

2009 HOUSE AGRICULTURE

HB 1386

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1386

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: January 23, 2009

Recorder Job Number: 7638

Committee Clerk Signature



Minutes:

Representative Pinkerton, Dist. 5, (Bill Sponsor): This bill concerns the location of the laboratory for the testing of animal brains when animals have exposed humans to the possibility of rabies. **(Written testimony attached #1)** It is important that rabies testing be done in as convenient and reliable manner as possible. 300 cases don't seem like a real large number but if you get exposed to rabies, it's a big deal. The series of injections for exposure to rabies could range anywhere from \$3,000 to \$15,000 per person. It's not always covered by health insurance.

(Written testimony attached #2) was produced by ND Veterinary Diagnostic Lab. The relationship between veterinarians and this lab is very strong. The advantage that NDSU has is they deal with animals and veterinarians all the time. They can do a histopathology exam which is another good test for rabies. Also PCR is the cutting edge of testing. If NDSU can do more of this testing, they will get more and more grant money. It would be easier to send it to one lab and they could find out if it has a cattle disease or if it has rabies. If it goes to the Dept. of Health, they only test for rabies. Often times we want to know what's really wrong with that animal too. NDSU can do different kinds of testing as they have the equipment and training. The Dept. of Health doesn't.

(Written testimony attached #3) Letter from Gerald Buchholz, DVM

Representative Schatz: Is the charge for the test different between the Health Dept. and NDSU's veterinary lab?

Representative Pinkerton: The state pays for the cost of testing and transportation. The numbers are the same.

Representative Mueller: If the bill passes, there no longer would be rabies testing through the dept. here in Bismarck?

Representative Pinkerton: With the amendment that will be presented, at least for the current time, it would allow testing at both labs.

Jacob Carlson, Mixed Animal Practitioner in the Bismarck/Mandan area: I'm here on behalf of the members of the ND Veterinary Medical Association. We are in favor of the bill.

(Written testimony attached #4)

Vice Chairman Brandenburg: If you have a small animal, you want to send the whole animal and have them take the brain out. The Health Dept. is not able to do that but NDSU could that?

Jacob Carlson: Right. Also for larger animals. NDSU has the proper equipment to do that without exposing other people to the infected tissue

Oppose:

Dave Glatt, Chief of Environmental Health Section, Dept. of Health: I'm in opposition to the bill as it is currently written. **(Written testimony attached #5a)**

Proposed amendments **(attachment #5b)**. See page 1, Lines 12 & 13. Also, on page 2, part 4, lines 12-15. What we believe this does functionally, is that it opens up both labs. You don't have one lab just doing human exposure, one lab doing animal exposure. Both labs can do both. I think that is a benefit where veterinarians don't have to send a sample to the Health

Dept. and send a sample if they have other concerns to NDSU. They have the flexibility to choose the lab that will serve their purposes for what they have at that time. It's important to note that we've had good discussions on this bill and looked at internally what we do in the lab. We have removed brains in the past and we will do that in the future. That doesn't add an appreciable cost to us. One area that we need to investigate further is large horses and cattle. That's more of an issue for us. As far as getting the samples to the lab, we are looking at having courier drop-off points with 14-16 spots throughout the state to where that would be flown into Bismarck on a daily basis. We do have staff tested and trained in rabies testing.

Representative Froelich: On page 2, line 15 "report findings as directed." Who do you report your findings to?

Dave Glatt: If there is a veterinarian that submitted a sample, we would report the findings to them. If there is human exposure, we would report that to the medical people who would be treating that patient and to the veterinarian.

Representative Froelich: I would guess that 99.9% of the time when there is rabies involved it's an animal, right? Why then would it not be reported to the State Veterinarian?

Dave Glatt: I'm going to refer that question to staff here.

Kirby Kruger, State Epidemiologist with the ND Dept. of Health: Currently statute requires that reports come to us in the Division of Disease Control for rabies testing. We turn around and provide reports to the Board of Animal Health. Not on a timely basis. Because when we put our data together, we do it on a quarterly basis. The question I'm not sure about is, if there is a requirement for veterinarians to report to the Board of Animal Health.

Representative Froelich: I think there should be a requirement that if there is a rabies case that it go to the State Veterinarian.

Kirby Kruger: I don't have any objections to that part of it.

Dave Glatt: I think that's something that could be done. With email, as we get information we could put the Ag. Dept./State Vet on that list.

Representative Froelich: So you would not object to an amendment.

Dave Glatt: As it relates to reporting requirements, I would not object to it. Obviously I would like to see it before I give it 100%.

Representative Mueller: Some of the testimony indicated that you're not in the disposal business of these samples. But you indicated that you are. Is that a recent development?

Dave Glatt: Because of the nature of our lab, we do a lot of medical testing for a lot of human specimens. So we can use the same vendor. We hadn't been getting the heads so we haven't had to deal with that. We still had to dispose the brain. Now we are disposing small animal heads and brains.

Representative Schatz: The time lag that it takes to get a head from north of Williston to Fargo is going to be an issue. Are you able to ship that on UPS or does it have to be carried physically.

Dave Glatt: They can mail it in. There are some very strict requirements because they don't like to have infectious fluids. They can drop it off physically. The other thing we're looking at is this courier. They could drop it off in Williston and it could be flown in that day or the next day.

Representative Uglem: How long after rabies exposure do shots have to begin?

Kirby Kruger: As soon as you know exposure has occurred. After a human has been exposed, incubation is quite long so there is some time. If the bite is close to the central nervous system, there is a shorter incubation period.

Representative Pinkerton: Just to answer the question: There will be prepaid mailers around the state at veterinary clinics.

Keith Johnson, Environmental Health Practitioner with Custer Health: I do get involved in pretty much every human exposure rabies case in our five-county district. I have sent samples to NDSU and I have brought samples into our public health lab and I have received excellent service from both labs. We always run the sample down. I think both labs being able to do human cases is wonderful. So I stand in opposition to the bill as it stands. With the amendments, I heartily support it. We need two labs because it gives you an extra day for transit.

Vice Chairman Brandenburg: Representative Froelich do you have amendment?

Representative Froelich: Yes

Vice Chairman Brandenburg: Work on that so next week when we work on these bills you can bring forth your amendment.

Vice Chairman Brandenburg: Closed the hearing

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1386

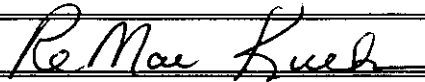
House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009 (**Committee Work**)

Recorder Job Number: 9353

Committee Clerk Signature



Minutes:

Chairman Johnson: I've got some amendments from Dave Glatt of the Health Dept. Go to the second page of the bill. On Line 14 after "laboratory" insert "The department may conduct diagnosis of farm, domestic animals and wildlife suspected of having rabies and report findings as appropriate."

Chairman Johnson: We'll continue this at a later time.

2009 HOUSE STANDING COMMITTEE MINUTES

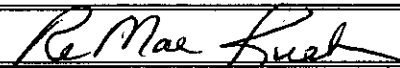
Bill/Resolution No. 1386

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009 (**Committee Work**)

Recorder Job Number: 9362

Committee Clerk Signature 

Minutes:

Chairman Johnson: We have the prepared amendments (**attachment #1**)

Vice Chairman Brandenburg: In visiting with David Glatt from the Health Dept., it seemed like these amendments would be appropriate.

Chairman Johnson: Representative Pinkerton said it was OK with him.

Representative Boe: Moved to accept the amendment

Representative Uglem: Seconded it.

Voice vote taken. Passed.

Amendments passed out from Representative Froelich. (**attachment #2**)

Vice Chairman Brandenburg: Doesn't this amendment pretty much say what we just said?

We would almost need the Health Dept. to look at it and Representative Pinkerton.

Vice Chairman Brandenburg: Moved **Do Pass as amended with the Health Dept amendments.**

Representative Vig: Seconded

A Roll Call vote was taken. **Yes: 11, No: 0, Absent: 2**, (Representative Belter & Froelich).

Representative Johnson will carry the bill.

#2

90315.0101
Title.

Prepared by the Legislative Council staff for
Representative Froelich
January 29, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1386

Page 2, line 14, after the period insert "The state health officer, in consultation with the state veterinarian, shall establish criteria governing the time and manner in which any laboratory conducting a rabies test shall report the results."

Renumber accordingly

VR
2/12/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1386

Page 2, line 12, remove the overstrike over "~~state microbiology laboratory of the department~~"

Page 2, line 13, after "and" insert "or" and remove the overstrike over "~~by the North Dakota~~"

Page 2, line 14, after the period insert "The department may conduct a diagnosis of farm animals, domestic animals, and wildlife that are suspected of having rabies and report findings as appropriate."

Renumber accordingly

Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1386

House Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90315.0102

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By _____ **Seconded By** _____

[illegible]

Total (Yes) _____ No _____

Absent _____

Bill Carrier

If the vote is on an amendment, briefly indicate intent:

Health Dept. Amendment

Date: 2/12/09Roll Call Vote #: 12009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1386House Agriculture

Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number 90315.0102Action Taken ☒ Do Pass ☐ Do Not Pass ☒ AmendedMotion Made By Rep. Brandenburg Seconded By Rep. Vig

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	✓		Tracy Boe	✓	
Mike Brandenburg, Vice Chair	✓		Rod Froelich	AB	
Wesley R. Belter	AB		Richard Holman	✓	
Joyce M. Kingsbury	✓		Phillip Mueller	✓	
David S. Rust	✓		Benjamin A. Vig	✓	
Mike Schatz	✓				
Gerry Uglem	✓				
John D. Wall	✓				

Total (Yes) 11 No 0Absent 2Bill Carrier Rep. Johnson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1386: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1386 was placed on the Sixth order on the calendar.

Page 2, line 12, remove the overstrike over "~~state microbiology laboratory of the department~~"

Page 2, line 13, after "~~and~~" insert "or" and remove the overstrike over "~~by the North Dakota~~"

Page 2, line 14, after the period insert "The department may conduct a diagnosis of farm animals, domestic animals, and wildlife that are suspected of having rabies and report findings as appropriate."

Renumber accordingly

2009 SENATE AGRICULTURE

HB 1386

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1386

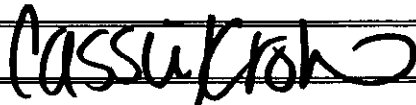
Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 13, 2009

Recorder Job Number: 10884

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HB 1386, a bill relating to rabies determinations.

Louis Pinkerton, district 5, testified in favor of the bill. See attached testimony, attachment #1.

Sen. Taylor- so the health department has always had to have just brain tissue where NDSU can take the whole head?

Louis- yeah they can take the whole tissue and they can remove it. The big problem is bats, they are very hard to get the brain tissue out and get it so that it doesn't dry up when in transport.

David Glatt, chief of the Environmental Health Section for the ND Dept of Health, testified in favor of the bill. See attached testimony, attachment #2.

Sen. Flakoll- can you get a false positive?

David- that has happened but not usually.

Sen. Klein- you have a lot of cases and test a lot of animals?

David- thousands in a many years time, around 300 a year.

Sen. Flakoll- what is the status of the information, is it open record?

David- I am not sure.

Nancy Kopp, ND Veterinary medical association, testified in favor of the bill.

Nancy Kopp- I appear about you in support of this bill today. This bill allows vets a choice on where to send their rabies tests, the state lab in Bismarck or the Diagnostics lab in Fargo.

Jerry Glucose, veterinarian in Bismarck for the last 30 years, testified in favor of the bill.

Jerry- we have had to use the public health facility during that period of time, when this first started we did have to send the entire brain. My biggest concern is not just safety of myself and my staff but the sprays when we are extracting the brain can expose us. When we have just the clinical setting I don't think that we are as prepared as what they are at NDSU to provide this type of service.

Sen. Flakoll- so one of the advantages of having 2 places to do it is cause if the Bismarck one is really backed up you could send it to the NDSU one?

Jerry- when we do extract the brain and we do send it down to the lab we do get the report back in a timely fashion so I can't answer that specifically. It is just another option.

Sen. Flakoll- how would you normally ship it?

Jerry- it is my understanding that NDSU is going to provide us with container that are sealed and closed in order to send this. We would have to keep it on ice.

Sen. Flakoll- so you would send it FedEx or UPS?

Jerry- yes it could be.

Kirby Kirter, Director of the division of disease control, testified in favor of the bill.

Kirby- They are doing research toward making testing easier and that has not progressed very well. So everytime time that new testing has come out the only way to test those is to potentially affect animals to determine whether that is going to work so it has not been very progressive in that area.

Sen. Heckaman- on a average if you do over 300 cases a year do you see the trend in rabies going up or down?

Kirby- our positive rabies actually cycle back and forth quite a bit.

Sen. Taylor- just the convenience aspect of it, in the samples that you have been getting in the last few years is there one place that most of the tests are going to more then the other?

Kirby- I looked at tests from one year of tests coming from each half of the state were about equal every year.

Sen. Flakoll- is there anything about transferring head or brain matters across state lines, what are the rules and regulations?

Kirby- I can't really address that, I am not sure.

No opposition to the bill.

Sen. Flakoll closed the hearing.

Sen. Taylor motioned for a do pass and was seconded by **Sen. Heckaman**, roll call vote 6 yea 0 nay 1 absent-**Sen. Behm**. **Sen. Taylor** was designated to carry the bill to the floor.

Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1386

Senate Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Taylor

Seconded By Heckaman

[illegible]

Total (Yes) 6 No 0

Absent 1 - Behm

Floor Assignment Taylor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 16, 2009 3:00 p.m.

Module No: SR-47-4991
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1386, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1386 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1386

Pinkerton 1386
1/23/09 #1

HB 1386

This bill concerns the location of the laboratory for the testing of animal brains when animals have exposed humans to the possibility of rabies. Currently the testing is done at the State Health Dept (NDDoH) and this bill proposes, with the NDDoH amendments, to allow the testing done at both NDDoH and at the North Dakota State University Veterinary Diagnostic Laboratory (NDSU-VDL). The North Dakota Veterinary Medical Association polled their members and over 40 veterinarians responded and only 1 veterinarian objected, and that was before the NDDoH added the amendment to allow testing at both locations.

There is no fiscal note on this bill because the testing, approximately 300 cases, if being done by the NDDoH and the mailing cost are currently being provided by the local health units. The testing at NDSU-VDL may in the future prove to be less expensive. In the case of a domestic animal the cost for the family of an exposed person will be considerable reduced. Currently, the local veterinarian has to remove the brain at a cost of \$30 to \$50 per case. The North Dakota Medical Association has been informed of this change and has no objection.

It very important with rabies, the testing is convenient, inexpensive and reliable. Good communication between the testing laboratory and the local veterinarian is important.

Thanks you for your consideration on the bill.

Louis Pinkerton

1/23/09

Re: Movement of all rabies testing in North Dakota to the NDSU Veterinary Diagnostic Laboratory

- 1) *Facilities and equipment*
 - a. One location for sample submission
 - i. Currently have two (NDDoH – human exposure, NDSU-VDL – non-human exposure)
 - b. NDSU-VDL has the capability to remove brain tissue from any animal species safely
 - i. NDDoH does not routinely remove brain tissue from animal heads
 - c. Proper carcass disposal
 - i. NDDoH does not have the capability to dispose of all animal carcasses
- 2) *Testing*
 - a. Direct fluorescent antibody
 - i. Same test run at NDDoH and the NDSU-VDL; CDC protocol
 - b. Histopathology
 - i. Run only at the NDSU-VDL
 - c. Immunohistochemistry
 - i. Run only at the NDSU-VDL
 - d. PCR
 - i. investigating its implementation at NDSU-VDL
- 3) *Reporting*
 - a. Expedites reporting by eliminating time in mail
 - i. Currently NDSU-VDL mails human exposure cases to NDDoH
 - b. Eliminates the problem of conflicting results
 - i. In the past we have had rare cases where NDDoH results conflict with NDSU-VDL results
 - ii. Due to the nature of sample size and disposal it has not been possible for NDDoH and NDSU-VDL to reassess these conflicts
 - iii. The NDSU-VDL uses the CDC as a reference lab in these cases, but it does not resolve the difference in results between the two agencies
 - c. NDSU-VDL will still report results to NDDoH
- 4) *Research Opportunities*
 - a. Testing in one laboratory would allow the use of samples for research
 - i. Epidemiology
 - ii. Testing modalities
- 5) *Statewide rabies website*
 - a. The NDSU-VDL could maintain this website and provide easy access by the public to information that would facilitate rapid and responsive rabies testing.

All of these points illustrate a more stream-lined process for rabies testing that the public must have in consideration of the serious nature of this zoonotic disease.

Members of the Agricultural Committee

I have worked as a veterinarian for 30 years in the City of Bismarck and have had to submit brain tissue for examination by the Public Health Department for the purpose of rabies diagnosis innumerable times throughout my career.

When a person is exposed to an animal bite, whether if be from an domestic or wild animal the physician is required to report the wound to the Department of Public Health and the animal wardens, sheriffs department, or the Public Health Department itself imposes a quarantine period upon that animal, if domesticated, or if feral will order euthanasia and removal of the brain for rabies diagnostic purposes.

It was not too many years ago that we as practitioners could remove the head and send it in for rabies detection purposes, but now we have to remove the brain and send this in. The Public Health Department has indicated that they have no way to dispose of the remaining tissues once the brain is removed, so it is up to us to remove it.

To me this is accounts for added exposure potential for me and my staff in removal of the brain and the transport to the lab. In the process of removing the brain, a sharp bone fragment of the skull could penetrate the protective gear we utilize, puncture our skin and if the animal proves positive for rabies we have to under go rabies prophylaxis, which is not only an expensive, but a painful procedure. The rabies virus also has the ability to aerosolize during the process of collection of tissues and be inhaled during the removal process, and because it is carried in the blood stream any blood coming in contact with a wound on our hands or onto mucus membranes constitutes exposure.

Removal of the head for submission is a much less complex and safer procedure, usually involving one person, who can place the specimen into a sealed container and send it into the lab for evaluation.

This not only reduces the airborne borne contaminants which "brain tissue only" submissions contribute to but also reduces the technical skill and time involved in the careful removal of the brain. The worse nightmare I have as a practitioner is to submit a specimen which the pathologist can not render a diagnosis on, because of inadvertent damage to the brain during the removal process. In this worst case scenario, the physician would have to err on the side of safety and order the rabies prophylaxis for his patient who had incurred the bite wound.

Although I will continue to submit any tissues as required by law, my hope is that you all will support the bill to allow specimen submission to NDSU Veterinary Diagnostic Laboratory for those cases involving human exposure, with that information gained then submitted to the Department of Public Health to use at their discretion.

This will not only allow for convenience of submission, but increase the safety for myself and staff members and allow tissue collection to be done by experts, in environmentally controlled surroundings, thus obtaining the best specimen possible and insuring the accuracy of any diagnosis. As a practitioner I owe it to my clients that any test done on their animals is done as accurately as possible, especially when we are dealing with a potentially fatal outcome for the victim of the bite wound, should a diagnosis be incorrectly made.

Respectively,

Gerald R. Buchholz, DVM

#4

Jacob Carlson

1386

1/23/09

Testimony on HB 1386
Prepared by Jacob R. Carlson, DVM on behalf of the members of the North
Dakota Veterinary Medical Association

House Agriculture Committee
January 23, 2009

Background Information:

Rabies is caused by a virus carried by common wild animals in state. The most common reservoir of rabies is the skunk. There are estimates that up to 70% of skunks are carriers of the virus. Other reservoirs of the virus in North Dakota are raccoons and bats. A domestic animal is usually infected when they come in contact with an infected wild animal. Human exposure occurs most often when a person is exposed to an unvaccinated domestic animal that has been bitten by a wild animal. Humans can also be exposed by being bitten by bats or other wild animals.

In my years of practice I have been involved with many human rabies exposure cases. I have seen human exposures through bats, adult dogs, puppies, adult cats, kittens, cows, calves, goats, and horses. Any time that a person is bitten by an unvaccinated dog or cat (animals with expired vaccinations are considered unvaccinated) it must be assumed that the animal could have been exposed to rabies.

The typical process is that a client calls or presents a sick animal to a veterinarian. A thorough history is taken followed by a physical exam. If an animal, either alive or dead, is presented with history suggestive of a neurological disease such as rabies then it must be determined if a human exposure has occurred. The client's physician is the primary

decision maker regarding potential human exposure and the need for treatment. Because rabies is always fatal, any potential exposure is taken very seriously.

The brain of a rabies-suspect animal must be tested for evidence of the virus. The only test available is one done on brain tissue. Cases where it is determined that human exposure has occurred must be submitted to the Public Health Lab in Bismarck. Cases determined to have no human exposure potential are submitted to the Veterinary Diagnostic Lab in Fargo. The Diagnostic Lab may harvest brain tissue from human exposure cases but the sample must then be shipped to the Public Health Lab in Bismarck for official rabies virus testing.

The rabies virus testing must be accomplished in a very timely fashion in cases of human exposure. This allows medical intervention, called post exposure prophylaxis, to begin as soon as possible.

The Current System's Weakness:

1. The Public Health Laboratory in Bismarck has had delays in reporting positive or negative results to veterinarians.
2. The Public Health Laboratory only accepts brain tissue that is already removed from the skull. This becomes a problem when small samples are available particularly from bats and kittens.
3. The Public Health Laboratory will not remove brains from any animal. This puts the submitting veterinarian at risk for rabies exposure as well as staff members.

Strength Gained Through Proposed Changes:

1. The public will be better served by having rabies human exposure testing sites at two locations in the state.
2. The veterinary diagnostic lab has board certified veterinary pathologists on site to lend expertise in difficult cases.
3. The veterinary diagnostic lab has efficient reporting mechanisms already in place to effectively communicate with referring veterinarians, other diagnostic laboratories and the Board of Animal Health.

Chairman Johnson, for these reasons, the North Dakota Veterinary Medical Association supports HB 1386.

Page 2, line 12, remove the overstrike from "state microbiology laboratory of the department"

Page 2, line 13, after the overstruck and insert "or"

Page 2, line 13, remove the overstrike from "by the North Dakota"

Page 2, line 14, after the period insert "The Department may conduct diagnosis of farm, domestic animals, and wildlife suspected of having rabies and report findings as appropriate."

4. If an animal is humanely killed under this section, then at the request of the state health officer, or the state health officer's designee, the animal's brain must be tested for rabies by the state microbiology laboratory of the department or by the North Dakota veterinary diagnostic laboratory. The Department may conduct diagnosis of farm, domestic animals, and wildlife suspected of having rabies and report findings as appropriate

**Testimony
House Bill 1386
Agriculture Committee
Friday, January 23, 2009; 9:45 a.m.
North Dakota Department of Health**

1386
David Glat
#5a
1/23/09

Good morning, Chairman Johnson and members of the Agriculture Committee. My name is L. David Glatt, and I am chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to testify in opposition to House Bill 1386 as written in its current form.

The Department of Health has been given the responsibility of safeguarding the health of North Dakota citizens. This includes having the ability to rapidly identify and appropriately respond to human disease outbreaks and threats throughout the state. We are concerned that House Bill 1386 could jeopardize the department's ability to fulfill this responsibility for the following reasons:

1. Rabies testing capacity would be limited to one laboratory in the state.
2. Having two laboratories conduct rabies testing helps safeguard the public's health. If the testing is done in a single laboratory, any disruption due to budget reductions or other unforeseen circumstances would mean that no testing could be done in North Dakota. This would require samples to be sent to an out-of-state laboratory, resulting in increased reporting times to the disease control and medical communities.
3. Public accessibility would be limited because the only laboratory conducting rabies testing would be located in the eastern part of the state.

The cost to maintain the rabies testing laboratory in the Department of Health is minimal, as many of the costs are fixed in a multi-functional laboratory. Eliminating this function from the state health laboratory would not substantially decrease the budget.

With these comments in mind, I would like to point out that I believe some opportunities exist to make the rabies testing program in the state more accessible and responsive without an additional cost to the state. I have discussed some potential amendments with a sponsor of the bill and have attached them to this testimony.

This concludes my testimony. I am happy to answer any questions you may have.

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 a~~
7 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 thereon
12 report the findings as directed. The laboratory may perform rabies tests as required by section
13 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 fro rabies by a vaccine approved for use
24 on that species by the national association of state public health veterinarians, inc.,

2 or any stray or unwanted domestic animal, if the state health officer, or the state
3 health officer's designee, determines the animal is a threat to human life or safety
4 due to the possible exposure of an individual to rabies.

- 5 3. The department, or an agency acting on the department's behalf, may promptly
6 seize and quarantine, or impound at the owner's expense, any dog, cat, or
7 currently vaccinated ferret for a period of ten days, or any other domestic animal
8 for a period not exceeding six months, if the state health officer or the state health
9 officer's designee, determines the animal is a threat to human life or safety due to
10 the possible exposure of an individual to rabies.

- 11 4. If an animal is humanely killed under this section, then at the request of the state
12 health officer, or the state health officer's designee, the animal's brain must be
13 tested for rabies by the state microbiology laboratory of the department ~~if there is~~
14 ~~possible human exposure to rabies and~~ or by the North Dakota veterinary
15 diagnostic laboratory ~~in any other case.~~ The department may conduct non human
16 exposure rabies testing upon request and report findings as directed.

- 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
department or a local public health unit, at any other time during confinement.

HB 1386

This bill concerns the location of the laboratory for the testing of animal brains when animals have exposed humans to the possibility of rabies. Currently the testing is done at the State Health Dept (NDDoH) and this bill proposes, with the NDDoH amendments, to allow the testing at both NDDoH and at the North Dakota State University Veterinary Diagnostic Laboratory (NDSU-VDL). The North Dakota Veterinary Medical Association polled their members and over 40 veterinarians responded. There was overwhelming support to allow NDSU-VDL to do the testing and that was before the amendment to allow testing at both NDDoH and the NDSU-VDL. The bill was amended to inform the State Veterinarian of any positive cases of rabies.

There is no fiscal note on this bill because the testing, approximately 300 cases, is being done by the NDDoH and the mailing cost are currently being provided by the local health units. The testing at NDSU-VDL may in the future prove to be less expensive. In the case of a domestic animal being tested for rabies, there will be a significant cost savings for the family of an exposed person. Currently, the local veterinarian has to remove the brain at a cost of \$30 to \$50 per case. The North Dakota Medical Association has been informed of these possible changes and have no objection.

It very important with rabies, for the testing to be convenient, inexpensive and reliable. Good communication between the testing laboratory and the local veterinarian is important.

Thank you for your consideration on the bill.

Louis Pinkerton

1) *Facilities and equipment*

- a. Provides for one location for sample submission of both human and non-human exposure at NDSU-VDL **and** testing will also be available at NDDoH
 - i. Currently have two (NDDoH – human exposure, NDSU-VDL – non-human exposure)
- b. NDSU-VDL has the capability to remove brain tissue from any animal species safely
 - i. NDDoH does not routinely remove brain tissue from animal heads
- c. Proper carcass disposal
 - i. NDDoH does not have the capability to dispose of all animal carcasses

2) *Testing*

- a. Direct fluorescent antibody
 - i. Same test run at NDDoH and the NDSU-VDL; CDC protocol
- b. Histopathology
 - i. Run only at the NDSU-VDL
- c. Immunohistochemistry
 - i. Run only at the NDSU-VDL
- d. PCR
 - i. investigating its implementation at NDSU-VDL

3) *Reporting*

- a. Expedites reporting by eliminating time in mail
 - i. Currently NDSU-VDL mails human exposure cases to NDDoH
- b. Eliminates the problem of conflicting results
 - i. In the past we have had rare cases where NDDoH results conflict with NDSU-VDL results
 - ii. Due to the nature of sample size and disposal it has not been possible for NDDoH and NDSU-VDL to reassess these conflicts
 - iii. The NDSU-VDL uses the CDC as a reference lab in these cases, but it does not resolve the difference in results between the two agencies
- c. NDSU-VDL will still report results to NDDoH

4) *Research Opportunities*

- a. Testing in one laboratory would allow the use of samples for research
 - i. Epidemiology
 - ii. Testing modalities

5) *Statewide rabies website*

- a. The NDSU-VDL could maintain this website and provide easy access by the public to information that would facilitate rapid and responsive rabies testing.

6) *Will maintain both Bismarck (NDDoH) and NDSU-VDL for best service*

**Testimony
House Bill 1386
Senate Agriculture Committee
Friday, March 13, 2009; 10:20 a.m.
North Dakota Department of Health**

Good morning, Chairman Flakoll and members of the Agriculture Committee. My name is L. David Glatt, and I am chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to testify in support of House Bill 1386.

The department supports House Bill 1386 as amended as it allows both the NDSU and the Department of Health laboratories to perform testing on animals suspected of having rabies. We believe this is good public policy and provides access to two laboratories in the state.

This concludes my testimony. I am happy to answer any questions you may have.