

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1349

Introduced by

Representatives Price, Nicholas, Svedjan, Schmidt, Kerzman

Senator Krauter

1 A BILL for an Act to amend and reenact sections 23-01-18 and 23-01-19 of the North Dakota
2 Century Code, relating to the control and eradication of rabies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-01-18 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **23-01-18. State department of health responsible for control of rabies.** The state
7 department of health is responsible for the prevention and control of rabies. The department
8 shall place its primary emphasis on human exposure cases. The department may provide
9 rabies vaccine for individuals whose net financial resources and income are insufficient to
10 enable them to obtain the vaccine.

11 1. As used in this section:

12 a. "Bite" means any penetration of the skin by teeth.

13 b. "Confinement" means separation of the domestic dog or cat from humans,
14 other than the owner, caretaker, or members of the owner's family or the
15 caretaker's associates, and other animals by restriction of the animal in a
16 house or building, fenced yard or pen, or through use of a leash or tether.

17 c. "Exposure to rabies" means any bite or nonbite by an animal as defined by
18 the advisory committee on immunization practices.

19 2. Any animal, other than a domestic dog or cat, whether private property or not,
20 which is not shown to have been currently vaccinated for rabies by a vaccine
21 approved for use on that animal by the national association of state public health
22 veterinarians, inc., and for which there is probable cause to believe has exposed a
23 person, as defined by the advisory committee on immunization practices, must be
24 seized and examined for rabies by the state public health laboratory upon order of

1 the state health officer. The owner of an animal, if any, may not obtain an
2 injunction or otherwise prevent the seizure and examination of the animal for
3 rabies, but is entitled to money damages in the amount of the replacement value of
4 the animal which the person legally owned and possessed if the state health officer
5 had reliable evidence, the preponderance of which shows that the animal was
6 vaccinated by a vaccine approved for use on that animal by the national
7 association of state public health veterinarians, inc., and that the animal had not
8 exposed a person as defined by the advisory committee on immunization
9 practices, before ordering the animal to be seized and examined. In addition, the
10 department has the authority to quarantine or exterminate any animal suspected of
11 rabies. If requested to do so by local authorities, the department shall assist them
12 in the prevention and control of rabies where an emergency exists.

13 3. Any domestic cat or dog that bites or otherwise exposes a human to possible
14 rabies, and when the owner can produce evidence of appropriate rabies
15 immunization, must be confined for a period of at least ten days from the time of
16 the bite or exposure. Access for evaluation must be made available to a licensed
17 veterinarian at any time during the confinement period. The cat or dog must be
18 evaluated by a licensed veterinarian on the last day of confinement prior to its
19 release and at any time if it becomes ill during the confinement. If in the opinion of
20 the examining veterinarian the cat or dog has signs or symptoms of rabies during
21 the confinement period, the animal must be humanely destroyed in a manner that
22 preserves the animal for appropriate rabies examination by the department.

23 4. Any domestic cat or dog that bites or otherwise exposes a human to possible
24 rabies, and when the owner can not produce evidence of appropriate rabies
25 immunization, must be confined at the owner's residence or impounded for a
26 period of at least ten days from the time of the bite or exposure. Judgment
27 regarding impoundment or confinement must be made by a law enforcement
28 officer having appropriate jurisdiction. The officer may consult with a veterinarian,
29 health officer, or physician before making the judgment. The animal must be
30 confined or impounded and observed at the owner's expense. Access for
31 evaluation must be made available to a licensed veterinarian at any time during the

1 confinement period. The cat or dog must be evaluated by a licensed veterinarian
2 at the beginning of confinement, at the first sign of any illness during confinement,
3 and before release from confinement. If at any time the cat or dog becomes ill
4 during the confinement and in the opinion of the examining veterinarian the cat or
5 dog has signs or symptoms of rabies during the confinement period, the animal
6 must be humanely destroyed in a manner that preserves the animal for appropriate
7 rabies examination by the department.

8 5. Any stray or unwanted domestic cat or dog that bites or otherwise exposes a
9 human to possible rabies must be humanely destroyed in a manner that preserves
10 the animal for appropriate rabies examination by the department as soon as
11 possible after the exposure.

12 **SECTION 2. AMENDMENT.** Section 23-01-19 of the 1995 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **23-01-19. Extermination of rabies.** The state department of health shall obtain the
15 cooperation and assistance of the game and fish department, the state veterinarian, and the
16 predatory animal and rodent damage control division of the department of agriculture in
17 carrying out the provisions of this section and section 23-01-18. It is the duty of the game and
18 fish department and the department of agriculture, or any county sheriff's office or city police
19 department, upon request of the state department of health, to exterminate or quarantine those
20 animals suspected of having rabies and to carry out such other preventative measures as the
21 department may from time to time request.