

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 155 Session of  
2013

INTRODUCED BY GREENLEAF, TARTAGLIONE AND WAUGH, JANUARY 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 11, 2013

## AN ACT

1 Amending the act of December 15, 1986 (P.L.1610, No.181),  
 2 entitled "An act providing for the establishment and  
 3 operation of a Statewide system for the prevention and  
 4 control of rabies; imposing additional powers and duties on  
 5 the Departments of Agriculture and Health; providing for  
 6 emergency declarations; fixing penalties for violations; and  
 7 making an appropriation," further providing for findings, for  
 8 legislative intent, for definitions, for Statewide system for  
 9 rabies control, for powers and duties of department, ~~for~~ <--  
 10 ~~testing,~~ for vaccination required and certificate and tag, <--  
 11 ~~for antirabies clinics,~~ for veterinarians participating in  
 12 low-cost rabies clinics and for powers and duties of  
 13 department relating to wildlife.

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

16 Section 1. Sections 2 and 3 of the act of December 15, 1986  
 17 (P.L.1610, No.181), known as the Rabies Prevention and Control  
 18 in Domestic Animals and Wildlife Act, are amended to read:

19 Section 2. Findings.

20 (a) Incidence of rabies.--[The incidence of rabies  
 21 throughout this Commonwealth has increased over the past six  
 22 years in alarming proportions. In 1985, 450 laboratory-confirmed  
 23 rabies cases were reported in this Commonwealth, as compared to

1 only 16 confirmed cases in 1979. Furthermore, the epidemic is  
2 spreading across the State. In 1981, only nine counties reported  
3 cases of rabies, whereas, in 1985, rabies cases were reported in  
4 almost half the counties of this Commonwealth.] Each year  
5 several hundred cases of rabies in animals are reported in this  
6 Commonwealth. The animals include wild animals, livestock and  
7 domestic pets. Human exposure can occur through contact with  
8 rabid animals.

9 (b) Impact of rabies epidemic.--The socioeconomic impact of  
10 [the epidemic is frightening. Not only is the postexposure  
11 treatment costly, but the] rabies in animals and humans is  
12 significant. Infection by the rabies virus is almost always  
13 fatal. The protocol surrounding a single suspected rabid animal  
14 requires the expenditure of both monetary and human resources by  
15 the department, and the human postexposure prophylaxis is  
16 expensive.

17 Section 3. Legislative intent.

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

23 Section 2. The definition of "rabies" in section 4 of the  
24 act is amended and the section is amended by adding definitions  
25 to read:

26 Section 4. Definitions.

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

30 \* \* \*

1 "Certificate of vaccination." A certificate verifying  
2 vaccination against rabies, containing information consistent  
3 with the current version of the National Association of State  
4 Public Health Veterinarians Rabies Compendium.

5 \* \* \*

6 "Direct veterinary supervision." Occurs when a veterinarian  
7 is on the premises and has given either oral or written  
8 instructions to a certified veterinary technician or  
9 noncertified employee and is easily and quickly available to  
10 assist the certified veterinary technician or the noncertified  
11 employee.

12 "Dog Law." The act of December 7, 1982 (P.L.784, No.225),  
13 known as the Dog Law.

14 "PERMANENT IDENTIFICATION." AS DEFINED IN SECTION 102 OF THE <--  
15 ACT OF DECEMBER 7, 1982 (P.L.784, NO.225), KNOWN AS THE DOG LAW.

16 "Rabies." [In man and animal, hydrophobia, an acute viral  
17 disease of the central nervous system usually transmitted to man  
18 through the injection of saliva by an animal bite.] A viral  
19 disease affecting the central nervous system of a mammal that is  
20 transmitted through contact with saliva or other potentially  
21 infectious material such as neural tissue from an infected  
22 animal, including, but not limited to, a bite, scratch and  
23 contact of saliva or other infectious material with broken skin,  
24 an eye or mucous membrane.

25 "Rabies vaccine." A product used to stimulate an immune  
26 response to rabies, licensed by the United States Department of  
27 Agriculture and listed in the current version of the National  
28 Association of State Public Health Veterinarians Rabies  
29 Compendium.

30 \* \* \*

1 "Suspected of having rabies RABID ANIMAL." A mammal <--  
2 exhibiting behavior that is suggestive of infection with rabies  
3 in the opinion of a veterinarian, public health official or  
4 official representative of the department, the Department of  
5 Health or the pennsylvania Game Commission.

6 "Vaccinated against rabies." The status of an animal that: <--

7 (1) has undergone:

8 (i) administration by a licensed veterinarian; or

9 (ii) direct veterinary supervision of a rabies  
10 vaccine in accordance with the specifications of the  
11 vaccine manufacturer; and

12 (2) is a member of an animal species for which the  
13 rabies vaccine has been approved for use and, regarding the  
14 duration of vaccination immunity as established by the  
15 vaccine manufacturer, has not expired.

16 The term also describes the status of a dog or cat that is  
17 vaccinated against rabies with a rabies vaccine in accordance  
18 with the vaccine specifications of the manufacturer by a kennel  
19 owner or operator certified by the department to administer the  
20 rabies vaccine provided the dog or cat is kept on the licensed  
21 kennel premises.

22 "VACCINATED AGAINST RABIES." THE STATUS OF AN ANIMAL THAT: <--

23 (1) HAS UNDERGONE ADMINISTRATION OF UNEXPIRED RABIES  
24 VACCINE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE VACCINE  
25 MANUFACTURER:

26 (I) BY A LICENSED VETERINARIAN; OR

27 (II) UNDER THE DIRECT SUPERVISION OF A LICENSED <--  
28 VETERINARIAN DIRECT VETERINARY SUPERVISION; AND <--

29 (2) IS A MEMBER OF AN ANIMAL SPECIES FOR WHICH THE  
30 RABIES VACCINE HAS BEEN APPROVED FOR USE.

1 Section 3. Sections ~~5, 6 and 7~~ AND 6 of the act are amended <--  
2 to read:

3 Section 5. Statewide system for rabies control.

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

11 Section 6. Powers and duties of department.

12 The department shall have the following powers and duties:

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

16 (2) [Determine, based on the number of confirmed cases,  
17 the number of projected incidences, the probability of human  
18 contact and the rapidity of the spread of the rabies, where a  
19 public risk may exist.] Coordinate and cooperate with  
20 Federal, State and local health or animal regulatory  
21 authorities as necessary to perform its responsibilities  
22 under this act. This includes the authority to enter into  
23 agreements to facilitate the distribution of rabies vaccine-  
24 impregnated animal baits to wildlife within this Commonwealth  
25 by Federal or local health or animal regulatory authorities,  
26 and to otherwise effectively allocate responsibilities,  
27 equipment, expertise and manpower in furtherance of the  
28 objectives of this act.

29 (3) Institute the relevant actions outlined in this act,  
30 as well as others determined by the department until it is

1 determined that the threat of the rabies epidemic no longer  
2 exists.

3 (4) [Institute an intensive public education campaign on  
4 rabies through newspapers, radio and television  
5 announcements.] (Reserved).

6 ~~Section 7. Testing.~~ <--

7 ~~All testing [and other necessary or appropriate rabies-~~  
8 ~~control] conducted upon rabid or suspected rabid animals-~~  
9 ~~appropriate to protect human life and safety shall be conducted-~~  
10 ~~[free of charge] at State laboratories or other facilities-~~  
11 ~~designated by the secretary.~~

12 Section 4. ~~Section 8 of the act, amended July 1, 1987-~~ <--

13 ~~(P.L.184, No.23), is amended to read:~~ SECTIONS 8 AND 9.1 OF THE <--

14 ACT, AMENDED OR ADDED JULY 1, 1987 (P.L.184, NO.23), ARE AMENDED  
15 TO READ:

16 Section 8. Vaccination required; certificate and tag.

17 (a) [Requirement.--Every person living in this Commonwealth,  
18 owning or keeping a dog or cat over three months of age, shall  
19 cause that dog or cat to be vaccinated against rabies. Rabies  
20 vaccine shall be administered by a licensed veterinarian or  
21 under the supervision of a licensed veterinarian. The  
22 Commonwealth shall recognize the three-year rabies vaccine as  
23 the vaccine to be used. Those animals vaccinated after one year  
24 of age shall get booster vaccinations every three years  
25 thereafter. Those animals vaccinated prior to one year of age  
26 will be considered protected for only one year and shall receive  
27 a booster vaccination one year later on the anniversary date of  
28 the original vaccination and shall be vaccinated every three  
29 years thereafter.] Vaccination against rabies required.--

30 (1) A person owning or keeping a dog or a cat that <--

1 ~~spends part of a 24 hour day in a kennel or colony facility~~  
2 ~~or in a residence inhabited by a human being in this~~  
3 ~~Commonwealth~~ ~~must~~ SHALL have the dog or cat vaccinated <--  
4 against rabies within four weeks after the date the dog or  
5 cat attains 12 weeks of age.

6 (2) A person owning or keeping a dog or cat that is  
7 required to be vaccinated against rabies shall produce either  
8 proof of vaccination, or exemption status under subsection <--  
9 (f), within 48 hours after a police officer, State dog <--  
10 warden, department official or designated municipal animal  
11 control officer requests the proof. A dog or cat less than 12  
12 weeks of age may be vaccinated against rabies according to  
13 vaccine manufacturer instructions if there is a rabies  
14 vaccine licensed by the United States Department of  
15 Agriculture and listed in the current version of the National  
16 Association of State Public Health Veterinarians Rabies  
17 Compendium that is labeled for use in a dog or cat less than  
18 12 weeks of age.

19 ~~(a.1) Revaccination. Unless otherwise indicated by the~~ <--

20 (3) UNLESS OTHERWISE INDICATED BY THE directions of the <--  
21 vaccine manufacturer, a booster vaccination ~~must~~ SHALL be <--  
22 administered between 12 and 14 months from the date of the  
23 initial vaccination regardless of the age of the animal at  
24 initial vaccination. The animal ~~must~~ SHALL THEN be <--  
25 subsequently revaccinated ON AN ONGOING BASIS in accordance <--  
26 with the directions of the vaccine manufacturer.

27 (b) [Other persons] Limited certificate to vaccinate.--

28 (1) [Owners of State-licensed private or breeding  
29 kennels and operators of State-licensed nonprofit kennels who  
30 have been examined and certified by the department under this

1 subsection may administer rabies vaccine to animals which are  
2 either owned by the private or breeding kennel or which are  
3 in the possession of the nonprofit kennel.] ~~An owner of a~~ <--  
4 ~~kennel, other than a commercial kennel, that is licensed~~  
5 ~~under the Dog Law or an operator of a nonprofit kennel that~~  
6 ~~is licensed~~ A PERSON WHO HOLDS ANY OF THE FOLLOWING TYPES OF <--  
7 KENNEL LICENSES under the Dog Law may apply to the department  
8 for a limited certificate authorizing the person to whom it  
9 is issued to vaccinate a dog or cat ~~that is owned and kept in~~ <--  
10 ~~the licensed kennel or the possession of the licensed~~  
11 ~~nonprofit kennel.~~ WITHIN THE POSSESSION OF THE LICENSED  
12 KENNEL:

13 (I) COMMERCIAL KENNEL, IN COMPLIANCE WITH SECTION  
14 207(I) (7) OF THE DOG LAW.

15 (II) DEALER KENNEL.

16 (III) NONPROFIT KENNEL.

17 (IV) PRIVATE KENNEL.

18 (V) RESEARCH KENNEL.

19 (2) The department shall develop, implement and  
20 administer a comprehensive rabies vaccination instruction  
21 program encompassing a written examination, which, if  
22 successfully completed, will lead to [departmental  
23 certification.] issuance of a limited certificate as  
24 described in paragraph (1). A person seeking a limited  
25 certificate shall provide the department written verification  
26 that was issued by a licensed veterinarian and confirms the  
27 applicant was provided a demonstration of rabies vaccination  
28 procedures by the licensed veterinarian, and the applicant  
29 demonstrated competence in administering <--  
30 ~~rabies~~ THE VACCINE. The department may assess a fee for the <--

1 program and examination. All fees received and all costs  
2 incurred shall be deposited in or expended from the Dog  
3 [Fund] Law Restricted Account. The department shall  
4 promulgate all rules and regulations necessary to implement  
5 this subsection.

6 (3) [State-licensed kennel owners and operators of  
7 State-licensed nonprofit kennels who obtain the required  
8 certification] A person to whom a limited certificate under  
9 paragraph (1) is issued shall:

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

14 (ii) Administer the vaccine in an approved manner so  
15 the dog or cat is properly vaccinated against rabies.

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

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

20 (B) A detailed description of the [animal] dog  
21 or cat vaccinated. The description ~~must~~ SHALL include <--  
22 the breed, age, color, markings, sex and any  
23 permanent identification markers such as a microchip  
24 or tattoo.

25 (C) The full name, address, certification number  
26 and telephone number of the person who administered  
27 the vaccine.

28 (iv) Provide immediate access to the records  
29 described in subparagraph (iii) upon the request of the  
30 department.

1 (c) Certificate and tag of vaccination.--Every licensed  
2 veterinarian who vaccinates a dog or cat against rabies shall  
3 issue a [vaccination] certificate OF VACCINATION and tag <--  
4 [provided by the manufacturer] to the owner. Information  
5 contained in rabies vaccination records shall not be used for  
6 the purpose of licensing animals or for taxation of individuals  
7 for owning animals. For the purposes of this section, each  
8 licensed veterinarian may select a vaccine of his choice and use  
9 the procedures for administering it as are consistent with the  
10 recommendations of the Federal agency which licenses the  
11 vaccine.

12 (d) Enforcement.--[It shall be the duty of every] A police  
13 officer or State dog warden or the designated municipal animal  
14 control officer [to] shall issue a citation to every person who  
15 owns a dog or cat which is not either:

16 (1) vaccinated AGAINST RABIES pursuant to subsection <--  
17 (a) ~~(a.1)~~ or (b); or <--

18 (2) exempt from the vaccination requirement pursuant to  
19 subsection (f).

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

24 (f) Exemption.--

25 (1) An exemption from vaccination against rabies for a  
26 dog or cat under subsection (a) may be granted if a licensed  
27 veterinarian ~~examined~~ EXAMINES the dog or cat and determines <--  
28 that it would be medically contraindicated to vaccinate.

29 (2) An exemption statement must be completed and signed  
30 by the veterinarian and dog or cat owner and must contain the

1 following information in order to be valid:

2 (i) the signature of the veterinarian and the  
3 veterinarian's license number;

4 (ii) the date;

5 (iii) the name and address of the veterinary  
6 practice, office or clinic;

7 (iv) an explanation of the medical reason  
8 contraindicating vaccination AGAINST RABIES; and <--

9 (v) a description of the dog or cat that includes:

10 (A) breed;

11 (B) sex;

12 (C) age;

13 (D) color and markings;

14 (E) whether the dog or cat is intact, neutered  
15 or spayed; and

16 (F) the current license number of the dog that  
17 includes any ~~tattoo or microchip~~ PERMANENT <--  
18 identification, if applicable.

19 (vi) The signature of the owner of the dog or cat  
20 and the address of the owner. If there is more than one  
21 owner, and the owners are living at separate locations  
22 where the dog or cat may be housed, the signature and  
23 address of both owners is required.

24 (3) ~~A rabies vaccination exemption~~ AN EXEMPTION FROM <--  
25 VACCINATION AGAINST RABIES is valid for a period of up to one  
26 calendar year, after which the dog or cat ~~must~~ SHALL be  
27 reexamined. At the reexamination, the dog or cat ~~must~~ SHALL <--  
28 either be vaccinated against rabies or, if exemption status  
29 still applies, a new certificate of exemption ~~must~~ SHALL be <--  
30 issued.

1           (4) The veterinarian shall maintain the signed exemption  
2           as part of the medical records and provide two copies to the  
3           owner. The owner of the dog or cat shall maintain one copy of  
4           the signed exemption for their records and forward one copy  
5           to the Pennsylvania Department of Agriculture, Office of Dog  
6           Law Enforcement, 2301 North Cameron Street, Harrisburg, PA  
7           17110.

8           (G) THE OWNER OR OPERATOR OF A BOARDING KENNEL, AS DEFINED <--  
9           IN SECTION 102 OF THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225),  
10           KNOWN AS THE DOG LAW, SHALL REQUIRE THE OWNER OF EACH DOG FOR  
11           WHICH THE BOARDING KENNEL IS TAKING CONTROL TO PROVIDE PROOF OF  
12           AN UP-TO-DATE RABIES VACCINATION AT THE TIME THE DOG ENTERS THE  
13           BOARDING KENNEL. THE PROOF OF VACCINATION SHALL BE KEPT ON FILE  
14           AT THE BOARDING KENNEL FOR SEVEN DAYS FOLLOWING THE DOG'S  
15           DEPARTURE FROM THE BOARDING KENNEL. ALL RABIES VACCINATION  
16           RECORDS AND OWNER CONTACT INFORMATION FOR DOGS INVOLVED IN A DOG  
17           ATTACK AT A BOARDING KENNEL SHALL BE MADE AVAILABLE TO THE  
18           OWNERS OF ALL DOGS THAT ARE INJURED IN THE DOG ATTACK.

19           ~~Section 5. Section 9 of the act is amended to read: <--~~  
20           ~~Section 9. [Antirabies clinics.~~

21           ~~The department shall assist in the establishment of low cost~~  
22           ~~antirabies clinics. These clinics shall be offered at locations~~  
23           ~~and on dates as appropriate. The department shall establish~~  
24           ~~vaccination procedures for cats and dogs to be used at the~~  
25           ~~clinics. In assisting in the establishment of antirabies~~  
26           ~~clinics, the department shall cooperate with local veterinarians~~  
27           ~~and other local organizations.] (Reserved).~~

28           ~~Section 6. Section 9.1 of the act, added July 1, 1987-~~  
29           ~~(P.L.184, No.23), is amended to read:-~~  
30           ~~Section 9.1. [Veterinarians participating in low-cost rabies <--~~

1 clinics.

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

18 (b) Exception.--Nothing in this section shall be construed  
19 as affecting or modifying any existing legal basis for  
20 determining the liability, or any defense thereto, of a  
21 veterinarian set forth in the act of December 27, 1974 (P.L.995,  
22 No.326), known as the Veterinary Medicine Practice Act.† <--  
23 (Reserved).

24 Section 7 5. Section 10 of the act is amended to read: <--  
25 Section 10. [Powers and duties of department relating to  
26 wildlife.

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

1 (1) The identification of an appropriate wildlife  
2 vaccine.

3 (2) The development of effective bait attractants for  
4 wildlife in the field.

5 (3) Assessment of the duration of the immunity of the  
6 animal, once vaccinated, as well as the effects of the  
7 vaccine on wildlife, its safety and stability, and the  
8 economics of vaccine production.

9 (4) The identification and development of a distribution  
10 system for the dissemination of the bait in rural and urban  
11 environment.

12 (b) Monitoring and reporting of research activity.--

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

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

22 (c) Commission cooperation.--The Pennsylvania Game  
23 Commission shall cooperate with the department in carrying out  
24 the research activities required by this section.] (Reserved).

25 Section ~~8~~ 6. This act shall take effect ~~in 60 days~~. AS <--

26 FOLLOWS:

27 (1) THE ADDITION OF SECTION 8(G) OF THE ACT SHALL TAKE  
28 EFFECT IMMEDIATELY.

29 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

30 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60

1 DAYS.