

No. 1986-181

AN ACT

SB 562

Providing for the establishment and operation of a Statewide system for the prevention and control of rabies; imposing additional powers and duties on the Departments of Agriculture and Health; providing for emergency declarations; fixing penalties for violations; and making an appropriation.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Rabies Prevention and Control in Domestic Animals and Wildlife Act.

Section 2. Findings.

(a) Incidence of rabies.—The incidence of rabies throughout this Commonwealth has increased over the past six years in alarming proportions. In 1985, 450 laboratory-confirmed rabies cases were reported in this Commonwealth, as compared to only 16 confirmed cases in 1979. Furthermore, the epidemic is spreading across the State. In 1981, only nine counties reported cases of rabies, whereas, in 1985, rabies cases were reported in almost half the counties of this Commonwealth.

(b) Impact of rabies epidemic.—The socioeconomic impact of the epidemic is frightening. Not only is the postexposure treatment costly, but the protocol surrounding a single suspected rabid animal requires the expenditure of both monetary and human resources.

Section 3. Legislative intent.

It is the intent of the General Assembly to provide a comprehensive rabies control program involving research, prevention and education which will protect the citizens of this Commonwealth from an unnecessary and harmful rabies epidemic.

Section 4. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Cat.” A carnivorous mammal scientifically known as *Felis Catus* which spends any part of any 24-hour day in a residence inhabited by a human being.

“Department.” The Department of Agriculture of the Commonwealth.

“Rabies.” In man and animal, hydrophobia, an acute viral disease of the central nervous system usually transmitted to man through the injection of saliva by an animal bite.

“Secretary.” The Secretary of Agriculture of the Commonwealth.

Section 5. Statewide system for rabies control.

The department, in cooperation with the Pennsylvania Game Commission and the Department of Health, shall establish a Statewide system for the prevention and control of rabies in both wild and domestic animals. The system will encompass both a comprehensive research program aimed at ending the rabies epidemic in the wild and a rabies control program which includes standardized procedures to follow in this Commonwealth.

Section 6. Powers and duties of department.

The department shall have the following powers and duties:

(1) Monitor, in cooperation with the Department of Health and the Pennsylvania Game Commission, the confirmed incidences of rabies in both domestic and wild animals.

(2) Determine, based on the number of confirmed cases, the number of projected incidences, the probability of human contact and the rapidity of the spread of the rabies, where a public risk may exist.

(3) Institute the relevant actions outlined in this act, as well as others determined by the department until it is determined that the threat of the rabies epidemic no longer exists.

(4) Institute an intensive public education campaign on rabies through newspapers, radio and television announcements.

Section 7. Testing.

All testing and other necessary or appropriate rabies control conducted upon rabid or suspected rabid animals appropriate to protect human life and safety shall be conducted free of charge at State laboratories or other facilities designated by the secretary.

Section 8. Vaccination required; certificate and tag.

(a) Requirement.—Every person living in this Commonwealth, owning or keeping a dog or cat over three months of age, shall cause that dog or cat to be vaccinated against rabies. Rabies vaccine shall be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. The

Commonwealth shall recognize the three-year rabies vaccine as the vaccine to be used. Those animals vaccinated after one year of age shall get booster vaccinations every three years thereafter. Those animals vaccinated prior to one year of age will be considered protected for only one year and shall receive a booster vaccination one year later on the anniversary date of the original vaccination and shall be vaccinated every three years thereafter.

(b) Other persons.—

(1) State-licensed kennel owners who have been examined and certified by the department under this subsection may administer rabies vaccine to animals owned by them.

(2) The department shall develop, implement and administer a comprehensive rabies vaccination instruction program encompassing a written examination, which, if successfully completed, will lead to departmental certification. The department may assess a fee for the program and examination which shall not exceed \$10. All fees received and all costs incurred shall be deposited in or expended from the Dog Fund. The department shall promulgate all rules and regulations necessary to implement this subsection.

(3) State-licensed kennel owners who obtain the required certification shall:

(i) Purchase rabies vaccine only from a licensed veterinarian or the department.

(ii) Administer the vaccine in an approved manner.

(iii) Maintain detailed records for at least three years which indicate:

(A) The name, type, lot number, date of purchase and date of administration of the rabies vaccine.

(B) A detailed description of the animal vaccinated.

(C) The name, address and telephone number of the person who administered the vaccine.

(c) Certificate and tag of vaccination.—Every licensed veterinarian who vaccinates a dog or cat against rabies shall issue a vaccination certificate and tag provided by the manufacturer to the owner. Information contained in rabies vaccination records shall not be used for the purpose of licensing animals or for taxation of individuals for owning animals. For the purposes of this section, each licensed veterinarian may select a vaccine of his choice and use the procedures for administering it as are consistent with the recommendations of the Federal agency which licenses the vaccine.

(d) Enforcement.—It shall be the duty of every police officer or State dog warden or the designated municipal animal control officer to issue a citation to every person who owns a dog or cat which is not vaccinated pursuant to subsection (a) or (b).

Section 9. Antirabies clinics.

The department shall assist in the establishment of low-cost antirabies clinics. These clinics shall be offered at locations and on dates as appropriate. The department shall establish vaccination procedures for cats and dogs to be used at the clinics. In assisting in the establishment of antirabies clinics,

the department shall cooperate with local veterinarians and other local organizations.

Section 10. Powers and duties of department relating to wildlife.

(a) Powers and duties.—The department shall develop, administer and enter into a contract with Wistar Institute for a comprehensive multiyear wildlife vaccine research program, which may include, but not be limited to, the following:

- (1) The identification of an appropriate wildlife vaccine.
- (2) The development of effective bait attractants for wildlife in the field.
- (3) Assessment of the duration of the immunity of the animal, once vaccinated, as well as the effects of the vaccine on wildlife, its safety and stability, and the economics of vaccine production.
- (4) The identification and development of a distribution system for the dissemination of the bait in rural and urban environment.

(b) Monitoring and reporting of research activity.—

(1) Annually, the department in conjunction with the Wistar Institute shall provide to the General Assembly a status report of the research activity conducted from the prior year. The status report shall contain a summary of the research and the dollars expended.

(2) Prior to the distribution of the bait in rural and urban environments, a comprehensive report outlining the distribution procedure must be submitted to the General Assembly for review.

(c) Commission cooperation.—The Pennsylvania Game Commission shall cooperate with the department in carrying out the research activities required by this section.

Section 11. Penalty.

A person who violates any provision of this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine not exceeding \$300 for each violation. Each day of violation shall constitute a separate offense.

Section 12. Disposition of fines and penalties.

If a prosecution pursuant to this act is initiated by a State dog warden, employee of the department or State Police officer, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited under this act shall be payable through the Department of Agriculture into the State Treasury for credit to the Dog Law Restricted Account. If a prosecution pursuant to this act is initiated by a local police officer or designated animal control officer, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited under this act shall be payable to the political subdivision which employs such local police officer or designated animal control officer.

Section 13. Appropriation.

The sum of \$273,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Agriculture for the fiscal year July 1, 1986, to June 30, 1987, for the development and administration of a comprehensive multiyear wildlife rabies vaccine research program.

Section 14. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 15. Effective date.

This act shall take effect in 60 days.

APPROVED—The 15th day of December, A. D. 1986.

DICK THORNBURGH