

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1386

Introduced by

Representatives Pinkerton, DeKrey, Kerzman

Senators O'Connell, Taylor

1 A BILL for an Act to amend and reenact sections 15-12-20 and 23-36-03 of the North Dakota  
2 Century Code, relating to rabies determinations.

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

4 **SECTION 1. AMENDMENT.** Section 15-12-20 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15-12-20. Veterinary diagnostic laboratory.** ~~There is hereby created and established~~  
7 ~~a~~ The veterinary diagnostic laboratory to be is located at and is under the supervision and  
8 direction of the North Dakota state university of agriculture and applied science at Fargo. ~~Said~~  
9 ~~veterinary diagnostic laboratory must be under the supervision and direction of the North~~  
10 ~~Dakota state university. Said veterinary diagnostic.~~ The laboratory shall conduct diagnosis of  
11 farm and domestic animals and poultry suspected of having diseases and make reports  
12 thereon report the findings as directed. The laboratory also shall perform rabies tests as  
13 required by section 23-36-03.

14 **SECTION 2. AMENDMENT.** Section 23-36-03 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **23-36-03. Enforcement authority.**

- 17 1. The department, or an agency acting on the department's behalf, may promptly  
18 seize and humanely kill, impound at the owner's expense, or quarantine any  
19 animal if the state health officer, or the state health officer's designee, has  
20 probable cause to believe the animal presents clinical symptoms of rabies.
- 21 2. The department, or an agency acting on the department's behalf, may promptly  
22 seize and humanely kill, impound at the owner's expense, or quarantine any wild  
23 mammal that is not currently vaccinated for rabies by a vaccine approved for use  
24 on that species by the national association of state public health veterinarians, inc.,

- 1           or any stray or unwanted domestic animal, if the state health officer, or the state  
2           health officer's designee, determines the animal is a threat to human life or safety  
3           due to the possible exposure of an individual to rabies.
- 4           3. The department, or an agency acting on the department's behalf, may promptly  
5           seize and quarantine, or impound at the owner's expense, any dog, cat, or  
6           currently vaccinated ferret for a period of ten days, or any other domestic animal  
7           for a period not exceeding six months, if the state health officer, or the state health  
8           officer's designee, determines the animal is a threat to human life or safety due to  
9           the possible exposure of an individual to rabies.
- 10          4. If an animal is humanely killed under this section, then at the request of the state  
11          health officer, or the state health officer's designee, the animal's brain must be  
12          tested for rabies by the state microbiology laboratory of the department ~~if there is~~  
13          ~~possible human exposure to rabies and~~ or by the North Dakota veterinary  
14          diagnostic laboratory ~~in any other case.~~ The department may conduct a diagnosis  
15          of farm animals, domestic animals, and wildlife that are suspected of having rabies  
16          and report findings as appropriate.
- 17          5. If an animal that has bitten or otherwise exposed an individual or another animal is  
18          not seized for testing, a law enforcement officer with jurisdiction over the place  
19          where the animal is located may determine whether to impound or quarantine the  
20          animal under subsection 3 and which method of confinement to use.
- 21          6. A licensed veterinarian shall examine, at the owner's expense, a confined animal  
22          on the first and last day of the animal's confinement and, at the request of the  
23          department or a local public health unit, at any other time during confinement.