

2019 SENATE AGRICULTURE

SB 2092

2019 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2092
1/4/2019
30427

- Subcommittee
 Conference Committee

Committee Clerk: Dan Johnston II

Explanation or reason for introduction of bill/resolution:

Relating to rabies control.

Minutes:

2 Attachments

Chairman Luick: Opens hearing on SB 2092.

Kirby Kruger, Director of the Division of Disease Control and Medical Services Section Chief, North Dakota Department of Health: See Attachment 1 for testimony in support of SB 2092.

Vice Chair Myrdal: On page two of your testimony, you mention "This law has never contained language requiring vaccination of animals"*, can you update this committee on what are the requirements? I was under the assumption that, as an animal owner, you are required to have rabies vaccination on your dog, cats, horses, etc.

Kirby Kruger: That's a very good question; there has never been a state statute requiring vaccination. Many municipalities have city ordinances that require an animal within city limits to be vaccinated, and so those are the primary ways that that is being handled.

Vice Chair Myrdal: So rural areas, which is most of North Dakota, there is no requirement; is that correct?

Kirby Kruger: Some counties may have adopted it, but I'm not aware of any.

Vice Chair Myrdal: Do you know of a reason why the state hasn't done that in the past. As a farm owner, all of my animals are vaccinated; it just seems like the wise thing to do. I know we have liberty and freedom, but yet we also want to protect citizens and animals; rural areas have more skunks than cities, however we just shoot them, and that's on record now so.

Chairman Luick: Are you a good shot?

Vice Chair Myrdal: I am.

*attachment 1, pg 2, paragraph 2.

Kirby Kruger: I do not know why there has never been a statewide approach toward requiring this; as long as I have been Division Director, we have never tried this. However, I think part of the issue that we see is that, even in cities, enforcement is really difficult to do; and so, statewide would probably be even more so. On the other hand though, it provides leverage so that when you're working with people who have unvaccinated animals you can explain to them that is a state law that requires that your animal be vaccinated. If we had that it wouldn't hurt my feelings any.

Chairman Luick: Are there any other diseases besides rabies that are just as detrimental or dangerous or concerning?

Kirby Kruger: There are lots of diseases out there that are detrimental, that we work with. how many are zoonotic? Very few, I think the key with rabies is that it has a very high fatality rate , but its 100 percent preventable if we can get people treated right after exposure. However it has to be soon after exposure, we cant wait until they develop symptoms because then it's too late.

Senator Larsen: How do they determine if an animal has rabies? Is it a blood test or is it more in-depth?

Kirby Kruger: There are lots of tests out there, but there's only one test that is accepted to be reliable and that a test of the central nervous system it's self. This requires that the animal be euthanized, the brain and the brain stem removed and examined under a microscope.

Senator Larsen: Is this that the reason the previously stated individual was reluctant to relinquish his animal to the state for testing?

Kirby Kruger: In that situation the individual was uncomfortable with the cranium of his pet being open up and brain removed to occur; he wanted the animal whole.

Senator Larsen: I had heard when you get the rabies vaccination, it was like twenty shots to the stomach. Has that changed?

Kirby Kruger: That has changed dramatically, we used to give fourteen shots in the abdomen, it is now a four dose series plus a dose of rabies immune globulin. That four dose series is given over fourteen days. The rabies immune globulin is not a vaccine; it is preformed antibodies that are collected from people who are immunized against rabies. It provides immediate protection against rabies; when you give a vaccine it takes several days for your body to make the antibodies, so you want to get rid of that window period went your body does not have antibodies, and that is what the rabies immune globulin does.

Senator Larsen: Is the rabies vaccine now a required vaccine for kids going to school?

Kirby Kruger: No, it is not a required vaccine; it is recommended groups of people such as veterinarians, wildlife workers, people who have frequent contact with animals.

Chairman Luick: How long does that vaccine last.

Kirby Kruger: Once a person is vaccinated they will have antibodies for anywhere from 5-7 years; it's variable and depends on person-to-person. The good news about the rabies vaccine is that you immune system does a great job of memorizing that it has been exposed to the vaccine, and when you get the booster shot, your body rapidly makes new antibodies.

Senator Hogan: How often do you end up treating humans, because you can't document whether or not there was a rabies infected animal?

Kirby Kruger: Unfortunately, I do not have very good data on that. We don't deal with all of the exposure situations that occur in North Dakota,; some of them get handled on the local level, some get handled by law enforcement, some by public health, in depends on the jurisdiction. Its not very often that we have to recommend rabies post exposure prophylaxis because we could not determine the status of the animal. It does happen, it's just routine.

Senator Hogan: Would there be any benefit to having a state reporting requirement?

Kirby Kruger: Right now rabies is reportable, but that means we get reports on animals that have been diagnosed with rabies, if we ever have a human contract rabies, and hopefully we, that would have to be reported as well. But what isn't reportable is those individuals who started post exposure prophylaxis, and that is we probably could do through administrative rule.

Senator Larsen: So are raccoons carriers of rabies. Because I used to have one of those but they said it carried rabies, so I shot it.

Kirby Kruger: Yes, they can carry rabies. What their most concerned about in wildlife are skunks, coyotes, foxes, raccoons, the carnivores.

Chairman Luick: What about rodents?

Kirby Kruger: Theoretically they can be infected with rabies, what we found is that there is no documented transmission from a small animal such as a mouse, rat, squirrel or rabbit to a human. So generally speaking unless its really unusual circumstances this type of exposure is not of concern. Now, if a squirrel bit somebody, and the squirrel is available for testing, we will happily test it to rule out rabies.

Vice Chair Myrdal: I noticed that on page 3 of the actual bill where it talks about the owner's expense; who does pay for the testing of rabies.

Kirby Kruger: The actual testing itself, it depends on where the specimen is tested, if it goes to the NDSU veterinary diagnostic lab there is a fifty dollar fee.

Senator Larsen: Does this state have areas where rabies is more prevalent?

Kirby Kruger: Every year the geographic regions vary, and in fact we don't do active surveillance very often.

No Further Testimony in Support.

Deana Wiese, North Dakota Veterinary Medical Association: See Attachment 2 for Testimony in opposition of SB 2092.

Senator Larsen: In dealing with the quarantine issue with animal that are suspected for carrying rabies, are they quarantined at a veterinary clinic for the 10 days?

Deana Wiese: Not being a veterinarian I cannot answer that definitively. I am not sure if Mr. Kruger can or not, but I know that some of the concerns that the veterinarians have about this is to ensure that the quarantine is still in place and that an can't just be seized and euthanized.

Kirby Kruger: The terms quarantine, isolation and observation are all different terms that get grouped together often times. But if we have a dog, cat, or a ferret that bites somebody generally there can be an observation period and generally speaking that observation period can occur in that persons home. Now we have to deal with these situations case by case, and if we don't feel we're getting cooperation from the owner then we may need to ask that the observation occur at a veterinary clinic and we have to work with the state vets office to see what we can do. But in all situations we always see voluntarily compliance with our recommendations, to make sure that we can rule out a rabies exposure. The reason we can hold and observe a dog, cat or ferret for 10 days is because those species have been studied well enough so that the experts believe they are comfortable knowing how long they can shed the virus in their saliva, and that if you hold the animal 10 days and it's healthy at the end, it wasn't shedding virus at the time of the bite. What we don't understand are all the other species. There just isn't good enough data to understand what length isn't. So for other types of species, especially wild animals, the recommendation is euthanasia and testing.

Senator Klein: We look at the numbers, what 8 with cats and dogs? I mean, don't play with your skunk is what I'm receiving here. Really, the bigger issue is bats and skunks, which is more than half over a five year period, this isn't something where people are calling you every day, it does pop up, but it's certainly not something that you deal with day in and day out.

Kirby Kruger: Those are the animal that have been diagnosed with rabies, it's not all the bites that occur or other exposures that occur in North Dakota, which happens much more frequently than animals being diagnosed

Senator Klein: So this statistic is solid, take to the bank rabies. Whereas it could be 266 people have been bitten that did not turn in to rabies, but you still had to follow up on. Is that what I'm hearing?

Kirby Kruger: That's right. If there is somebody who's been potentially exposed we just want to make sure we came rule out a rabies exposure; because it is 100 percent fatal.

Senator Klein: But then following up on the skunk issue, more bites then the 35 listed. However, those were ruled out certainly because you probably couldn't catch up with skunk or bat.

Kirby Kruger: what's really important is that they see people undergo post exposure prophylaxis treatment because of an exposure to wild animals; it's usually to a domestic dog, cat or ferret cause that's what their coming into contact with. Therefore, the lesson we have is that you vaccinate you dog, cat or ferret.

Vice Chair Myrdal: So Deana, in your third paragraph you refer to Compendium a few times; could you explain that to me?

Deana Wiese: I believe that is a document within the CDC that provides the outline for the process for rabies control and the veterinarians take a lot of stock in that. We would like to have a discussion with the State Department of Health to make sure this bill aligns with that.

Pete Hanebutt, NDFB: I just encourage you to put this off until Deana's people are happy and my one former county farm bureau president who is a veterinarian and my other board member who is a veterinarian are satisfied with what they work out. I trust them to do it right, we obviously have a concern whenever animal seizer is involved and the fact that due process needs to be followed.

Meeting Adjained.

2019 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2092
2/1/2019
Job # 31942 (6:05 – 10:25)

- Subcommittee
 Conference Committee

Committee Clerk: Carie Winings

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact sections 23-36-01, 23-36-03, 23-36-05, 23-36-06, and 23-36-08 of the North Dakota Century Code, relating to rabies control.

Minutes:

No Attachments

Chairman Luick: Opened SB 2092 for committee discussion. What has happened here is that we had a little rift between the two parties; the Health Department and the veterinarians on some language in here. They got together and worked their differences out in amendment. I have talked to both parties on this and they are both in agreement with the amendment.

Senator Klein: I move the amendments as proposed by the chairman.

Senator Myrdal: Seconded.

Chairman Luick: Any further discussion.

Senator Hogan: Because we don't have a specific amendment number, is it fine to do this? (Reassurance from the intern was given that they could adopt what they were looking at – no copy provided to the clerk for the record.)

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Vice Chair Myrdal: Moved a Do Pass As Amended.

Senator Klein: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Vice Chair Myrdal will carry the bill.

January 31, 2019

SK
1032

PROPOSED AMENDMENTS TO SENATE BILL NO. 2092

Page 1, line 10, overstrike "conclude"

Page 1, line 10, overstrike the second "a"

Page 1, line 11, overstrike "diagnosis of possible" and insert immediately thereafter "suspect an infection of"

Page 1, line 11, after "rabies" insert "and the pursuit of a rabies diagnosis"

Page 2, line 1, after "7." insert: """Euthanasia" means the use of humane techniques to induce the most rapid, painless, and distress-free death possible in an animal.

8."

Page 2, line 1, overstrike "of"

Page 2, line 2, overstrike "an individual"

Page 2, line 5, overstrike "8." and insert immediately thereafter "9."

Page 2, line 7, overstrike "9." and insert immediately thereafter "10."

Page 2, line 9, overstrike "10." and insert immediately thereafter "11."

Page 2, line 9, overstrike "a possibly rabid" and insert immediately thereafter "an exposed"

Page 2, line 10, overstrike "isolated" and insert immediately thereafter "segregated"

Page 2, line 10, after "animals" insert "and individuals"

Page 2, line 12, overstrike "11." and insert immediately thereafter "12."

Page 2, line 12, remove the overstrike over "~~""Vaccinated animal" means an animal that has been vaccinated in compliance with the~~"

Page 2, remove the overstrike over line 13

Page 2, line 14, remove the overstrike over "~~health veterinarians~~" and insert immediately thereafter "2016"

Page 2, line 14, remove the overstrike over the overstruck period

Page 2, line 15, after "12." insert:

"13. "Suspect rabies exposure" means an animal bitten or otherwise exposed to a wild carnivore, skunk, bat, or an animal, as determined by a veterinarian, which may have been exhibiting signs of rabies, and a rabies exposure could not be ruled out through laboratory testing.

14."

Page 2, line 15, overstrike "mammal" and insert immediately thereafter "animal"

Page 2, line 16, overstrike "mammal" and insert immediately thereafter "wild animal"

Page 2, line 23, overstrike "promptly"

Page 2, line 24, overstrike "humanely kill" and insert immediately thereafter "euthanize"

Page 2, line 28, overstrike "humanely kill" and insert immediately thereafter "euthanize"

Page 2, line 31, after "~~domestic~~" insert "wild"

Page 3, line 8, after the overstruck period insert "For domestic animals, the department may seize and quarantine or confine and observe an animal if the animal has bitten or otherwise exposed an individual or has been bitten or otherwise exposed to rabies or suspect rabies and the owner is unwilling or unable to comply with the department's recommendations. The department may seize and euthanize an animal if the animal has bitten or otherwise exposed an individual and is exhibiting signs of rabies, as diagnosed by a veterinarian. The department may seize, euthanize, or quarantine an animal if the animal was exposed to rabies or suspect rabies and never has been vaccinated against rabies and the owner is unwilling or unable to comply with the department's recommendations."

Page 3, line 9, remove the overstrike over "4."

Page 3, line 9, after "animal" insert "had died or"

Page 3, line 13, remove "farm"

Page 3, line 14, remove the first "animals,"

Page 3, line 16, remove the overstrike over "5."

Page 3, line 16, remove "4."

Page 3, line 20, remove the overstrike over "6."

Page 3, line 20, remove "5."

Page 3, line 31, remove "another animal or"

Page 4, line 1, after "rabies" insert "or possibly has been exposed to rabies"

Page 4, line 6, overstrike "mammal" and insert immediately thereafter "animal"

Page 4, line 23, overstrike "The animal was a wild mammal, and, at the time of the exposure, was currently"

Page 4, overstrike lines 24 and 25

Page 4, line 26, overstrike "2."

Page 4, line 28, overstrike "3." and insert immediately thereafter "2."

Re-number accordingly

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2092**

Senate Agriculture _____ Committee

Subcommittee

Amendment LC# or Description: 19.8046.01001 _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Vice Chair Myrdal Seconded By Senator Klein _____

Senators	Yes	No	Senators	Yes	No
Chairman Luick	X		Senator Hogan	X	
Vice Chair Myrdal	X				
Senator Klein	X				
Senator Larsen	X				
Senator Osland	X				

Total (Yes) 6 No 0 _____

Absent 0 _____

Floor Assignment _____

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

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2092**

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Subcommittee

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Chairman Luick	X		Senator Hogan	X	
Vice Chair Myrdal	X				
Senator Klein	X				
Senator Larsen	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Vice Chair Myrdal

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

REPORT OF STANDING COMMITTEE

SB 2092: Agriculture Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2092 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "conclude"

Page 1, line 10, overstrike the second "a"

Page 1, line 11, overstrike "diagnosis of possible" and insert immediately thereafter "suspect an infection of"

Page 1, line 11, after "rabies" insert "and the pursuit of a rabies diagnosis"

Page 2, line 1, after "7." insert: """Euthanasia" means the use of humane techniques to induce the most rapid, painless, and distress-free death possible in an animal.

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Page 2, line 12, remove the overstrike over "~~""Vaccinated animal" means an animal that has been vaccinated in compliance with the~~"

Page 2, remove the overstrike over line 13

Page 2, line 14, remove the overstrike over "~~health veterinarians~~" and insert immediately thereafter "2016"

Page 2, line 14, remove the overstrike over the overstruck period

Page 2, line 15, after "12." insert:

"13. "Suspect rabies exposure" means an animal bitten or otherwise exposed to a wild carnivore, skunk, bat, or an animal, as determined by a veterinarian, which may have been exhibiting signs of rabies, and a rabies exposure could not be ruled out through laboratory testing.

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Page 2, line 15, overstrike "mammal" and insert immediately thereafter "animal"

Page 2, line 16, overstrike "mammal" and insert immediately thereafter "wild animal"

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Page 2, line 24, overstrike "humanely kill" and insert immediately thereafter "euthanize"

Page 2, line 28, overstrike "humanely kill" and insert immediately thereafter "euthanize"

Page 2, line 31, after "~~domestic~~" insert "wild"

Page 3, line 8, after the overstruck period insert "For domestic animals, the department may seize and quarantine or confine and observe an animal if the animal has bitten or otherwise exposed an individual or has been bitten or otherwise exposed to rabies or suspect rabies and the owner is unwilling or unable to comply with the department's recommendations. The department may seize and euthanize an animal if the animal has bitten or otherwise exposed an individual and is exhibiting signs of rabies, as diagnosed by a veterinarian. The department may seize, euthanize, or quarantine an animal if the animal was exposed to rabies or suspect rabies and never has been vaccinated against rabies and the owner is unwilling or unable to comply with the department's recommendations."

Page 3, line 9, remove the overstrike over "4."

Page 3, line 9, after "animal" insert "had died or"

Page 3, line 13, remove "farm"

Page 3, line 14, remove the first "animals."

Page 3, line 16, remove the overstrike over "5."

Page 3, line 16, remove "4."

Page 3, line 20, remove the overstrike over "6."

Page 3, line 20, remove "5."

Page 3, line 31, remove "another animal or"

Page 4, line 1, after "rabies" insert "or possibly has been exposed to rabies"

Page 4, line 6, overstrike "mammal" and insert immediately thereafter "animal"

Page 4, line 23, overstrike "The animal was a wild mammal, and, at the time of the exposure, was currently"

Page 4, overstrike lines 24 and 25

Page 4, line 26, overstrike "2."

Page 4, line 28, overstrike "3." and insert immediately thereafter "2."

Re-number accordingly

2019 HOUSE AGRICULTURE

SB 2092

2019 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2092
2/28/2019
Job #32983

- Subcommittee
 Conference Committee

Committee Clerk: ReMae Kuehn

Explanation or reason for introduction of bill/resolution:

Relating to rabies control

Minutes:

Attachments # 1 & 2

Kirby Kruger, Director of the Division of Disease Control, North Dakota Department of Health: (Attachment #1)

(6:50)

Representative Satrom: Bovine cows can get it?

Kirby Kruger: Any mammal is susceptible to rabies. Usually a cow is exposed to a skunk out on the farm.

Deana Wiese, North Dakota Veterinary Medical Association:
(Attachment #2)

(10:13)

Julie Ellingson, North Dakota Stockmen's Association: We are in support of the bill. We appreciate this work that protects animal and human health.

Pete Hanebutt, North Dakota Farm Bureau: We had concerns when this bill was in the Senate. The differences have been worked out. We are now in support.

Representative McWilliams: On page 1, #5, rabbits are not included.

Kirby Kruger: Rabbits are susceptible to rabies but are highly resistant. There have been no known human rabies cases resulting in transmission from a rabbit. If their behavior is abnormal, we would still recommend the person get rabies shots if they got bit from that rabbit.

Representative Skroch: Can domesticated rabbits be vaccinated?

Kirby Kruger: I don't believe there is a vaccine approved for domesticated rabbits.

Representative Schreiber-Beck: Moved Do Pass

Representative Skroch: Seconded the motion

A Roll Call vote was taken: Yes 13, No 0, Absent 1.

Do Pass carries.

Representative Schreiber Beck will carry the bill.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2092**

House **Agriculture** Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions:** Reconsider _____

Motion Made By Rep. Schreiber Beck Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Ruth Buffalo	X	
Vice Chairman Wayne Trottier	X		Rep. Gretchen Dobervich	X	
Rep. Jake Blum	X				
Rep. Jay Fisher	X				
Rep. Craig Headland	X				
Rep. Dwight Kiefert	AB				
Rep. Aaron McWilliams	X				
Rep. David Richter	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				
Rep. Bill Tveit	X				

Total **Yes** 13 **No** 0

Absent 1

Floor Assignment Rep. Schreiber Beck

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

REPORT OF STANDING COMMITTEE

SB 2092, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2092 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2092

Good morning Chairman Luick and members of the Senate Agriculture Committee. My name is Kirby Kruger, and I am the Director of the Division of Disease Control and the Medical Services Section Chief with the North Dakota Department of Health. I am here today to support Senate Bill 2092.

Before I address the proposed amendments, I would like to provide some background on rabies and rabies control in North Dakota. Rabies is a viral infection that affects the nervous system of people. It is found in the saliva and central nervous system tissues of infected animals. Rabies is usually transmitted from the bite of an infected animal. For all practical purposes, human rabies needs to be considered 100% fatal. Rabies cannot be cured but can be prevented through proper post-exposure immunizations. This requires that when notified of a possible rabies exposure, the Department of Health has the ability to ensure that a rabies exposure has been ruled out.

From 2014 through 2018, 66 cases of rabies have been reported in North Dakota. Please note that 2018 data is still preliminary. Here is a breakdown by species:

- Skunk 35 (53%)
- Bovine 12 (18%)
- Bat 8 (12%)
- Cat 6 (9%)
- Dog 2 (3%)
- Other 3 (5%)

The North Dakota Department of Health works with the Office of the State Veterinarian on many exposure situations. The Department of Health relies on two resources to guide its rabies control efforts. These are:

- the Advisory Committee on Immunization Practices (ACIP) and
- the Association of State and Territorial Public Health Veterinarians.

This guidance is lengthy and gets updated periodically. North Dakota Administrative code 33-06-04 requires the Department of Health to use peer reviewed recommendations when taking disease control measures.

The proposed amendments to North Dakota Century Code 23-36 are being requested to simplify the language in statute regarding the control of rabies in North Dakota. The current language contains a variety of adjectives, such as vaccinated, unvaccinated, wild, domestic, unwanted and various combinations of these to describe various animals that can transmit rabies. These modifiers are not needed because whenever there is a possible exposure to rabies, there are usually some public health actions that are warranted. Even a vaccinated dog or cat needs to be observed for ten days if it bites a person. Exceptions are rare but may include exposures to small rodents and rabbits or hares.

We did include language that allows the Department of Health to take action if another animal was exposed or possibly exposed to rabies. The current law, as we understand it, allows for control measures to be taken only for human exposures. This law has never contained language requiring vaccination of animals. Many cities address this with city ordinances.

Here is a summary of the most notable changes:

- Page 1, line 2: signs and not symptoms is the more correct term to describe disease pathology in animals.
- Page 1, lines 19 and 20: vaccination status of a ferret is not relevant for the Department of Health to take measures to ensure a rabies exposure has not occurred.
- Page 2, lines 11-14: The definition of vaccination is removed since the term is no longer used in this section.
- Page 2, lines 28-31: this language is being removed because any actions taken to protect people from getting rabies are not limited by vaccination status, or if an animal is wild, stray or unwanted. The resulting language includes all animals that are capable of transmitting rabies.
- Page 3, line 2: we included possible exposures of other animals to rabies as criteria for taking actions to reduce the risk of rabies exposures to people. For example, if a family's dog is bitten by a skunk, what should be done with the dog?
- Page 3, lines 3-8: have been deleted because they are now redundant to the new language found in 23-36-03, subsection 2.
- Page 3, lines 9-15: these changes clarify that the Department of Health may take actions to protect people from rabies even if the animal is already dead.

- Page 3, lines 20-23: This language will give the Department of Health, a local public health unit or law enforcement the authority to have an animal, that may have exposed a person to rabies, examined by a veterinarian.
- Page 3, line 31: we added possible exposures of another animal to rabies as reason for requesting assistance from other agencies.
- Page 4, lines 11-13: we replaced the word vaccine with biologics to be inclusive of rabies immune globulin, which is an important part of post-exposure rabies prevention but is not technically a vaccine.
- Page 4, lines 26-27: "another animal" is included to clarify the Department of Health's limits of liability. This language would allow the exposure or possible exposure of another animal to rabies to be a legitimate cause for action to control rabies.

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



NORTH DAKOTA VETERINARY MEDICAL ASSOCIATION

Testimony of Deana Wiese
North Dakota Veterinary Medical Association
In Opposition to SB 2092
January 4, 2019

Chairman Luick and Members of the Senate Agriculture Committee:

My name is Deana Wiese, and I am representing the North Dakota Veterinary Medical Association (NDVMA). I am here today in opposition to SB 2092 due to its lack of clarity in several areas and the potential impact to veterinarians, their patients and their clients.

NDVMA has spent more than a century representing the interests of veterinarians, their clients and patients. Today, the organization has more than 275 members representing small, large animal, exotic, bovine and equine practitioners and those veterinarians working in research, academic and government capacities.

Recognizing the Department of Health's effort to simplify the types of animals it can act on regarding rabies control, NDVMA is concerned with the lack of clarity of the bill and its overall compliance with the Compendium of Animal Rabies Prevention and Control. The most serious concern is removing the vaccination definition (23-36-01.11) and the lack of clarity it creates on the seizing or euthanizing of any animal, vaccinated or not. NDVMA feels this change should align more with Compendium recommendations. We are also concerned about the possibility of the removal of the definition undermining the need for rabies vaccine in approved species. Furthermore, NDVMA has concerns regarding quarantine periods and the involvement of veterinarians as it relates to public health.

We'd welcome the opportunity to learn more about the intent in these areas and the bill in its entirety and to work with the Department of Health, State Veterinarian's Office and this committee to address these and other concerns. However, NDVMA cannot support the current version of the bill.

Good morning Chairman Johnson and members of the House Agriculture Committee. My name is Kirby Kruger, and I am the Director of the Division of Disease Control and the Medical Services Section Chief with the North Dakota Department of Health. I am here today to support Senate Bill 2092.

Before I address the proposed amendments, I would like to provide some background on rabies and rabies control in North Dakota. Rabies is a viral infection that affects an individual's nervous system. It is found in the saliva and central nervous system tissues of infected animals. Rabies is usually transmitted from the bite of an infected animal. For all practical purposes, human rabies needs to be considered 100 percent fatal. Rabies cannot be cured but can be prevented through proper post-exposure immunizations. This requires that when notified of a possible rabies exposure, the Department of Health has the ability to ensure that a rabies exposure has been ruled out.

From 2014 through 2018, 66 cases of rabies have been reported in North Dakota. Please note that 2018 data is still preliminary. Here is a breakdown by species:

• Skunk	35 (53%)	Cat	6 (9%)
• Bovine	12 (18%)	Dog	2 (3%)
• Bat	8 (12%)	Other	3 (5%)

The North Dakota Department of Health works with the Office of the State Veterinarian on many exposure situations. The Department of Health relies on two resources from two national groups to guide its rabies control efforts. These are:

- the Advisory Committee on Immunization Practices (ACIP) and
- the Association of State and Territorial Public Health Veterinarians.

North Dakota Administrative code 33-06-04 requires the Department of Health to use peer reviewed recommendations when taking disease control measures.

The proposed amendments to North Dakota Century Code 23-36 are being requested to simplify the language in statute regarding the control of rabies in North Dakota. After the initial senate agriculture committee hearing, the Department of Health worked with the North Dakota Veterinary Medical Association (NDVMA) and the Office of the State Veterinarian to address concerns the association had regarding the bill. We appreciated being able to work with the veterinarians and the result of that joint effort is what is in front of you today.

One of our goals was to clarify our authority to ensure an animal that had been exposed to rabies or potentially exposed to rabies is being handled correctly. Usually, the greatest public health concern arises when dogs or cats that are pets have been exposed to a wild animal such as a skunk or racoon.

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Here is a summary of the most notable changes:

- Page 1, line 9-12: signs and not symptoms is the more correct term to describe disease pathology in animals and the newer language more accurately reflects the course of action of a veterinarian.
- Page 1, lines 20 and 21: vaccination status of a ferret is not relevant for definition of a domestic animal.
- Page 2 lines 3 and 4: we added the term euthanasia and defined it.
- Page 2, lines 17-18: The definition of vaccination was reinstated after it was initially removed, as the term is used in the section.
- Page 3, number 2 of section 23-36-03 has been changed to address wild animals and references to vaccination status have been removed.
- Page 3, number 3 of section 23-36-03 addresses domestic animals. It compels the department to seek voluntary compliance from animal owners in addressing rabies exposures, outlines the measures we can take if the owner is not able or unwilling to comply with recommendations and requires a veterinarian's opinion on signs of illness that the animal may be presenting with, if any.
- Page 3, number 4 of section 23-36-03 addresses situations where an animal may have died or has already been euthanized and that animal had exposed a person or another animal and rabies needs to be ruled out.
- Page 4, lines 8-10: This language will give the Department of Health, a local public health unit or law enforcement the authority to have an animal that may have exposed a person to rabies, examined by a veterinarian.
- Page 4, line 20: we added exposures of another animal as a reason for requesting assistance from other agencies.
- Page 5, lines 2-4: we replaced the word vaccine with biologics to be inclusive of rabies immune globulin, which is an important part of post-exposure rabies prevention but is not technically a vaccine.
- Page 5, line 14 -16 have been removed because there currently is no vaccine approved for any wild animals.
- Page 5, lines 17-18: "another animal" is included to clarify the Department of Health's limits of liability to include situation where an animal may have been exposed to rabies.

The final item I would like to address is that the NDVMA was concerned we had no system of due process in the law. However, NDCC 23-36-04 requires the Department of Health to use an administrative search warrant when taking possession of an animal. There is an exception for when there is an immediate threat to human life or serious bodily injury. However, these types of emergencies are rare with rabies.

We are appreciative of the constructive feedback from the veterinary community after the first hearing in the senate.

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



North Dakota Veterinary Medical Association #2 SB2092

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2/28/19

Testimony of Deana Wiese
North Dakota Veterinary Medical Association
In Support of SB 2092
February 28, 2019

Chairman Johnson and Members of the House Agriculture Committee:

My name is Deana Wiese, and I am representing the North Dakota Veterinary Medical Association (NDVMA). I am here today in support of SB 2092 relating to rabies control.

NDVMA has spent more than a century representing the interests of veterinarians, their clients and patients. Today, the organization has more than 275 members representing small, large animal, exotic, bovine and equine practitioners and those veterinarians working in research, academic and government capacities.

NDVMA board members and staff spent a considerable amount of time working with the North Dakota Department of Health and others on revisions to this bill when it was in the Senate to ensure the wellbeing of veterinarians, their patients and their clients. NDVMA appreciated that opportunity and supports the bill before this Committee today. We'd encourage a Do Pass recommendation on SB 2177.