

LEGISLATIVE BILL 910

Approved by the Governor April 16, 2024

Introduced by Riepe, 12; Slama, 1; Brewer, 43; Dorn, 30; Dover, 19; Bosn, 25.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 38-1201 and 38-3321, Revised Statutes Cumulative Supplement, 2022; to authorize an emergency medical service to transport an injured law enforcement canine; to authorize emergency care providers to provide emergency medical care to injured law enforcement canines; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 38-1201, Revised Statutes Cumulative Supplement, 2022, is amended to read:

38-1201 Sections 38-1201 to 38-1237 and section 2 of this act shall be known and may be cited as the Emergency Medical Services Practice Act.

Sec. 2. (1) For purposes of this section, law enforcement canine means any canine that is owned or employed in the service of any state or local law enforcement agency, the Department of Correctional Services, any local fire department, or the State Fire Marshal for the purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of criminal offenders.

(2) An emergency medical service validly licensed for emergency transport may transport a law enforcement canine injured in the line of duty to a veterinary clinic or similar facility if there is no person requiring medical attention or transport at that time.

(3) An emergency care provider may provide emergency medical care to a law enforcement canine injured in the line of duty while at the scene of an emergency or while a law enforcement canine is being transported to a veterinary clinic or similar facility if there is no person requiring medical attention or transport at that time.

(4) An emergency care provider who acts in good faith to provide emergency medical care to an injured law enforcement canine pursuant to subsection (2) or (3) of this section shall be immune from criminal or civil liability.

(5) The department may adopt and promulgate rules and regulations to implement the provisions of this section.

Sec. 3. Section 38-3321, Revised Statutes Cumulative Supplement, 2022, is amended to read:

38-3321 No person may practice veterinary medicine and surgery in the state who is not a licensed veterinarian, no person may perform delegated animal health care tasks in the state who is not a licensed veterinary technician or an unlicensed assistant performing such tasks within the limits established under subdivision (2) of section 38-3326, and no person may perform health care therapy on animals in the state who is not a licensed animal therapist. The Veterinary Medicine and Surgery Practice Act shall not be construed to prohibit:

(1) An employee of the federal, state, or local government from performing his or her official duties;

(2) A person who is a student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian;

(3) A person who is a student in an approved veterinary technician program from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian or a licensed veterinary technician;

(4) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated;

(5) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;

(6) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products or from investigating and advising on problems developing from the use of his or her products;

(7) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts;

(8) A member of the faculty of a veterinary school or veterinary science department from performing his or her regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary

science department or in connection with a continuing competency activity;

(9) Any person from selling or applying any pesticide, insecticide, or herbicide;

(10) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(11) Any person from treating or in any manner caring for domestic chickens, turkeys, or waterfowl, which are specifically exempted from the Veterinary Medicine and Surgery Practice Act;

(12) Any person from performing dehorning or castrating livestock, not to include equidae. For purposes of the Veterinary Medicine and Surgery Practice Act, castration shall be limited to the removal or destruction of male testes;

(13) Any person who holds a valid credential in the State of Nebraska in a health care profession or occupation regulated under the Uniform Credentialing Act from consulting with a licensed veterinarian or performing collaborative animal health care tasks on an animal under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian;

(14) A person from performing a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, if the procedure is being performed by a person who (a) holds a doctorate degree in animal science with an emphasis in reproductive physiology from an accredited college or university and (b) has and can show proof of valid professional liability insurance; ~~or~~

(15) Any person engaging solely in equine, cat, and dog massage practice; ~~or~~

(16) An emergency care provider providing emergency medical care to a law enforcement canine injured in the line of duty as described in section 2 of this act.

Sec. 4. This act becomes operative on July 1, 2025.

Sec. 5. Original sections 38-1201 and 38-3321, Revised Statutes Cumulative Supplement, 2022, are repealed.