

HOG CHOLERA CONTROL AND ERADICATION ACT AND RELATED STATUTES

- Administration: These statutes are 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 these statutes were last revised during the 2003 session of the Nebraska Legislature.
- Rules: No regulations have been promulgated under these statutes. (Cross reference Title 23, Chapter 7, Nebraska Administrative Code - Hog Cholera, promulgated under sections 54-701 thru 54-705.)

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54-1501. Swine; affected with or exposed to hog cholera; destruction; inoculation. The Department of Agriculture may destroy or require the destruction of any swine which the Bureau of Animal Industry knows to be, or suspects is affected with or exposed to hog cholera, whenever the Department of Agriculture finds such destruction to be necessary to prevent or reduce the danger of the spread of hog cholera. In addition, the State Veterinarian, or his authorized agent, may, as often as is deemed necessary and at the swine owner's expense, order inoculation with hog cholera antiserum all swine imported into this state to prevent or reduce the spread of hog cholera.

54-1503. Swine; hog cholera; held for destruction; care and feeding; cost. Expenses for the care and feeding of swine held for destruction and the expenses of destruction, burial, incineration, transportation, and other expenses incidental to their slaughter shall not be paid by the Bureau of Animal Industry.

54-1505. Swine; hog cholera; destruction; disposal. Swine affected with or exposed to hog cholera which are to be destroyed under sections 54-1501 to 54-1512 shall be destroyed promptly after the Department of Agriculture makes its findings pursuant to section 54-1501 and disposed of through a method of salvage, burial, or burning as approved by the Bureau of Animal Industry.

54-1508. Swine; hog cholera on premises; report; contents. When a licensed graduate veterinarian or authorized representative of the Department of Agriculture determines or suspects that hog cholera exists on any premises, he shall report immediately to the State Veterinarian or federal veterinarian in charge by telephone collect. The report shall include the following: (1) Name and address of the owner of the premises or caretaker of the swine, (2) location of the premise by county, (3) adequate geographical description, and (4) name and address of the attending veterinarian. Definite procedure shall follow for the epidemiological investigation of each outbreak or suspected case of hog cholera involving the premises, practitioner and laboratory.

54-1509. Swine; hog cholera; violations; penalty. Any person, partnership, limited liability company, association, or corporation, or officer or member thereof, who (1) interferes with the destruction of swine mandated under sections 54-1501 to 54-1512, (2) violates a quarantine or disinfection order issued under such sections, (3) imports swine into this state without first obtaining a certificate of veterinary inspection meeting the requirements of section 54-788 and the required shipping permit from the Bureau of Animal Industry, or (4) after obtaining a certificate of veterinary inspection and shipping permit, diverts a shipment from the point of destination stated upon the certificate of veterinary inspection and shipping permit without written permission from the Bureau of Animal Industry shall be guilty of a Class IV felony.

54-1510. Failure to comply with sections; injunction. Upon application of the Department of Agriculture, any district court of competent jurisdiction may issue a mandatory injunction against any person who fails to comply with the provisions of sections 54-1501 to 54-1512.

54-1511. Department of Agriculture; federal government; cooperate. The Department of Agriculture may cooperate with the United States, or any department, agency, or officer thereof, in the control and eradication of hog cholera.

54-1512. Department of Agriculture; rules and regulations. The Department of Agriculture may make, promulgate, amend, repeal, and enforce necessary rules and regulations for implementing the provisions of sections 54-1501 to 54-1512.

54-1513. Act, how cited. Sections 54-1513 to 54-1521 may be cited as the Hog Cholera Control and Eradication Act.

54-1514. Terms, defined. For purposes of the Hog Cholera Control and Eradication Act, unless the context otherwise requires:

(1) Hog cholera serum shall mean a serum which when injected into a susceptible hog will protect the animal for a variable time against hog cholera either from exposure to infected swine or from an injection of a minimum of two cubic centimeters of known virulent hog cholera virus;

(2) Virulent hog cholera virus shall mean a virus which when inoculated into a susceptible swine, in a minimum dose of two cubic centimeters, will cause hog cholera;

(3) Modified live hog cholera vaccine shall mean any vaccine prepared from a modified live hog cholera virus which will establish an immunity or resistance against hog cholera when the animal is exposed to infected swine or by injection of a minimum

dose of two cubic centimeters of known virulent hog cholera virus;

(4) Killed or inactivated hog cholera virus shall mean any killed suspension of hog cholera virus which when inoculated into susceptible swine will not produce hog cholera;

(5) A virulent virus shall mean hog cholera virus which fails to cause hog cholera in swine, susceptible to such disease, when injected in doses of not more than two cubic centimeters;

(6) Impotent serum shall mean hog cholera serum which fails to protect swine against hog cholera when injected in doses as recommended on the label of the container, for the weight of swine indicated thereon, against a dose of virulent hog cholera virus of not less than two cubic centimeters;

(7) Person shall include individual, partnership, limited liability company, corporation, and association or any officer, partner, or member of same; and

(8) Director shall mean the Director of Agriculture.

54-1515. Hog cholera vaccine or virus; manufacture, sell, use, possess, distribute; permit; application; approval. It shall be unlawful for any person to manufacture, sell, offer for sale, use, possess, or distribute any killed inactivated hog cholera vaccine, modified live virus hog cholera vaccine, or virulent hog cholera virus in the State of Nebraska unless a permit is first obtained from the Department of Agriculture. Application for a permit shall be made to the director upon forms prescribed by him or her for that purpose. Before a permit may be granted, the director shall obtain the joint approval in writing of the State Veterinarian and the heads of the Department of Veterinary Science and the Department of Animal Science, University of Nebraska Institute of Agriculture and Natural Resources, except that the provisions of this section shall not apply to possession by a common carrier in interstate commerce.

54-1516. Hog cholera serum; licensed by United States Department of Agriculture; manufacture, sell, offer for sale, use, possess, distribute; exception. It shall be lawful to manufacture, sell, offer for sale, use, possess and distribute hog cholera serum in this state so long as the production thereof is licensed by the United States Department of Agriculture and the serum produced is released for sale and use by the United States Department of Agriculture and the serum is not impotent or contaminated with disease-producing or other harmful bacteria or substance; Provided, that no person shall manufacture hog cholera serum in the State of Nebraska without first securing a manufacturer's permit from the Department of Agriculture of this state.

54-1517. Swine; importation into state; requirements. The importation into this state of any swine which have been

inoculated less than ninety days with any killed inactivated hog cholera vaccine, modified live virus hog cholera vaccine, or virulent hog cholera virus is expressly prohibited. All swine shall comply with entry requirements of the Department of Agriculture and shall be accompanied by a certificate of veterinary inspection meeting the requirements of section 54-788.

54-1518. Swine; moving intrastate; requirements. All swine moving in intrastate commerce except those moving to immediate slaughter shall bear identification marks or tags as prescribed by rule and regulation promulgated by the State Veterinarian to show vaccination status and the point of origin of such swine; Provided, identification marks or tags shall not be required on swine produced upon a farm in this state and transported or moved to another farm in this state unless the owner is a dealer who buys, sells, or solicits swine for the purpose of resale, including those who buy or solicit from a concentration point, in which case said swine shall be tagged and identified in the manner prescribed by rule and regulation.

54-1519. Director of Agriculture; rules and regulations. The Director of Agriculture shall have the authority to promulgate rules and regulations to carry out the purposes and intent of sections 54-1513 to 54-1521.

54-1520. Containers of hog cholera serum, vaccine, virus; label; contents. Each container of hog cholera serum, vaccine, and virus shall have thereon a label showing the name of the manufacturer, the name of the contents, the date on which its potency is regarded as uncertain, the United States veterinary license number under which such product is manufactured and tested, and the doses and procedural recommendations of the manufacturer as being protective for swine of various weights.

54-1521. Violations; penalty. Any person who shall violate the provisions of sections 54-1513 to 54-1521 shall be guilty of a Class IV felony.

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