

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 544

Introduced by Hansen, 42; Davis, 43.

Read first time January 23, 2013

Committee:

A BILL

1 FOR AN ACT relating to animals; to amend sections 38-3330 and 54-742,
2 Reissue Revised Statutes of Nebraska; to provide for
3 waiver of privilege; to require notifications regarding
4 bovine trichomoniasis; to provide for assessment of
5 costs; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-3330, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-3330 (1) Unless required by any state or local law for
4 contagious or infectious disease reporting or other public health and
5 safety purpose, no veterinarian licensed under the Veterinary
6 Medicine and Surgery Practice Act shall be required to disclose any
7 information concerning the veterinarian's care of an animal except
8 under a written authorization or other waiver by the veterinarian's
9 client or pursuant to a court order or a subpoena. A veterinarian who
10 releases information under a written authorization or other waiver by
11 the client or pursuant to a court order or a subpoena is not liable
12 to the client or any other person.

13 (2) The privilege provided by this section is waived to
14 the extent that the veterinarian's client or the owner of the animal
15 places the veterinarian's care and treatment of the animal or the
16 nature and extent of injuries to the animal at issue in any civil or
17 criminal proceeding.

18 (3) The privilege provided by this section is waived to
19 the extent and for purposes of notifying any owner or manager of
20 cattle that have a significant risk for exposure to bovine
21 trichomoniasis. A veterinarian who releases information about the
22 risk for exposure to bovine trichomoniasis is not liable to the
23 client or any other person.

24 (4) For purposes of this section, veterinarian includes
25 the employees or agents of the licensed veterinarian while acting for

1 or on behalf of such veterinarian.

2 Sec. 2. Section 54-742, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 54-742 (1) It is the duty of any person who discovers,
5 suspects, or has reason to believe that any animal belonging to him
6 or her or which he or she has in his or her possession or custody or
7 which, belonging to another, may come under his or her observation is
8 affected with any dangerous, infectious, contagious, or otherwise
9 transmissible disease which affects livestock to immediately report
10 such fact, belief, or suspicion to the department or to any agent,
11 employee, or appointee thereof.

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

25 (3)(a) An owner or manager of cattle diagnosed with

1 bovine trichomoniasis shall notify the department and each adjacent
2 landowner or land manager of the diagnosis if such land is capable of
3 maintaining livestock susceptible to bovine trichomoniasis. Such
4 notification shall be made to each landowner or land manager within
5 fourteen days after the diagnosis even if cattle are not currently
6 maintained on the owner's or manager's land.

7 (b) The owner or manager of the cattle shall submit to
8 the department a form or affidavit attesting to the fact that the
9 notification required under this subsection has occurred. The form or
10 affidavit shall be submitted to the department within fourteen days
11 after the diagnosis.

12 (c) The department shall determine the definition of
13 adjacent based on the disease characteristics and modes of
14 transmission.

15 (d) If an owner or manager does not comply with the
16 notification requirement under this subsection, the department shall
17 notify each adjacent landowner or land manager of the diagnosis. The
18 department shall assess the administrative costs of the department to
19 notify the adjacent landowners or land managers against the owner or
20 manager that failed to comply with the notification requirement under
21 this subsection.

22 Sec. 3. Original sections 38-3330 and 54-742, Reissue
23 Revised Statutes of Nebraska, are repealed.