

GENERAL POWERS AND  
MISCELLANEOUS ANIMAL HEALTH STATUTES

Administration: This compilation of general powers (§§54-701 through 54-705 and §§81-202 through 81-202.02) and miscellaneous statute sections are, *only as designated*, administered by the Nebraska Department of Agriculture, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509.  
Telephone: (402) 471-2351.

Revisions: These statutes were last revised during the 2014 session of the Nebraska Legislature.

Rules: Regulations have been promulgated at least in part under the authority of these Chapters 54 and 81 sections, as follows:

- Title 23, Chapter 1, Nebraska Administrative Code - Livestock Disease Reporting
- Title 23, Chapter 2, Nebraska Administrative Code - Animal Importation
- Title 23, Chapter 4, Nebraska Administrative Code - Swine Brucellosis
- Title 23, Chapter 5, Nebraska Administrative Code - Cattle Tuberculosis
- Title 23, Chapter 6, Nebraska Administrative Code - Cattle Scabies
- Title 23, Chapter 7, Nebraska Administrative Code - Hog Cholera
- Title 23, Chapter 8, Nebraska Administrative Code - Anthrax
- Title 23, Chapter 9, Nebraska Administrative Code - Poultry Disease Control
- Title 23, Chapter 11, Nebraska Administrative Code - Livestock Dealer
- Title 23, Chapter 12, Nebraska Administrative Code - Livestock Auction Market
- Title 23, Chapter 15, Nebraska Administrative Code - Pseudorabies
- Title 23, Chapter 16, Nebraska Administrative Code - Domesticated Cervine Animal
- Title 23, Chapter 17, Nebraska Administrative Code - Livestock Composting

Index

<u>Section</u>	<u>Subject</u>
54-701 . . . . .	Prevention of diseases; power of Department of Agriculture; Bureau of Animal Industry.
54-701.01 . . . . .	Domestic animals; prevention of diseases; purchase of test animals.
54-701.02 . . . . .	Animal disease control; legislative findings; department; duties.
54-701.03 . . . . .	Terms, defined.
54-702 . . . . .	Voluntary national uniform system of animal identification; department; powers.
54-702.01 . . . . .	Uniform system of animal identification; information; restrictions on disclosure; violations; penalty.
54-703 . . . . .	Prevention of diseases; enforcement; inspections; rules and regulations.

54-704	Prevention of diseases; federal agents; powers.
54-705	Prevention of diseases; orders of department; enforcement.
54-742	Diseased animals; duty to report; livestock disease reporting system; animal infected with bovine trichomoniasis; report required; notice to adjacent landowner or land manager; form or affidavit submitted to department; department; duties; costs.
54-743	Diseased animals; destruction; duty to dispose of carcasses.
54-744	Dead animals; carcasses; manner of disposition.
54-744.01.	Dead animals; carcasses; disposal facilities; registration; when.
54-745	Unburied carcasses; disposition by sheriff; expenses; owner liable.
54-746	Diseased animals; removal from county; permit required; when.
54-747	Diseased animals; order for destruction; notice; protest; examination.
54-750	Diseased animals; harboring or sale prohibited; penalties.
54-751	Rules and regulations; violations; penalties.
54-752	Violations; penalties.
54-753	Prevention of disease; writ of injunction available.
81-202	Department of Agriculture; Bureau of Animal Industry; State Veterinarian; exercise of powers.
81-202.01	State Veterinarian; office created; appointment; salary; qualifications.
81-202.02	State Veterinarian; rules and regulations; adoption.
71-1801	Pathogenic microorganisms; sale and distribution; permit required.
71-1802	Permit; Department of Health and Human Services, authority; certification to State Veterinarian.
71-1803	Permit; State Veterinarian, authority; rules and regulations.
71-1804	Permit; duration; abrogation; renewal.
71-1805	Violation; penalty.

54-701. Prevention of diseases; power of Department of Agriculture; Bureau of Animal Industry. (1) The Department of Agriculture shall be vested with the power and charged with the duties of protecting the health of livestock in Nebraska and determining and employing the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, infectious, contagious, or otherwise transmissible diseases among livestock and such diseases transmissible from other animals to livestock. To that end, the department may place in quarantine any county or part of any county, any private premises, or any private or public stockyards and may quarantine any animal infected with such disease or which has been or is suspected of having been exposed to infection therefrom, may kill any animal so infected, and may regulate or prohibit the arrival into and departure from and

movement within the state of any animal infected with such disease or exposed or suspected of having been exposed to the cause, infection, or contagion therefrom. At the cost of the owner, the department may detain any animal found in violation of any departmental or statutory regulation or prohibition.

(2) The department may adopt, promulgate, and enforce such rules and regulations as may be necessary for the supervision and control of manufactured and refined food for animals to prevent deleterious substances being present in human foods of animal origin and the manufacture, importation, sale, and storage of any biological material including semen, remedy, or curative agent for use on or in any animal that may be capable of causing or spreading disease, and as far as practicable such rules and regulations approved by the United States Department of Agriculture shall be adopted. All of the powers and duties of the department with reference to the protection of the health of livestock shall be exercised by and through the Bureau of Animal Industry.

54-701.01. Domestic animals; prevention of diseases; purchase of test animals. The Department of Agriculture is authorized to purchase test animals for use of the department in connection with the treatment, suppression, and eradication of any livestock disease.

54-701.02. Animal disease control; legislative findings; department; duties. The Legislature finds and declares that animal disease control is essential to the livestock industry and the health of the economy of this state. In carrying out its powers and duties, the department shall evaluate activities resulting from the following subdivisions to determine their relevance to protecting the health of livestock and review its available resources. When department funds and personnel are available and such activities are determined by the department to be relevant, feasible, and consistent with the purpose of Chapter 54, article 7, the department:

(1) Shall develop a statewide livestock emergency response system capable of coordinating and executing a rapid response to the incursion, or potential incursion, of a dangerous livestock disease episode which poses a threat to the health of the state's livestock and could cause a serious economic impact on the state;

(2) Shall conduct surveillance to monitor program disease control and eradication programs;

(3) Shall conduct surveillance to detect and monitor nonprogram diseases which are, or have the potential of, causing a serious health threat to livestock. The department shall determine and employ the most efficient and practical means to conduct surveillance for livestock diseases at such places as in livestock herds, at slaughter establishments, at livestock concentration points, and at other places where livestock are assembled. When the diseases are nonprogram diseases, surveillance shall be done when in concurrence with the owner of the premises where the surveillance is to be conducted, except that if the State Veterinarian determines, in consultation and agreement with the respective livestock health committee described in subdivision (4) of this section, that the diseases may pose a serious threat to the

livestock industry, the State Veterinarian may order surveillance to be conducted at any place where livestock are assembled. If an agreement between the State Veterinarian and the respective livestock health committee cannot be reached, the final decision shall be made by the director;

(4) Shall encourage involvement from livestock producers by forming livestock health committees to provide ways for producers to assist the department in developing policy regarding livestock disease issues. Membership of such committees shall be selected by the respective livestock groups. Additional appointments may be made by the director. The purpose of the committees is to advise and recommend, to the department, when a disease or diseases should be monitored by surveillance and what diseases should be considered for proposed legislation for a disease control eradication program;

(5) Shall provide voluntary livestock certification programs as provided in sections 54-797 to 54-7,103;

(6) Shall assist public health agencies, diagnostic laboratories, and researchers in conducting epidemiological studies of diseases known to be, or suspected of being, transmitted from livestock to humans;

(7) Shall cooperate and contract with persons or local, state, and national organizations, public or private, and enter into agreements with other state or federal agencies to allow such agencies' personnel to work in Nebraska and to allow the department's personnel to work in other states or with federal agencies under a cooperative work program; and

(8) Shall encourage the use of private accredited veterinarians whenever feasible in carrying out the provisions of sections 54-701 to 54-753.05 and 54-797 to 54-7,103.

54-701.03. Terms, defined. For purposes of sections 54-701 to 54-753.05 and 54-797 to 54-7,103:

(1) Accredited veterinarian means a veterinarian duly licensed by the State of Nebraska and approved by the administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture in accordance with 9 C.F.R. part 161, as such regulation existed on January 1, 2013;

(2) Animal means all vertebrate members of the animal kingdom except humans or wild animals at large;

(3) Bureau of Animal Industry means the Bureau of Animal Industry of the Department of Agriculture of the State of Nebraska and includes the State Veterinarian, deputy state veterinarian, veterinary field officers, livestock inspectors, investigators, and other employees of the bureau;

(4) Dangerous disease means a disease transmissible to and among livestock which has the potential for rapid spread, serious economic impact or serious threat to livestock health, and is of major importance in the trade of livestock and livestock products;

(5) Department means the Department of Agriculture of the State of Nebraska;

(6) Director means the Director of Agriculture of the State of Nebraska or his or her designee;

(7) Domesticated cervine animal means any elk, deer, or other member of the family cervidae legally obtained from a facility which has a license, permit, or registration authorizing domesticated cervine animals which has been issued by the state where the facility is located and such animal is raised in a confined area;

(8) Exposed means being part of a herd which contains or has contained an animal infected with a disease agent which affects livestock or having had a reasonable opportunity to come in contact with an infective disease agent which affects livestock;

(9) Herd means any group of livestock maintained on common ground for any purpose or two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of livestock without regard to health status;

(10) Livestock means cattle, swine, sheep, horses, mules, goats, domesticated cervine animals, ratite birds, and poultry;

(11) Poultry means domesticated birds that serve as a source of eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, and geese;

(12) Program disease means a livestock disease for which specific legislation exists for disease control or eradication;

(13) Quarantine means restriction of (a) movement imposed by the department on an animal, group of animals, or herd of animals because of infection with, or exposure to, a disease agent which affects livestock and (b) use of equipment, facilities, land, buildings, and enclosures which are used or have been used by animals infected with, or suspected of being infected with, a disease agent which affects livestock;

(14) Ratite bird means any ostrich, emu, rhea, kiwi, or cassowary;

(15) Sale means a sale, lease, loan, trade, barter, or gift;

(16) Surveillance means the collection and testing of livestock blood, tissue, hair, body fluids, discharges, excrements, or other samples done in a herd or randomly selected livestock to determine the presence or incidence of disease in the state or area of the state and may include the observation or physical examination of an animal; and

(17) Veterinarian means an individual who is a graduate of an accredited college of veterinary medicine.

54-702. Voluntary national uniform system of animal identification; department; powers. The Department of Agriculture may, within the framework and consistent with standards of the National Animal Identification System, cooperate and coordinate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture and other local, state, and national agencies and organizations, public or private, to define premises where livestock are located, to develop a voluntary premises registration system for Nebraska, and to implement other state components of a voluntary national uniform system of animal identification. If the department implements such a system, the department shall also develop and facilitate a process of withdrawal of registration that would remove premises identifiers from its data base. Written confirmation shall be sent upon withdrawal of registration from the department's

data base. The department shall cooperate with the United States Department of Agriculture in the process to withdraw registrations.

54-702.01. Uniform system of animal identification; information; restrictions on disclosure; violations; penalty. (1) Any information that a person provides to the Department of Agriculture for purposes of premises registration or otherwise for voluntary participation in or compliance with a uniform system of animal identification shall not be subject to public inspection pursuant to sections 84-712 to 84-712.09. The department and its employees or agents shall not disclose such information to any other person or agency except when such disclosure:

(a) Is authorized by the person who provides the information; or

(b) Is necessary for purposes of disease surveillance or to carry out epidemiological investigations related to incidences of animal disease.

(2) The department may disclose information as authorized by this section subject to any confidentiality requirements that the department determines are appropriate under the circumstances.

(3) Any person who violates this section shall be subject to prosecution and penalty for official misconduct pursuant to section 28-924.

(4) Nothing in this section shall be construed to prohibit the department from discussing, reporting, or otherwise disclosing the progress or results of disease surveillance activities or epidemiological investigations related to incidences of animal disease.

54-703. Prevention of diseases; enforcement of sections; inspections; rules and regulations. (1) The Department of Agriculture and all inspectors and persons appointed and authorized to assist in the work of the department shall enforce the Exotic Animal Auction or Exchange Venue Act and sections 54-701 to 54-753.05 and 54-797 to 54-7,103 as designated.

(2) The department and any officer, agent, employee, or appointee of the department shall have the right to enter upon the premises of any person who has, or is suspected of having, any animal thereon, including any premises where the carcass or carcasses of dead livestock may be found or where a facility for the disposal or storage of dead livestock is located, for the purpose of making any and all inspections, examinations, tests, and treatments of such animal, to inspect livestock carcass disposal practices, and to declare, carry out, and enforce any and all quarantines.

(3) The department, in consultation with the Department of Environmental Quality and the Department of Health and Human Services, may adopt and promulgate rules and regulations reflecting best management practices for the burial of carcasses of dead livestock.

(4) The Department of Agriculture may further adopt and promulgate such rules and regulations as are necessary to promptly and efficiently enforce and effectuate the general purpose and provisions of sections 54-701 to 54-753.05 and 54-797 to 54-7,103.

54-704. Prevention of diseases; federal agents; powers. Any veterinary inspector or agent of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, who has been officially assigned by the United States Department of Agriculture for service in Nebraska may be officially authorized by the Department of Agriculture to perform and exercise such powers and duties as may be prescribed by the department and when so authorized shall have and exercise all rights and powers vested by the Exotic Animal Auction or Exchange Venue Act and sections 54-701 to 54-753.05 and 54-797 to 54-7,103 in agents and representatives in the regular employ of the department.

54-705. Prevention of diseases; orders of department; enforcement. The Department of Agriculture or any officer, agent, employee, or appointee thereof may call upon any sheriff, deputy sheriff, or other police officer to execute the orders of the department, and the officer shall obey the orders of the department. The officers performing such duties shall receive compensation therefor as is prescribed by law for like services and shall be paid therefor by the county. Any officer may arrest and take before the county judge of the county any person found violating any of the provisions of the Exotic Animal Auction or Exchange Venue Act and sections 54-701 to 54-753.05, and such officer shall immediately notify the county attorney of such arrest. The county attorney shall prosecute the person so offending according to law.

54-742. Diseased animals; duty to report; livestock disease reporting system; animal infected with bovine trichomoniasis; report required; notice to adjacent landowner or land manager; form or affidavit submitted to department; department; duties; costs.

(1) It is the duty of any person who discovers, suspects, or has reason to believe that any animal belonging to him or her or which he or she has in his or her possession or custody or which, belonging to another, may come under his or her observation is affected with any dangerous, infectious, contagious, or otherwise transmissible disease which affects livestock to immediately report such fact, belief, or suspicion to the department or to any agent, employee, or appointee thereof.

(2) The department shall work together with livestock health committees, livestock groups, diagnostic laboratories, practicing veterinarians, producers, and others who may be affected, to adopt and promulgate rules and regulations to effectuate a workable livestock disease reporting system according to the provisions of this section. The rules and regulations shall establish who shall report diseases, what diseases shall be reported, how such diseases shall be reported, to whom diseases shall be reported, the method by which diseases shall be reported, and the frequency of reports required. For disease reporting purposes, the department shall categorize livestock diseases according to relative economic or health risk factors and may provide different reporting measures for the various categories.

(3) Any person who reasonably suspects that any beef or dairy breeding bull belonging to him or her or which he or she has in his or her possession or custody is infected with bovine trichomoniasis shall not sell or transport such animal, except for consignment directly to a federally recognized slaughter establishment, unless such person causes such animal to be tested for bovine trichomoniasis. Any person who

owns or has possession or custody of a beef or dairy breeding bull, or who has a beef or dairy breeding bull belonging to another under his or her observation, for which a laboratory confirmed diagnosis of bovine trichomoniasis has been made, shall report such diagnosis to the department within five business days after receipt of the laboratory confirmation. Any such breeding bull for which a laboratory confirmation of bovine trichomoniasis has been made shall not be sold or transported except for consignment directly to a federally recognized slaughter establishment.

(4)(a) An owner or manager of any beef or dairy breeding bull for which a laboratory confirmed diagnosis of bovine trichomoniasis has been made shall notify each adjacent landowner or land manager of the diagnosis if such land is capable of maintaining livestock susceptible to bovine trichomoniasis. Such notification shall be made to each landowner or land manager within fourteen days after the diagnosis even if cattle are not currently maintained on the owner's or manager's land.

(b) The owner or manager of the cattle shall submit to the department a form or affidavit attesting to the fact that the notification required under this subsection has occurred. The form or affidavit shall be submitted to the department within fourteen days after the diagnosis and shall include the names of adjacent landowners or land managers who were notified and their contact information.

(c) If an owner or manager does not, within such fourteen-day period, submit the form or affidavit indicating that adjacent landowners or land managers have been notified as required under this subsection, the department shall notify each adjacent landowner or land manager of the diagnosis. The department shall assess the administrative costs of the department to notify the adjacent landowners or land managers against the owner or manager that failed to comply with this subsection. The department shall determine the definition of adjacent based on the disease characteristics and modes of transmission. The department shall remit any administrative costs collected under this subsection to the State Treasurer for credit to the Nebraska Agricultural Products Marketing Cash Fund.

54-743. Diseased animals; destruction; duty to dispose of carcasses. It shall be the duty of the owner or the custodian of any animal killed by order of the Department of Agriculture to dispose of the carcass in the manner prescribed by the department, and whenever the owner or custodian of any such animal so killed is unknown or absent from the premises where such carcass may be, the carcass shall be disposed of in like manner at the expense of the county in which the carcass is located.

54-744. Dead animals; carcasses; manner of disposition. (1) Except as set out in subsections (2) and (3) of this section and section 54-776, it is the duty of the owner or custodian of any dead animal to cause such animal, within thirty-six hours after receiving knowledge of the death of such animal, to be:

(a) Buried at least four feet below the surface of the ground or completely incinerated or composted on the premises where such animal dies or on an adjacent property under the ownership and control of the owner or custodian. Any vehicle used by the owner or custodian to transport such dead animal shall be constructed in such a

manner that the contents are covered and will not fall, leak, or spill therefrom. Violation of this subdivision is a traffic infraction as defined in section 60-672; or

(b) Transported by a licensed rendering establishment to either a rendering establishment licensed under the Nebraska Meat and Poultry Inspection Law or to a facility with a permit to operate as a landfill under the Integrated Solid Waste Management Act. The operator of a landfill is not required by this subdivision to accept dead animals.

(2) The Department of Agriculture shall regulate the composting of livestock carcasses and shall adopt and promulgate rules and regulations governing the same. Any person incorporating livestock carcasses into a composting facility shall follow the operating procedures established by the Department of Agriculture in consultation with the University of Nebraska Institute of Agriculture and Natural Resources.

(3) An animal carcass or carcass part may be transported by the owner or the owner's agent to a veterinary clinic or veterinary diagnostic laboratory for purposes of performing diagnostic procedures.

(4) In addition to methods listed in subsections (1) and (2) of this section, animal carcasses or carcass parts may be disposed of by a veterinary clinic or veterinary diagnostic laboratory by alkaline hydrolysis tissue digestion. For purposes of this section, alkaline hydrolysis tissue digestion means a process that utilizes an alkaline agent and heat to catalyze the decomposition and reduction of biological tissues. This section shall not exempt the products of alkaline hydrolysis tissue digestion from any applicable law, rule, or regulation governing disposal of wastes.

(5) Carcasses disposed of in compliance with this section or section 54-744.01 are exempt from the requirements for disposal of solid waste under the Integrated Solid Waste Management Act.

#### 54-744.01. Dead animals; carcasses; disposal facilities; registration; when.

(1) Livestock carcasses may be disposed of in a research or demonstration facility for innovative livestock disposal methods registered with the Department of Agriculture, except that a research or demonstration facility of liquefaction shall not be registered under this section and liquefaction shall not be permitted as a method of livestock disposal. The registration of a facility under this section shall contain a description of the facility, the location and proposed duration of the research or demonstration, and a description of the method of disposal to be utilized. The department may register up to five such research or demonstration facilities conducted in conjunction with private livestock operations which meet all of the following conditions:

(a) The project is designed and conducted by one or more research faculty of the University of Nebraska;

(b) The project does not duplicate other research or demonstration projects;

(c) The project sponsors submit annual reports on the project and a final report at the conclusion of the project;

(d) The project employs adequate safeguards against disease transmission or environmental contamination; and

(e) The project meets any other conditions deemed prudent by the director.

(2) It is the intent of the Legislature that the department register at least one research or demonstration facility for innovative livestock disposal methods which shall be located upon the premises of an animal feeding operation as defined in section 54-2417. Before registering such facility, the department shall first consult with the Department of Environmental Quality and the Department of Health and Human Services. The Department of Agriculture may revoke the registration of the facility at any time if the director has reason to believe that the facility no longer meets the conditions for registration.

(3) Only the carcasses of livestock that have died upon the animal feeding operation premises where a research or demonstration facility for innovative livestock disposal methods is located may be disposed of at such facility. Carcasses from other locations shall not be transported to such facility for disposal.

(4) A facility registered under this section is exempt from the requirements for disposal of solid waste under the Integrated Solid Waste Management Act.

54-745. Unburied carcasses; disposition by sheriff; expenses; owner liable. It is hereby made the duty of the sheriff of each county to cause to be buried the carcasses of any animal remaining unburied or otherwise disposed of after notice that any such carcass has remained unburied in violation of the provisions of section 54-744. The sheriff may enter upon any premises where any such carcass is for the purpose of carrying out the provisions of this section and may cause such carcass to be buried on such premises, but no such carcass shall be buried within a distance of five hundred feet of any dwelling house or barn. The board of county commissioners or supervisors shall allow such sums for the services as it may deem reasonable, and such sums shall be paid to the persons rendering the services upon vouchers, as other claims against the county are paid. The owner of such animal shall be liable to the county for the expense of such burial, to be recovered in a civil action, unless the owner pays such expenses within thirty days after notice and demand therefor.

54-746. Diseased animals; removal from county; permit required; when. Except as otherwise provided in this section, no person shall ship, trail, drive, or otherwise move, permit to be moved, or permit to be driven from one county in the state to any other county in the state, from one part of a county to another, or to any other state any animal which is affected or suspected of being affected with any dangerous, infectious, contagious, or otherwise transmissible disease without first having obtained a permit from the Department of Agriculture therefor. An animal may be transported by the owner or the owner's agent to and from a veterinary clinic or veterinary diagnostic laboratory for purposes of performing diagnostic procedures, examinations, treatments, or tests without obtaining such permit.

54-747. Diseased animals; order for destruction; notice; protest; examination.

Whenever any animal has been adjudged to be affected with any infectious, contagious, or otherwise transmissible disease, other than a disease for which specific legislation exists, and has been ordered killed, the owner or custodian thereof shall be notified of such finding and order. Within forty-eight hours thereafter, such owner or

custodian may file a protest with the Department of Agriculture stating under oath that to the best of his or her knowledge and belief such animal is free from such infectious, contagious, or otherwise transmissible disease. Thereupon, an examination of the animal involved shall be made by three veterinarians, graduates of a college of veterinary medicine which has been approved by the Department of Health and Human Services as a preliminary qualification for admission to practice veterinary medicine in the state. One of such veterinarians shall be appointed by the department, one by the person making such protest, and the two thus appointed shall choose the third. In case all three veterinarians or any two of them find such animal to be free from such infectious, contagious, or otherwise transmissible disease, the expense of such examination shall be paid by the state. In case the three veterinarians or any two of them find such animal to be affected with such infectious, contagious, or otherwise transmissible disease, the expense of the examination shall be paid by the person making the protest. The department and the person making such protest shall be bound by the result of such examination.

54-750. Diseased animals; harboring or sale prohibited; penalties. It shall be unlawful for any person to knowingly harbor, sell, or otherwise dispose of any animal or any part thereof affected with an infectious, contagious, or otherwise transmissible disease except as provided by sections 54-701 to 54-753 and the rules and regulations prescribed by the Department of Agriculture thereunder. Any person so offending shall be deemed guilty of a Class II misdemeanor for the first violation and a Class I misdemeanor for any subsequent violation.

54-751. Rules and regulations; violations; penalties. It shall be unlawful for any person to violate any rule or regulation prescribed and promulgated by the Department of Agriculture pursuant to authority granted by the Exotic Animal Auction or Exchange Venue Act and sections 54-701 to 54-753, and any person so offending shall be guilty of a Class II misdemeanor for the first violation and a Class I misdemeanor for any subsequent violation.

54-752. Violations; penalties. Any person violating any of the provisions of the Exotic Animal Auction or Exchange Venue Act and sections 54-701 to 54-753 shall be guilty of a Class II misdemeanor for the first violation and a Class I misdemeanor for any subsequent violation.

54-753. Prevention of disease; writ of injunction available. The penal provisions of section 54-752 shall not be exclusive, but the district courts of this state, in the exercise of their equity jurisdiction, may, by injunction, compel the observance of, and by that remedy enforce, the provisions of the Exotic Animal Auction or Exchange Venue Act and sections 54-701 to 54-753 and the rules and regulations established and promulgated by the Department of Agriculture.

81-202. Department of Agriculture; Bureau of Animal Industry; State Veterinarian; exercise of powers. Within the Department of Agriculture there shall be a Bureau of Animal Industry, with the State Veterinarian in charge, subordinate only to the Director of Agriculture. The powers and duties of the department provided by law for the protection of the health of livestock as defined in section 54-701.03 shall be exercised and discharged through the Bureau of Animal Industry under the direction of the State Veterinarian.

81-202.01. State Veterinarian; office created; appointment; salary; qualifications. There is hereby established the position of State Veterinarian, to be appointed by the Director of Agriculture. The State Veterinarian shall hold office at the will of the director. The State Veterinarian shall receive such salary as fixed by the director and approved by the Governor. The State Veterinarian shall have authority to employ assistants and fix their compensation, subject to the approval of the director. The State Veterinarian shall be a graduate of an approved College of Veterinary Medicine, shall be licensed and accredited as a veterinarian and shall have demonstrated administrative ability.

81-202.02. State Veterinarian; rules and regulations; adoption. The State Veterinarian shall have authority to adopt such rules and regulations as are necessary or convenient to the effective discharge of his duties and the proper function of the Bureau of Animal Industry, subject to the approval of the Director of Agriculture. Such rules and regulations shall be adopted in the manner and as provided by law.

71-1801. Pathogenic microorganisms; sale and distribution; permit required. The sale and distribution of any material or substance, containing live microorganisms which are pathogenic to humans, is hereby prohibited unless authorized by special permits as provided for by sections 71-1802 and 71-1803.

71-1802. Permit; Department of Health and Human Services, authority; certification to State Veterinarian. The Department of Health and Human Services is hereby authorized to issue permits for the use of the pathogenic microorganisms described in section 71-1801 in the prevention or control of diseases in humans, if in the opinion of the department there is sufficient warrant for their utilization for such purpose. The department shall certify to the State Veterinarian the materials or substances that contain live microorganisms which are pathogenic to humans. The department is further authorized to promulgate rules and regulations to carry out the provisions of this section.

71-1803. Permit; State Veterinarian, authority; rules and regulations. The State Veterinarian is hereby authorized to issue permits for the use of the pathogenic microorganisms described in section 71-1801 in the prevention or control of diseases of animals, if in the opinion of the Department of Health and Human Services there is sufficient warrant for their utilization for such purpose. In carrying out the duties of this section with reference to animals, the State Veterinarian shall take into consideration

the certification made by the Department of Health and Human Services as provided for in section 71-1802. The State Veterinarian is further authorized to promulgate rules and regulations to carry out the provisions of this section.

71-1804. Permit; duration; abrogation; renewal. The permits, issued under the provisions of sections 71-1802 and 71-1803, shall be valid for the period of one year, or part thereof, expiring on December 31 of each year. However, all such permits must remain subject to abrogation and renewal, if in the opinion of the Department of Health and Human Services or State Veterinarian there is sufficient warrant for such abrogation or renewal.

71-1805. Violation; penalty. Any person violating any of the provisions of sections 71-1801 to 71-1804 shall be guilty of a Class II misdemeanor.

actaq