

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 25

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,
2 71-4402, 71-4403, 71-4404, 71-4405, 71-4407, 71-4408,
3 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes of
4 Nebraska; to prohibit ownership of hybrid animals as
5 prescribed; to change penalties; and to repeal the original
6 sections.
7 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 and
4 sections 3 and 4 of this act, unless the context otherwise requires

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

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

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

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

18 (5) Hybrid animal means any animal which is the product of
19 the breeding of a (a) domestic animal with a nondomestic animal or (b)
20 nondomestic animal with an animal of a different species, variety, or
21 breed;

22 ~~(5)~~ (6) Own, unless otherwise specified, ~~shall mean~~
23 means to possess, keep, harbor, or have control of, charge of, or
24 custody of a domestic or hybrid animal. This term ~~shall~~ does
25 not apply to domestic or hybrid animals owned by other persons
26 which are temporarily maintained on the premises of a veterinarian or
27 kennel operator for a period of not more than thirty days;

1 ~~(6)~~ (7) Owner ~~shall mean~~ means any person
 2 possessing, keeping, harboring, or having charge or control of any
 3 domestic or hybrid animal or permitting any domestic or hybrid
 4 animal to habitually be or remain on or be lodged or fed within such
 5 person's house, yard, or premises. This term ~~shall~~ does not apply
 6 to veterinarians or kennel operators temporarily maintaining on their
 7 premises domestic or hybrid animals owned by other persons for a
 8 period of not more than thirty days; and

9 ~~(7)~~ (8) Rabies control authority ~~shall mean~~ means
 10 county, township, city, or village health and law enforcement
 11 officials who shall enforce sections 71-4401 to 71-4412 and sections
 12 3 and 4 of this act relating to the vaccination and impoundment of
 13 domestic or hybrid animals. Such public officials ~~shall not be~~
 14 are not responsible for any accident or disease of a domestic or
 15 hybrid animal resulting from the enforcement of such sections

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

18 71-4402. (1) Every domestic animal in the State of Nebraska
 19 shall be vaccinated against rabies with a licensed vaccine and ~~shall~~
 20 ~~be~~ revaccinated at intervals specified by rules and regulations
 21 adopted and promulgated by the department. Young domestic animals
 22 shall be initially vaccinated at the age specified in such rules and
 23 regulations. Unvaccinated domestic animals acquired or moved into the
 24 State of Nebraska shall be vaccinated within thirty days after
 25 purchase or arrival unless under the age for initial vaccination.

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

1 ~~(3) The department shall adopt and promulgate rules and~~
2 ~~regulations for the control and prevention of rabies. Such rules and~~
3 ~~regulations shall generally comply with the compendium and the~~
4 ~~recommendations of the United States Public Health Service. The~~
5 ~~department may consider changes in the compendium and recommendations~~
6 ~~of the United States Public Health Service when adopting and~~
7 ~~promulgating such rules and regulations.~~

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

18 (2) The rabies vaccine used to vaccinate a hybrid animal
19 pursuant to this section shall be sold only to licensed
20 veterinarians.

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

24 (4) If no licensed vaccine determined scientifically to be
25 reliable in preventing rabies is available for a hybrid animal, an
26 owner of a hybrid animal prior to the effective date of this act may
27 continue to own or harbor such hybrid animal until (a) the hybrid

1 animal dies or physical possession of the hybrid animal is
2 transferred to an owner in another state or (b) one year after the
3 effective date of this act, whichever is shorter, if the hybrid
4 animal is kept by the owner in an enclosure adequate to prevent the
5 escape of the hybrid animal.

6 Sec. 4. The department shall adopt and promulgate rules and
7 regulations for the control and prevention of rabies. Such rules and
8 regulations shall generally comply with the compendium and the
9 recommendations of the United States Public Health Service. The
10 department may consider changes in the compendium and recommendations
11 of the United States Public Health Service when adopting and
12 promulgating such rules and regulations.

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

15 71-4403. It shall be the duty of each veterinarian, at the
16 time of vaccinating any domestic or hybrid animal, to complete a
17 certificate of rabies vaccination which shall include, but not be
18 limited to, the following information:

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

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

23 (3) The date of vaccination;

24 (4) The rabies vaccination tag number;

25 (5) The type of rabies vaccine administered;

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

27 and

1 (7) The site of vaccination.

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

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

6 71-4404. The cost of rabies vaccination shall be borne by
7 the owner of the domestic or hybrid animal.

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

10 71-4405. (1) The provisions of sections 71-4401 to 71-4412
11 and sections 3 and 4 of this act with respect to vaccination shall
12 not apply to any domestic or hybrid animal owned by a person
13 temporarily remaining within the State of Nebraska for less than
14 thirty days, to any domestic or hybrid animal brought into the State
15 of Nebraska for field trial or show purposes, or to any domestic or
16 hybrid animal brought into the state for hunting purposes for a
17 period of less than thirty days. Such domestic or hybrid animals
18 shall be kept under strict supervision of the owner. It shall be
19 unlawful to bring any domestic or hybrid animal into the State of
20 Nebraska which does not comply with the animal health laws and import
21 rules and regulations of the State of Nebraska which are applicable to
22 domestic or hybrid animals.

23 (2) Domestic or hybrid animals assigned to a research
24 institution or a similar facility shall be exempt from sections
25 71-4401 to 71-4412 and sections 3 and 4 of this act.

26 Sec. 8. Section 71-4407 Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-4407. In the case of domestic or hybrid animals known
2 to have been bitten by a rabid animal, the following rules shall
3 apply:

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

10 (2) If the bitten or exposed domestic or hybrid animal has
11 been vaccinated in accordance with section 71-4402, such domestic or
12 hybrid animal shall be subject to the following procedure: (a) Such
13 domestic or hybrid animal shall be immediately revaccinated and
14 confined for a period of not less than thirty days following
15 vaccination; (b) if such domestic or hybrid animal is not
16 immediately revaccinated, such domestic or hybrid animal shall be
17 confined in strict isolation in a kennel for a period of not less than
18 six months under the supervision of a veterinarian; or (c) such
19 domestic or hybrid animal shall be destroyed if the owner does not
20 comply with either subdivision (a) or (b) of this subdivision.

21 Sec. 9. Section 71-4408 Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-4408. (1) The rabies control authority may authorize an
24 animal pound or pounds or may enter into a cooperative agreement with
25 a licensed veterinarian for the establishment and operation of a
26 pound.

27 (2) Any dog or hybrid of the family canidae found outside

1 the owner's premises whose owner does not possess a valid certificate
2 of rabies vaccination and valid rabies vaccination tag for such dog
3 or hybrid of the family canidae shall be impounded. The rabies
4 control authority may require the impoundment of domestic or hybrid
5 animals other than dogs or hybrids of the family canidae. All
6 impounded domestic or hybrid animals shall be given proper care,
7 treatment, and maintenance. Each impounded domestic or hybrid animal
8 shall be kept and maintained at the pound for a period of not less
9 than seventy-two hours unless reclaimed earlier by the owner.

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

22 (4) At the expiration of impoundment a domestic or hybrid
23 animal may be claimed by payment of established pound fees and by
24 compliance with the rabies vaccination requirement of sections
25 71-4401 to 71-4412 and sections 3 and 4 of this act within
26 seventy-two hours of release. If the domestic or hybrid animal is
27 unclaimed at the end of five days, the authorities may dispose of the

1 domestic or hybrid animal in accordance with applicable laws or
2 rules and regulations.

3 Sec. 10. Section 71-4409 Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-4409. The rabies control authority shall enforce sections
6 71-4401 to 71-4412 and sections 3 and 4 of this act.

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

17 Sec. 11. Section 71-4410 Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-4410. The owner of any domestic or hybrid animal or any
20 person who violates any of the provisions of sections 71-4401 to
21 71-4412 and sections 3 and 4 of this act shall be guilty of a Class
22 V misdemeanor. When the owner of any domestic or hybrid animal or
23 other animal fails or refuses to comply with section 71-4406 or
24 71-4407, the rabies control authority shall obtain an order for
25 seizure of such animal pursuant to Chapter 29, article 8.

26 Sec. 12. Section 71-4412 Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-4412. In the State of Nebraska, all laws, ordinances,
2 codes, or rules and regulations concerning the control of rabies or
3 the vaccination of domestic or hybrid animals against rabies shall
4 be enforced by the county, township, city, and village health and law
5 enforcement officials or those other officers with regulatory
6 authority as specified by the governing political subdivisions.

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

16 Sec. 13. Original sections 71-4401, 71-4402, 71-4403,
17 71-4404, 71-4405, 71-4407, 71-4408, 71-4409, 71-4410, and 71-4412,
18 Reissue Revised Statutes of Nebraska, are repealed.