ANIMAL IMPORTATION ACT AND RELATED STATUTES

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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54-701.03. 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.

Source

- Laws 1993, LB 267, § 2;
- Laws 1995, LB 718, § 6;
- Laws 1999, LB 404, § 25;
- Laws 1999, LB 870, § 2;
- Laws 2001, LB 438, § 3;
- Laws 2006, LB 856, § 17;

54-703. Prevention of diseases; enforcement; 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.


Cross References

- Exotic Animal Auction or Exchange Venue Act, see section 54-7,105.

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.


Cross References

- Exotic Animal Auction or Exchange Venue Act, see section 54-7,105.
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.
(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 Poult", 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.

(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.