

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 continue our support for Senate Bill 2092.

To refresh our memories, initial amendments to North Dakota Century Code 23-36 were being requested by the Department of Health in an attempt to simplify the language in statute regarding the control of rabies in North Dakota. At the January 4, 2019 hearing, the North Dakota Veterinary Medical Association (NDVMA) opposed the changes. The department had requested some time to work the NDVMA. We had a chance to meet with NDVMA representatives on January 8 and they were able to relay several concerns around due process and including more language to better reflect the compendium of rabies prevention and control published by the Association of State Public Health Veterinarians.

We were able to reach agreement on language and that language is what is before you now. I feel that the proposed language brings clarity to the statute. It also falls within our usual business practices. Here is a short summary of the major changes.

- In 23-36-01, definitions
 2. “clinical signs” – the veterinarians suggested language that was more in line with their scope of practice.
 7. “euthanasia” is a new term that is being defined. The term is used consistently throughout the amendment.
 12. “suspect rabies exposure” is included to define an exposure where there is an animal exposure but rabies in the exposing animal could not be ruled out.
 13. we reinstated the term “vaccinated animal” and the term is used in 23-06-03. Because we reference the national guidance in this definition we added the date to the guidance. In this case, the most recent guidance was published in 2016.
- In 23-36-03 enforcement authority
 - Item 2 now refers only to wild animals
 - Item 3 addresses domestic animals that expose a person or have been exposed to suspect rabies. This language requires the

department to seek voluntary compliance before we seize a domestic animal. It also requires that a veterinarian make the determination if an animal is displaying signs of rabies.

- In 23-36-08 limitations of liability, item number one was deleted because there is no vaccine approved for wild animals.

The final item I will mention is there was some concern from the NDVMA that we did not include a system of due process for animal owners. However, NDCC 23-36-04 requires the department to use an administrative search warrant in accordance with NDCC 29-29.1 when taking possession of an animal. There is an exception for when there is an immediate threat to human life or of serious bodily injury. However, these types of emergencies are extremely rare with rabies.

I appreciate the constructive feedback from the NDVMA and the opportunity to work with them on this bill.

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