

Revised
September, 1995

NEBRASKA BOVINE BRUCELLOSIS ACT

Administration: This Act is administered by the Nebraska Department of Agriculture, Bureau of Animal Industry, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402) 471-2351.

Revisions: The provisions of this Act were revised during the 1995 session of the Nebraska Legislature. This reproduction was prepared following that session.

Rules: A regulation has been promulgated under this Act, known at Title 23, Chapter 3, Nebraska Administrative Code - Cattle Brucellosis Regulations.

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(12) Infected herd shall mean a herd that contains or has contained an infected animal and has not yet been released from quarantine;

(13) Exposed herd shall mean a herd containing an exposed animal; and

(14) Herd shall mean a group of animals of like species maintained on common ground, or two or more groups of animals under common ownership or control on separate premises with an interchange of animals.

54-1369. Department; conduct market livestock brucellosis testing program. The department shall continually conduct a market livestock brucellosis testing program. Under the program, the department may require the brucellosis testing of market livestock whenever such animals are moving in commerce through markets, concentration points, or slaughter establishments, or whenever market livestock are sold at private treaty. The provisions of the market livestock brucellosis testing program shall be set out in adopted and promulgated rules and regulations.

54-1370. Department; conduct brucellosis eradication program. The department shall continually conduct a brucellosis eradication program. Under the program, the department shall quarantine and require the brucellosis testing of eligible animals that are known to have been exposed to animals infected with or exposed to brucellosis, and animals reasonably suspected of having been so exposed. Under the brucellosis eradication program, the department shall also quarantine and require the brucellosis testing of eligible animals imported into Nebraska in violation of brucellosis-related importation requirements. In addition, the department may prohibit the addition of animals into known infected or exposed herds. The provisions of the brucellosis eradication program shall be set out in duly adopted and promulgated rules and regulations.

54-1371. Brucellosis testing; owner responsibilities; violation; penalty; Brucellosis Control Cash Fund; created; use; investment.

(1) Whenever brucellosis testing is performed under section 54-1369 with respect to a sale at private treaty or under section 54-1370, the owner of the animals shall be responsible for gathering, confining, and restraining the animals to be tested and shall provide the necessary facilities and assistance. With respect to tests conducted at markets, concentration points, or slaughter establishments, the responsibility shall be borne by the owner of the establishment.

(2) Any person failing to carry out the responsibilities set out under subsection (1) of this section shall be guilty of a Class IV misdemeanor.

(3) Whenever any person fails to carry out the responsibilities set out under subsection (1) of this section, the department shall perform such functions. Upon completion of the testing, the department shall determine its actual costs incurred in handling the livestock and conducting the testing and notify the responsible person in writing. The responsible person shall reimburse the department its actual costs within fifteen days following the date of the notice. Any person failing to reimburse the department as required shall be assessed a penalty of up to twenty-five percent of the amount due for each thirty days of delinquency.

(4) All money received by the department under subsection (3) of this section shall be remitted to the State Treasurer for credit to the Brucellosis Control Cash Fund, which fund is hereby created. Expenditures from the fund may be made to conduct brucellosis testing under the Nebraska Bovine Brucellosis Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

54-1372. Reactor animals; owner responsibility. Whenever reactors are disclosed on a brucellosis test, it shall be the responsibility of the owner to see that such animals are properly branded and promptly moved to slaughter. The requirements of the department governing the handling of reactor animals shall be set out in duly adopted and promulgated rules and regulations.

54-1373. Exposed animals; owner responsibility. Whenever exposed animals are moving in commerce, it shall be the responsibility of the owner to see that such animals are properly branded, if so required by the department, and to move such animals in accordance with any restrictions imposed by the department. The requirements of the department governing the handling of exposed animals shall be set out in duly adopted and promulgated rules and regulations.

54-1374. Removal of infected or exposed animals; owner; responsibilities. Following the removal of infected or exposed animals, the premises shall be cleaned and disinfected by the owner under the supervision of the department, in accordance with the rules and regulations duly adopted and promulgated by the department.

54-1375. Official brucellosis vaccination program; department develop and administer; brucellosis vaccine; department; duties.

(1) The department shall develop and administer an official brucellosis vaccination program. The provisions of the program shall be consistent with good animal health practice in the control and eradication of brucellosis, and shall be set out in duly adopted and promulgated rules and regulations.

(2) For the protection of the livestock industry and to aid in achieving the purposes of sections 54-1367 to 54-1384, the department shall regulate the sale and use of brucellosis vaccine. The department may restrict the sale and use of brucellosis vaccine to qualified persons and shall require detailed record keeping and reporting by persons involved in the sale or use of vaccine. The regulation of brucellosis vaccine shall be set out in duly promulgated regulations.

54-1376. Livestock subject to sections; investigation and record-keeping requirements. The department shall require specific forms of identification to be applied to livestock subject to the provisions of sections 54-1367 to 54-1384, and to require appropriate record keeping and reporting regarding such identification by persons owning or handling such livestock. The requirements of the department governing the identification of livestock subject to the provisions of sections 54-1367 to 54-1384 shall be set out in duly promulgated regulations.

54-1377. Diverting designated livestock; removing or altering identification; violations; penalty. Whenever, in accordance with the provisions of sections 54-1367 to 54-1384, livestock are required or designated to move to a particular destination, it shall be unlawful to divert the livestock from such destination without having first obtained permission from the department. Any person unlawfully diverting livestock or directly or indirectly removing or altering the identification of livestock to be so moved shall be guilty of a Class IV misdemeanor.

54-1378. Department; power to require permits and records. In adopting and promulgating rules and regulations governing the handling of brucellosis infected or exposed animals, or animals reasonably suspected of being infected or exposed, the department may require persons to obtain permits from the department prior to engaging in designated activities. Such persons may also be required to maintain necessary records in conjunction with such activities or to file reports with the department.

54-1379. Department; cooperate with U.S. Department of Agriculture. In administering sections 54-1367 to 54-1384 and conducting the programs authorized under such sections, the department shall cooperate with the United States Department of Agriculture and, insofar as reasonably practical, conform its activities to the provisions of that department's guidelines known as the Uniform Methods and Rules for Brucellosis Eradication.

54-1380. Costs; by whom paid. All activities in connection with the implementation of sections 54-1367 to 54-1384 shall be available to livestock owners without expense as long as funds for such activities have been appropriated and are available, except for the cost of handling livestock and the cost of brucellosis vaccine. When funds are not available, the owner

shall nevertheless continue the program at his or her own expense.

54-1381. Department; access to premises. In administering sections 54-1367 to 54-1384, the agents and employees of the department shall have access to any premises where livestock may be, when such persons have reasonable cause to believe that such livestock may be infected with or may have been exposed to brucellosis.

54-1382. Department; adopt rules and regulations. The department shall adopt and promulgate rules and regulations to aid in implementing the Nebraska Bovine Brucellosis Act. The rules and regulations may include, but need not be limited to, provisions governing:

(1) The conduct of the market livestock testing program, including provisions governing when, where, how, and by whom testing is to be done; what animals are to be tested; and how test results are to be recorded and reported;

(2) The conduct of the brucellosis eradication program, including when, where, how, by whom, and how often testing is to be done; what animals are to be tested; and how test results are to be recorded and reported. The rules and regulations may also include provisions designed to maintain or enhance the federal designation of brucellosis areas within the state and provisions for certifying herds for brucellosis status;

(3) The issuance and release of brucellosis quarantines and the requirements regarding the handling, movement, and disposition of livestock under quarantine;

(4) The testing of livestock to detect brucellosis, including which tests are to be deemed official, by whom the tests are to be administered, how the tests are to be conducted, the reaction tolerances to be recognized, and the classification of results as to negative, suspect, or reactor animals. The rules and regulations shall be consistent with the best available scientific information relative to the control and eradication of brucellosis;

(5) The assessment of penalties under subsection (3) of section 54-1371;

(6) The branding and disposition of reactors, including the brand to be used and how it is to be placed, and when and how branding and shipment to slaughter are to be performed;

(7) The branding and handling of exposed animals, including the brand to be used and how it is to be placed, and when and how branding and movement are to be performed;

(8) The cleaning and disinfecting of premises, including the materials to be used, the procedures to be used, and when such procedures are to be performed;

(9) The official brucellosis vaccination program, including the vaccines allowed to be used, the permitted concentrations, the age of the animals to be vaccinated, the effect of vaccination on the interpretation of test results, and the sale and use of vaccine;

(10) The identification of animals subject to the act, including exposed and infected animals, vaccinated animals, and animals tested and to be tested;

(11) The issuance of permits under section 54-1378;

(12) Compliance with the provisions of the Uniform Methods and Rules for Brucellosis Eradication;

(13) The payment for activities and services conducted under the act;

(14) The preparation, maintenance, handling, and filing of records and reports by persons subject to the act, regarding activities performed in accordance with the act, including the vaccination, testing, branding, or movement of animals that may have been infected with or exposed to brucellosis; and

(15) Any other areas deemed necessary by the department to effectively control and eradicate brucellosis.

54-1383. Department; judicial remedies available; county attorney; duties. (1) The department may apply for a restraining order or a temporary or permanent injunction, or mandatory injunction, against any person violating or threatening to violate sections 54-1367 to 54-1384 or the requirements of the rules and regulations adopted and promulgated under sections 54-1367 to 54-1384, in order to insure compliance with such provisions. 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 county attorney of the county in which any violation occurs or is about to occur, when notified of such violation or threatened violation by the department, to cause appropriate proceedings under subsection (1) of this section to be instituted and pursued without delay.

54-1384. Violation; penalty. Any person violating sections 54-1367 to 54-1384 shall, unless another penalty is specifically provided, be guilty of a Class IV misdemeanor.

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