrid animal shall
11 furnish to the clerk of such political subdivision a certification
12 that the domestic or hybrid animal has been vaccinated against
13 rabies in accordance with sections 71-4401 to 71-4412 and sections
14 3 and 4 of this act.

15 Sec. 14. Original sections 71-4401, 71-4402, 71-4403,
16 71-4404, 71-4405, 71-4406, 71-4407, 71-4408, 71-4409, 71-4410, and
17 71-4412, Reissue Revised Statutes of Nebraska, are repealed.