

**The Nebraska Legislature has determined that the Nebraska Department of Agriculture shall establish an inspection program for applicants and licensees to determine whether the requirements of care of the Commercial Dog and Cat Operator Inspection Act are being met.**

NOTE: This information is only a summary of Nebraska Revised Statutes §§54-625 to 54-643, the Commercial Dog and Cat Operator Inspection Act (the Act). Please refer to the [law](#) and [applicable regulations](#) for additional details.

## LICENSING

### **Who needs to be licensed under the Commercial Dog and Cat Operator Inspection Act?**

Animal control facilities, animal rescues, animal shelters, boarding kennels, commercial dog breeders, commercial cat breeders, dealers, and pet shops.

For more information on what qualifies as one of the above, click [here](#).

### **Are groomers required to be licensed?**

No, however any grooming facility which also boards dogs or cats overnight does require a boarding kennel license.

### **How do I know if I am required to be licensed?**

After reviewing this [document](#), if you still have questions about whether you need to be licensed, please call (402) 471-6832.

### **I need to apply for a license. What do I need to do?**

Please call (402) 471-6832 to discuss your licensing needs with our staff. You will be provided the following:

1. New license application form for your specific type of operation.
  - a. [Form](#) for animal control facility and animal shelters.
  - b. [Form](#) for animal rescue.
  - c. [Form](#) for commercial dog and cat breeder.
  - d. [Form](#) for pet shops and pet dealers.
  - e. [Form](#) for boarding kennel.
2. Sample [Veterinary Care Plan form](#) (for breeders, dealers, pet stores) OR a [Sample Emergency Veterinary Care Plan form](#) (for animal control facilities, animal rescues, shelters and boarding kennels).
3. A copy of the Commercial Dog and Cat Operator Inspection Act, [Neb. Rev. Stat. §§54-625 to 54-643](#), found [here](#).
4. A copy of the Commercial Dog and Cat Operator Inspection Regulations, Title 23, Nebraska Administrative Code, Chapter 18 (the Regulations) found [here](#).

A \$125 licensing fee is required from all initial applicants.

### **What happens after I submit an application for a new license?**

A qualifying inspection is required for all initial license applicants prior to a license being issued.

### **Are there annual fees to maintain a license?**

Yes, annual fees must be paid and contact information needs to be updated by March 31 each year for commercial breeders, dealers, boarding kennels, and pet shops. Animal control, animal shelter and animal rescue annual fees payment and contact information updates need to be submitted by September 30 of each year.

### **What are the reasons that a license may be denied?**

NDA may choose to deny an application for a license if:

- the applicant is determined unsuited to perform the obligations of a licensee;
- if NDA finds that the applicant has deliberately misrepresented or concealed information provided on or with the application;
- the applicant has been convicted of any law in any jurisdiction regarding the disposition or treatment of dogs or cats in the past five (5) years;
- the applicant has operated a breeder facility under a license or permit that has been revoked, suspended, or otherwise subject to a disciplinary proceeding if such a proceeding resulted in the applicant having voluntarily surrendered a license or permit to avoid disciplinary sanctions in the past five (5) years.

An applicant who is denied a license shall have the opportunity for a hearing before the director or the director's designee to present evidence that the applicant is qualified to hold a license. All such hearings shall be in accordance with the [Administrative Procedure Act](#).

NOTE: The above is only a summary; you can read the above section of the Act, §54-630 [here](#).

### **Are licenses transferrable?**

Licenses are not transferable to another person or location.

### **Is this inspection program affiliated with the United States Department of Agriculture (USDA) licensing program?**

No, the NDA and USDA programs are two separate programs. To learn more about the USDA program you can visit their website [here](#).

## **INSPECTORS**

### **How many inspectors does the program have?**

There are currently three inspectors, each assigned to cover a separate area of Nebraska. You can view a map of the coverage area [here](#). These inspectors are supervised by a NDA veterinarian.

## INSPECTIONS

### **Is a pre-inspection required before a license is issued?**

Yes, facilities must pass a qualifying inspection before a license is issued.

### **What criteria do the inspectors use to determine compliance with the Act and the regulations? \***

NDA inspectors work to ensure that licensees meet the requirements set forth in:

- The Commercial Dog and Cat Operator Inspection Act found [here](#).
- The regulations under the Act which can be found [here](#).
- The federal rules regarding the Humane Handling, Care, Treatment and Transportation of Dogs and Cats which can be found [here \(on page 44\)](#).

\*Based on the above requirements, inspectors are responsible for determining whether the licensee is in compliance with the sanitation, housing, humane handling, care, treatment and transportation of dogs and cats.

### **How often are licensed facilities inspected?**

All licensed facilities are to be inspected at least once in a twenty-four (24)-month period.

### **Do licensees know when an inspector is coming to conduct an inspection?**

The initial license inspection is scheduled.

Routine, biennial inspections are not scheduled. The licensee can submit information to NDA indicating the days they are most likely to be on the premises. However, NDA cannot guarantee the inspections will be conducted on those days.

### **Is there a reason that a licensed facility would be inspected more than once in a twenty-four (24)-month period?**

Although the Act requires inspections to be conducted at least once every twenty-four (24) months, most facilities are inspected more frequently. Inspectors set regular inspection schedules, but may stop at facilities more frequently to monitor compliance, respond to complaints, or for educational and outreach reasons.

### **If, during the course of an inspection, an inspector suspects abuse or neglect of the animals, what does the inspector do?**

These situations are handled on a case-by-case basis. If an inspector suspects abuse or neglect during an inspection, the inspector would contact the NDA office. Depending on the circumstances the inspector may be directed to contact local law enforcement officials to inform them of their suspicions.

Response to allegations of cruel neglect or cruel mistreatment is made by local law enforcement pursuant to [Neb. Rev. Stat. §§28-1008 to 28-1017, 28-1019, and 28-1020](#) which can be read [here](#). The final determination as to whether an animal was cruelly mistreated or cruelly neglected is made through normal court of law proceedings.

## **Does the NDA have authority to remove animals from a licensee who is suspected of abuse or neglect of a dog or cat?**

Pursuant to [54-633\(2\)](#), NDA may order an investigator to impound dogs or cats when an inspector observes, during the course of an inspection, **violations which pose a significant threat to the health or safety of dogs or cats**, or may request any other law enforcement officer to impound such dogs or cats pursuant to §28-2011 and 28-2012. The Commercial Dog and Cat Operator Inspection Act uses language that is not synonymous with the criminal statutes regarding the cruel mistreatment, cruel neglect, and abandonment of animals.

However, generally a significant threat to the health or safety of dogs or cats may be indicative of cruel mistreatment or cruel neglect as such terms are defined in criminal statutes under [§28-1008 to 28-1017, 28-1019, and 28-1020](#). Therefore, NDA refers cases to local law enforcement, as local law enforcement has been given express authority to enforce the criminal statutes. Historically, NDA has worked with authorities as assistance is requested. NDA will continue to pursue administrative remedies related to licensing available to it under the Act and the regulations, such as: scheduling an administrative hearing to take action against the licensee, such as: assessing an administrative fine, issuing a stop-movement order, or requesting an injunction be issued from the appropriate judicial authority. You can learn more [here](#).

## **If a commercial dog or cat breeder's license has been revoked or suspended can they continue to breed and sell puppies or kittens?**

Pursuant to [54-634](#), it is unlawful for a person to operate while a license is revoked or suspended, if a license is required by the Act. The county attorney of the county where the violation is occurring may file criminal charges for operating without a license if a person with a revoked or suspended license continues to operate in violation of the Act.

## COMPLAINTS/CONCERNS

### **How can I file a complaint on a facility?**

You can call the NDA office at 402-471-6832.

NEBRASKA

Good Life. Great Roots.

DEPARTMENT OF AGRICULTURE