

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 61

Introduced by Halloran, 33.

Read first time January 10, 2019

Committee: Agriculture

1 A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402,
2 71-4402.03, 71-4406, and 71-4407, Reissue Revised Statutes of
3 Nebraska; to redefine terms; to change and eliminate provisions
4 relating to vaccination and rules and regulations; to change
5 provisions relating to seizure, confinement, testing, and
6 disposition of a domestic animal and postexposure management of
7 domestic animals and livestock; to harmonize provisions; to repeal
8 the original sections; and to outright repeal section 71-4402.01,
9 Reissue Revised Statutes of Nebraska.
10 Be it enacted by the people of the State of Nebraska,

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

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

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

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

9 (3) ~~(1)~~ Domestic animal means any dog of the species Canis
10 familiaris, or cat of the species Felis domesticus, or ferret of the
11 species Mustela putorius furo, and cat means a cat which is a household
12 pet;

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

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

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

28 (7) Rabies control authority means county, township, city, or
29 village health and law enforcement officials who shall enforce sections
30 71-4401 to 71-4412 relating to the vaccination and impoundment of
31 domestic or hybrid animals. Such public officials are not responsible for

1 any accident or disease of a domestic or hybrid animal resulting from the
2 enforcement of such sections; and

3 ~~(8) (2)~~ Vaccination against rabies means the inoculation of a
4 domestic or hybrid animal with a United States Department of Agriculture-
5 licensed rabies vaccine administered consistent with its labeling as
6 approved by the rules and regulations adopted and promulgated by the
7 department. Such vaccination shall be performed by a veterinarian duly
8 licensed to practice veterinary medicine in the State of Nebraska or
9 licensed in the state where the vaccination was administered. †

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

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

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

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

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

29 ~~(8)~~ Rabies control authority means county, township, city, or
30 village health and law enforcement officials who shall enforce sections
31 71-4401 to 71-4412 relating to the vaccination and impoundment of

1 ~~domestic or hybrid animals. Such public officials are not responsible for~~
2 ~~any accident or disease of a domestic or hybrid animal resulting from the~~
3 ~~enforcement of such sections.~~

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

6 71-4402 (1) Every domestic animal in the State of Nebraska shall be
7 vaccinated against rabies with a licensed vaccine and revaccinated at
8 intervals consistent with the vaccine labeling specified by rules and
9 regulations adopted and promulgated by the department. Young domestic
10 animals shall be initially vaccinated at three months of the age,
11 revaccinated one year later, and given booster vaccinations at intervals
12 consistent with the vaccine labeling specified in such rules and
13 regulations. Unvaccinated domestic animals acquired or moved into the
14 State of Nebraska shall be vaccinated within thirty days after purchase
15 or arrival unless under the age for initial vaccination.

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

18 Sec. 3. Section 71-4402.03, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-4402.03 The department shall adopt and promulgate rules and
21 regulations for the control and prevention of rabies. Such rules and
22 regulations shall generally comply with the compendium and the
23 recommendations of the Centers for Disease Control and Prevention of the
24 United States Public Health Service of the United States Department of
25 Health and Human Services. The department may consider changes in the
26 compendium and recommendations of the Centers for Disease Control and
27 Prevention of the United States Public Health Service of the United
28 States Department of Health and Human Services when adopting and
29 promulgating such rules and regulations.

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

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

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

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

10 ~~(c) The animal is of a species which has been determined by the~~
11 ~~department to be a rabid species not amenable to rabies protection by~~
12 ~~immunization, whether or not such animal has been vaccinated.~~

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

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

28 ~~(b) A vaccinated animal owned by a law enforcement or governmental~~
29 ~~military agency which bites or causes an abrasion of the skin of any~~
30 ~~person during training or the performance of the animal's duties may be~~
31 ~~confined as provided in subdivision (a) of this subsection. Such agency~~

1 ~~shall maintain ownership of and shall control and supervise the actions~~
2 ~~of such animal for a period of fifteen days following such injury. If~~
3 ~~during such period the death of the animal occurs for any reason, a~~
4 ~~veterinarian shall within twenty-four hours of the death examine the~~
5 ~~tissues of the animal for clinical signs of rabies.~~

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

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

17 71-4407 Domestic ~~In the case of domestic or hybrid animals or~~
18 livestock known to have been exposed to bitten by a confirmed or
19 suspected rabid animal, the following rules shall be subjected to
20 postexposure management as provided in rules and regulations adopted and
21 promulgated by the department. apply:

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

28 (2) ~~If the bitten or exposed domestic or hybrid animal has been~~
29 ~~vaccinated in accordance with sections 71-4402 and 71-4402.02, such~~
30 ~~domestic or hybrid animal shall be subject to the following procedure:~~

31 (a) ~~Such domestic or hybrid animal shall be immediately revaccinated and~~

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

8 Sec. 6. Original sections 71-4401, 71-4402, 71-4402.03, 71-4406,
9 and 71-4407, Reissue Revised Statutes of Nebraska, are repealed.

10 Sec. 7. The following sections is outright repealed: Section
11 71-4402.01, Reissue Revised Statutes of Nebraska.