

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Monday, the sixth day of January,  
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1349  
(Representatives Price, Nicholas, Svedjan, Schmidt, Kerzman)  
(Senator Krauter)

AN ACT to amend and reenact sections 23-01-18 and 23-01-19 of the North Dakota Century Code, relating to the control and eradication of rabies.

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

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

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

1. As used in this section:
  - a. "Bite" means any penetration of the skin by teeth.
  - b. "Confinement" means separation of the domestic dog or cat from humans, other than the owner, caretaker, or members of the owner's family or the caretaker's associates, and other animals by restriction of the animal in a house or building, fenced yard or pen, or through use of a leash or tether.
  - c. "Exposure to rabies" means any bite or nonbite by an animal as defined by the advisory committee on immunization practices.
2. Any animal, other than a domestic dog or cat, whether private property or not, which is not shown to have been currently vaccinated for rabies by a vaccine approved for use on that animal by the national association of state public health veterinarians, inc., and for which there is probable cause to believe has exposed a person, as defined by the advisory committee on immunization practices, must be seized and examined for rabies by the state public health laboratory upon order of the state health officer. The owner of an animal, if any, may not obtain an injunction or otherwise prevent the seizure and examination of the animal for rabies, but is entitled to money damages in the amount of the replacement value of the animal which the person legally owned and possessed if the state health officer had reliable evidence, the preponderance of which shows that the animal was vaccinated by a vaccine approved for use on that animal by the national association of state public health veterinarians, inc., and that the animal had not exposed a person as defined by the advisory committee on immunization practices, before ordering the animal to be seized and examined. In addition, the department has the authority to quarantine or exterminate any animal suspected of rabies. If requested to do so by local authorities, the department shall assist them in the prevention and control of rabies where an emergency exists.
3. Any domestic cat or dog that bites or otherwise exposes a human to possible rabies, and when the owner can produce evidence of appropriate rabies immunization, must be confined for a period of at least ten days from the time of the bite or exposure. Access for evaluation must be made available to a licensed veterinarian at any time during the confinement period. The cat or dog must be evaluated by a licensed veterinarian on the last day of confinement prior to its release and at any time if it becomes ill during the confinement. If in the opinion of the examining veterinarian the cat or dog has signs or

symptoms of rabies during the confinement period, the animal must be humanely destroyed in a manner that preserves the animal for appropriate rabies examination by the department.

4. Any domestic cat or dog that bites or otherwise exposes a human to possible rabies, and when the owner can not produce evidence of appropriate rabies immunization, must be confined at the owner's residence or impounded for a period of at least ten days from the time of the bite or exposure. Judgment regarding impoundment or confinement must be made by a law enforcement officer having appropriate jurisdiction. The officer may consult with a veterinarian, health officer, or physician before making the judgment. The animal must be confined or impounded and observed at the owner's expense. Access for evaluation must be made available to a licensed veterinarian at any time during the confinement period. The cat or dog must be evaluated by a licensed veterinarian at the beginning of confinement, at the first sign of any illness during confinement, and before release from confinement. If at any time the cat or dog becomes ill during the confinement and in the opinion of the examining veterinarian the cat or dog has signs or symptoms of rabies during the confinement period, the animal must be humanely destroyed in a manner that preserves the animal for appropriate rabies examination by the department.
5. Any stray or unwanted domestic cat or dog that bites or otherwise exposes a human to possible rabies must be humanely destroyed in a manner that preserves the animal for appropriate rabies examination by the department as soon as possible after the exposure.

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

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

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Speaker of the House

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President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1349.

House Vote:      Yeas    78      Nays    19      Absent    1

Senate Vote:    Yeas    44      Nays    0      Absent    5

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State