

No. 1987-23

AN ACT

HB 483

Amending the act of December 15, 1986 (P.L.1610, No.181), entitled "An act 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," providing for vaccination of animals in licensed kennels and a negligence standard for veterinarians participating in low-cost rabies clinics; and further providing for the effective date of the act.

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

Section 1. Section 8 of the act of December 15, 1986 (P.L.1610, No.181), known as the Rabies Prevention and Control in Domestic Animals and Wildlife Act, is amended to read:

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]** *Owners of State-licensed private or breeding kennels and operators of State-licensed nonprofit kennels* who have been examined and certified by the department under this subsection may administer rabies vaccine to animals **[owned by them]** *which are either owned by the private or breeding kennel or which are in the possession of the nonprofit kennel.*

(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 *and operators of State-licensed nonprofit kennels* who obtain the required certification shall:

(i) Purchase *and administer an inactivated* rabies vaccine *for vaccination of dogs and cats* only from a licensed veterinarian **[or the department] or a source approved by 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).

(e) *Animals received by nonprofit kennels.*—*Notwithstanding any provision of this act, a nonprofit kennel is not required to vaccinate an animal received by the kennel for a period of ten days.*

Section 2. The act is amended by adding a section to read:

Section 9.1. Veterinarians participating in low-cost rabies clinics.

(a) *General rule.*—*Except as otherwise provided in this section, no veterinarian or an assistant under the direction of the veterinarian shall be liable to any person for civil damages as a result of any acts or omissions committed as a participant in a low-cost rabies clinic established under section 9, unless the conduct of the veterinarian falls below the standards generally practiced and accepted in like circumstances by veterinarians performing the same or similar acts, and unless it is shown that the veterinarian did an act or omitted the doing of an act which the veterinarian was under a recognized duty to another to do, knowing or having reason to know that the act or omission created a risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of the veterinarian fell below ordinary standards of care.*

(b) *Exception.*—*Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of a veterinarian set forth in the act of December 27, 1974 (P.L. 995, No. 326), known as the Veterinary Medicine Practice Act.*

Section 3. **Section 15** of the act is amended to read:

Section 15. Effective date.

[This] *Except for sections 11 and 12, which shall take effect September 1, 1987, this act shall take effect in 60 days.*

Section 4. This act shall be retroactive to December 15, 1986.

Section 5. This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1987.

ROBERT P. CASEY