

ANIMAL IMPORTATION ACT AND RELATED STATUTE

Administration: These statutes are administered by the Nebraska Department of Agriculture, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402) 471-2351.

Revisions: The provisions of these statutes were last revised during the 2013 Nebraska Legislature.

Rules: A regulation has been promulgated under these statutes, known as Title 23, Chapter 2, Nebraska Administrative Code - Animal Importation Regulations.

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54-753.05. Importation of livestock; embargo; violation; penalty. Any person who shall import livestock or cause livestock to be imported into the State of Nebraska in violation of an embargo issued by the State Veterinarian of Nebraska shall be guilty of a Class IV felony.

54-784.01. Act, how cited. Sections 54-784.01 to 54-796 shall be known and may be cited as the Animal Importation Act.

54-785. Purpose of act. The purpose of the Animal Importation Act shall be to protect the health of animals in Nebraska by regulating or prohibiting certain activities relating to the importation of animals into Nebraska. Such regulations and prohibitions are controls which are essential to the prevention of the transference into this state of dangerous, infectious, contagious, or otherwise transmissible diseases among animals. The methods provided for in the act are in accordance with the purpose and intent of sections 54-701 to 54-705.

54-786. Terms, defined. For purposes of the Animal Importation Act, unless the context otherwise requires:

(1) Animal means all vertebrate members of the animal kingdom, except humans, fish, amphibians, and reptiles; and

(2) Bureau means the Bureau of Animal Industry of the Department of Agriculture.

54-787. Unlawful acts; transmissible disease. It shall be unlawful for any person to bring, cause to be brought, or aid in bringing into this state any animal which he or she knows to be infected with, exposed to, or suspected of having been exposed to any dangerous, infectious, contagious, or otherwise transmissible disease, or which he or she knows has originated in a quarantined area, herd, or flock, except by permit issued by the bureau.

54-788. Certificate of veterinary inspection; requirements; exceptions. (1) Except as otherwise provided in this section, all animals brought into this state shall be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection shall state on its face the destination of the animal and shall meet the requirements for issuance, approval, content, and filing prescribed by the Department of Agriculture through rules and regulations. The following animals are not required to be accompanied by a certificate of veterinary inspection: (a) Animals brought directly to a federally recognized slaughter establishment; (b) cattle, swine, horses, sheep, and goats brought from the farm or ranch of origin directly to an establishment approved under 9 C.F.R. part 71, 75, 78, 79, or 85; (c) poultry under eight weeks of age accompanied by a VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults", and classified prior to movement into Nebraska as pullorum and typhoid clean or equivalent status pursuant to 9 C.F.R. 145, the National Poultry Improvement Plan; and (d) animals moving directly to a veterinary clinic for diagnosis, treatment, or health examination.

(2) The bureau may require through rules and regulations that a prior entry permit be obtained for animals if the bureau deems such a permit necessary for the protection of the health of domestic animals in the state. If the bureau determines that a prior entry permit is required, the person importing or transporting the animals into the state shall obtain such a permit from the bureau.

54-789. Individual identification of cattle; Department of Agriculture; powers; State Veterinarian; powers. (1) Except as otherwise provided in this section, individual identification of cattle imported into Nebraska shall not be required if (a) the cattle

are identified by a registered brand and accompanied by an official brand inspection certificate issued by the recognized brand inspection authority of the state of origin and (b) such cattle are imported directly from a mandatory brand inspection area of any state.

(2) The Department of Agriculture may require cattle imported into Nebraska to be identified by individual identification to enter the state if the Director of Agriculture determines that:

(a) The state of origin recognized brand registration or brand inspection procedures and documentation are insufficient to enable the tracing of individual animals to the animal's herd of origin;

(b) Identification by brand alone is in conflict with a standard of federal law or regulation regarding identification of cattle moved into Nebraska; or

(c) The cattle originate from a location that is not a tuberculosis accredited-free state or zone pursuant to 9 C.F.R. 77.7 or is not designated a brucellosis Class Free or Class A state or area pursuant to 9 C.F.R. 78.41, as such regulations existed on January 1, 2013.

(3) At no time shall a registered brand inspection certificate be used in lieu of a certificate of veterinary inspection.

(4) This section does not limit the authority of the State Veterinarian to issue import orders imposing additional requirements for animals imported into Nebraska from any state, country, zone, or other area, including requirements relating to identification.

(5) For purposes of this section:

(a) Individual identification means a device or method approved by the Department of Agriculture of uniquely identifying a specific animal to its herd of origin and is not synonymous with official identification; and

(b) Official identification means identifying an animal or group of animals using devices or methods approved by the Veterinary Services Office of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of inspection from a recognized brand inspection authority.

54-790. Certificate of veterinary inspection; required. It shall be unlawful for any person to bring, cause to be brought, or aid in bringing into this state any animal which is not accompanied by a certificate of veterinary inspection as required by section 54-788.

54-791. Diverting animal from destination; unlawful; exception. It shall be unlawful for any person to cause any animal to be diverted from the destination stated on the certificate of veterinary inspection as required by section 54-788 except by permit issued by the bureau.

54-792. Bringing bovine calf into state; unlawful; when; exceptions. Notwithstanding any other provision of the Animal Importation Act, it shall be unlawful for any person to bring, cause to be brought, or aid in bringing into this

state for the purpose of resale any bovine calf that is both under two hundred pounds in weight and not accompanied by its female parent, except that (1) a bovine calf under two hundred pounds in weight need not be accompanied by its female parent if such calf is brought from the farm or ranch where calved directly to any establishment approved under 9 C.F.R. part 78 or (2) a resident of Nebraska or agent for such resident may bring such calf into this state in accordance with procedures adopted by the Department of Agriculture through rules and regulations.

54-793. Bureau; power to quarantine; rules and regulations. (1) The bureau shall have the authority to place in quarantine at the expense of the owner any animal which has been brought into this state in violation of the Animal Importation Act. Any quarantine so imposed shall remain in effect until released by the bureau.

(2) The Department of Agriculture may adopt and promulgate rules and regulations to aid in the administration and enforcement of the act.

54-794. Removing animal placed in quarantine; unlawful. It shall be unlawful for any person to remove any animal which has been placed in quarantine pursuant to the provisions of either section 54-701 or 54-793 from the place of quarantine until such quarantine shall be released by the bureau.

54-795. Quarantined area; additional animals; bureau notified. The bureau shall be notified whenever additional animals are placed within a quarantined area, and such quarantine may be amended accordingly by the bureau.

54-796. Enforcement powers; county attorney; Attorney General; duties; violations; penalties. (1) The Department of Agriculture may apply for a restraining order or a temporary, permanent, or mandatory injunction against any person violating or threatening to violate the Animal Importation Act or the rules and regulations adopted and promulgated thereunder in order to insure compliance with the act. The district court of the county where the violation is occurring or is about to occur shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond.

(2) It shall be the duty of the Attorney General or the county attorney of the county in which violations of the act are occurring or are about to occur, when notified of such violations or threatened violations by the department, to cause appropriate proceedings under subsection (1) of this section to be instituted and pursued in the district court without delay. It shall also be the duty of the Attorney General or county attorney of the county in which violation of the act occurred to prosecute violations under subsection (3) of this section without delay.

(3) Any person violating the provisions of the act or the rules and regulations adopted and promulgated pursuant to the act shall be guilty of a Class III misdemeanor for the first offense and a Class II misdemeanor for each subsequent offense.

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