

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 573**

Introduced by Landis, 46

Read first time January 19, 1999

Committee: Agriculture

A BILL

- 1 FOR AN ACT relating to animals; to adopt the Controlled Substances
- 2 Animal Welfare Act.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. This act shall be known and may be cited as  
2 the Controlled Substances Animal Welfare Act.

3           Sec. 2. The purpose of the Controlled Substances Animal  
4 Welfare Act is to allow animal welfare organizations and animal  
5 control authorities to obtain proper controlled substances for the  
6 purpose of humane euthanasia of seized, stray, injured, sick,  
7 homeless, abandoned, or unwanted domesticated and nondomesticated  
8 or wild animals.

9           Sec. 3. For purposes of the Controlled Substances Animal  
10 Welfare Act:

11           (1) Animal control authority means any governmental  
12 entity authorized to enforce animal control or wildlife ordinances,  
13 resolutions, or laws of a county, city, village, or of this state  
14 and includes any state or local enforcement officers whose duties  
15 involve the seizure, impoundment, boarding, or kenneling of stray,  
16 injured, sick, homeless, abandoned, or unwanted domesticated and  
17 nondomesticated or wild animals for the purpose of protection and  
18 humane treatment of animals;

19           (2) Animal welfare organization means a Nebraska  
20 nonprofit corporation whose purpose is promoting the welfare,  
21 protection, and humane treatment of animals, and whose activities  
22 may include the seizure, impoundment, boarding, or kenneling of  
23 stray, injured, sick, homeless, abandoned, or unwanted animals;

24           (3) Euthanizing drug means sodium pentobarbital or any  
25 controlled substance used for the purpose of humane euthanasia of  
26 seized, stray, injured, sick, homeless, abandoned, or unwanted  
27 animals; and

28           (4) Veterinarian means a person authorized by law to

1 practice veterinary medicine in this state.

2           Sec. 4. Possession and administration of a euthanizing  
3 drug by an animal welfare organization or animal control authority  
4 shall be pursuant to a collaborating veterinarian agreement. A  
5 collaborating veterinarian agreement is between a veterinarian and  
6 an animal welfare organization or an animal control authority and  
7 includes:

8           (1) Designation of the responsible individual or  
9 individuals for the animal welfare organization or animal control  
10 authority;

11           (2) Provisions for the proper storage and inventory of  
12 the euthanizing drugs;

13           (3) Maintenance of effective controls against the  
14 diversion of such drugs; and

15           (4) Provisions for proper training of any animal welfare  
16 organization or animal control authority staff whose duties include  
17 administering a euthanizing drug. Such training includes  
18 information in at least the following areas: The pharmacology,  
19 proper administration, and storage of euthanizing drugs; federal  
20 and state laws regulating the storage and inventory of euthanizing  
21 drugs; stress management; and proper disposal of euthanized  
22 animals.

23           Pursuant to a collaborating veterinarian agreement, a  
24 veterinarian shall maintain a separate registration at the  
25 principal place of business of the animal welfare organization or  
26 animal control authority.

27           Sec. 5. If a veterinarian assists an animal welfare  
28 organization or animal control authority in obtaining euthanizing

1 drugs pursuant to a collaborating veterinarian agreement authorized  
2 by the Controlled Substances Animal Welfare Act, such veterinarian  
3 is not liable for any acts or omissions on the part of the animal  
4 welfare organization or animal control authority, except that  
5 disciplinary action may be taken against the separate registration  
6 pursuant to section 28-409. The animal welfare organization or  
7 animal control authority is liable under the Uniform Controlled  
8 Substances Act for acts or omissions on the part of its staff  
9 members.