
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 483 Session of
1987

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 483, entitled:

"An act * * * 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 ANIMAL SHELTERS; AND FURTHER PROVIDING FOR THE EFFECTIVE DATE OF THE ACT,"

respectfully submit the following bill as our report:

RUSSELL P. LETTERMAN

CURT BOWLEY

ROBERT W. GODSHALL

(Committee on the part of the House of Representatives.)

ROY W. WILT

EDWARD W. HELFRICK

PATRICK J. STAPLETON

(Committee on the part of the Senate.)

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," providing for vaccination of
8 animals in licensed kennels and a negligence standard for
9 veterinarians participating in low-cost rabies clinics; and
10 further providing for the effective date of the act.

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

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

30 (b) Other persons.--

31 (1) [State-licensed kennel owners] Owners of State-
32 licensed private or breeding kennels and operators of State-

1 licensed nonprofit kennels who have been examined and
2 certified by the department under this subsection may
3 administer rabies vaccine to animals [owned by them] which
4 are either owned by the private or breeding kennel or which
5 are in the possession of the nonprofit kennel.

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

16 (3) State-licensed kennel owners and operators of State-
17 licensed nonprofit kennels who obtain the required
18 certification shall:

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

23 (ii) Administer the vaccine in an approved manner.

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

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

28 (B) A detailed description of the animal
29 vaccinated.

30 (C) The name, address and telephone number of

1 the person who administered the vaccine.

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

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

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

22 Section 2. The act is amended by adding a section to read:
23 Section 9.1. Veterinarians participating in low-cost rabies
24 clinics.

25 (a) General rule.--Except as otherwise provided in this
26 section, no veterinarian or an assistant under the direction of
27 the veterinarian shall be liable to any person for civil damages
28 as a result of any acts or omissions committed as a participant
29 in a low-cost rabies clinic established under section 9, unless
30 the conduct of the veterinarian falls below the standards

1 generally practiced and accepted in like circumstances by
2 veterinarians performing the same or similar acts, and unless it
3 is shown that the veterinarian did an act or omitted the doing
4 of an act which the veterinarian was under a recognized duty to
5 another to do, knowing or having reason to know that the act or
6 omission created a risk of actual harm to the person or property
7 of another. It shall be insufficient to impose liability to
8 establish only that the conduct of the veterinarian fell below
9 ordinary standards of care.

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

15 Section 3. Section 15 of the act is amended to read:
16 Section 15. Effective date.

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

19 Section 4. This act shall be retroactive to December 15,
20 1986.

21 Section 5. This act shall take effect immediately.