

Nebraska State Laws Affected by H.R. 4879

Source: Harvard Law School Animal Law & Policy Program, Analysis of the “Protect Interstate Commerce Act of 2018” H.R. 4879. 2018. Available at animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/

- I. Food
 - a. None
- II. Alcohol
 - a. None
- III. Drugs
 - a. Recreational
 - i. Salvia
 - 1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 - 2. NE ST § 28-405
 - b. Tobacco
 - i. Fire Safety Standards
 - 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 - 2. Neb. Rev. Stat. Ann. § 69-503
 - 3. Neb. Rev. Stat. Ann. § 69-504
 - 4. Neb. Rev. Stat. Ann. § 69-505
- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. None
- VII. Live Animal Imports
 - a. Aquaculture
 - i. Aquaculture Import and Disease Reporting
 - 1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
 - 2. Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 005
 - ii. Viral Hemorrhagic Septicemia
 - 1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal

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government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.

2. 163 Neb. Admin. Code chap. 2, § 001.07
- iii. Salmon
 1. These regulations prohibit the importation of salmon or otherwise restrict them from entering the state.
 2. Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 001
 3. Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 002
- iv. Imported Fish Labeled as Salmon
 1. Some states require that the salmon entering the state be delivered in a condition so that the species and size can be determined to assure compliance with fishing laws. Others restrict import to control the spread of fish diseases.
 2. Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 001
 3. Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 002
- b. Birds
 - i. Avian Influenza and Newcastle Disease
 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 2. Neb.Admin.R.& Regs. Tit. 173, Ch.1 § 1-004
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 010
- c. Cattle and Bison
 - i. Anthrax
 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
 - ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 005
- iii. Bovine Tuberculosis
 1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 005
- iv. Rabies
 1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
 4. http://www.nda.nebraska.gov/animal/reporting/disease_list.pdf
- d. Cervids
 - i. Chronic Wasting Disease (“CWD”): Restrictions
 1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 013
- e. Bees

- i. Import Requirements and Health Certifications
 - 1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
 - 2. Neb. Rev. Stat. § 81-2,167
- ii. Bee Quarantines
 - 1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
 - 2. Neb.Rev.St. § 81-2,170
- f. Horses
 - i. Equine Infectious Anemia
 - 1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
 - 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 008
- g. Sheep and Goats
 - i. Scrapie
 - 1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
 - 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
 - 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 007
 - ii. Scabies
 - 1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.
 - 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 009
- h. Swine

- i. Pseudorabies
 1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
 2. Neb.Rev.St. § 54-788
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 006
 4. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 016
 5. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 018
 - ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 002
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
 4. http://www.nda.nebraska.gov/animal/reporting/disease_list.pdf
 - i. Exotic Meats
 - i. Bison
 1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 005
 - ii. Camelids: Camel, Alpaca, and Llama
 1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.
 2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 004
 3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2, § 014
- VIII. Companion Animals
- a. Dogs and Cats
 - i. Minimum Age at Sale
 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. Neb. Rev. St. § 28-1018
 - ii. Lemon Laws
 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats

commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.

2. Neb. Rev. St. § 54-646 (1)

3. Neb. Rev. St. § 54-646 (3)

iii. Veterinary Inspection Requirements

1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.

2. Neb. Admin. R. & Regs. Tit. 23, Ch. 2 § 004

3. Neb. Admin. R. & Regs. Tit. 23, Ch. 2 § 009

IX. Products for Animals

a. Pet Food

i. Requirements of Manufacturers

1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.

2. Neb. Rev. Stat. Ann. § 54-850

b. Animal Carcasses and Grease

i. Transport Requirements: Use of Leakproof Container

1. These laws impose import restrictions on certain types of dead domestic animals. Some require that no domestic animal carcass can be imported or sold within the state if the animal in question died other than by slaughter—except as authorized by a special permit awarded by the state. These laws are intended to limit risks to public health.

2. Neb. Admin. R. & Regs. Tit. 23, Ch. 10, § 005

X. Dead Animals and Animal Parts

a. None

XI. Invasive Pests, Plants, and Disease

a. Nursery Imports Generally

i. Labeling, Testing, and Other Requirements

1. These laws require shipments of plants or plant seeds entering the state to be properly labeled with information about the producer as well as about where the plants were grown. Some require disease testing information to be included as well.

2. Neb.Rev.St. § 2-10,106

b. Aquatic Invasive Plant Species Generally

i. Import

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1. These laws impose restrictions on aquatic plant species that can be imported into the state. They are intended to protect native wildlife and the fishing industry.
 2. Neb. Admin. R. & Regs. Tit. 163, Ch. 2, § 012
 - c. Noxious Weeds
 - i. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 - ii. Neb. Admin. R. & Regs. Tit. 25, Ch. 10, § 001
 - XII. Procurement
 - a. Agricultural Goods
 - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 - ii. Neb. Admin. R. & Regs. Tit. 9, Ch. 4, § 003
 - iii. Neb. Admin. R. & Regs. Tit. 9, Ch. 72, § 004
 - XIII. General Prohibitions
 - a. None
 - XIV. Miscellaneous
 - a. Poisons of Agricultural Origins
 - i. Bitter Almonds
 1. Unlike sweet almonds, bitter almonds are toxic to humans. Though they are similar in appearance to sweet almonds, bitter almonds contain exponentially higher amounts of cyanide-compounds. Once heat-treated, bitter almonds can be used to make almond extract; however, in their raw form, the nuts can be lethal to humans even in small doses of only ten or more nuts if consumed by a child. Several states regulate labeling of bitter almonds or otherwise prohibit their sale as a poison.
 2. Neb.Rev.St. § 71-2508