

**RABIES PREVENTION AND CONTROL IN DOMESTIC ANIMALS AND WILDLIFE
ACT**

Act of Dec. 15, 1986, P.L. 1610, No. 181
AN ACT

Cl. 03

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.

TABLE OF CONTENTS

Section 1.	Short title.
Section 2.	Findings.
Section 3.	Legislative intent.
Section 4.	Definitions.
Section 5.	Statewide system for rabies control.
Section 6.	Powers and duties of department.
Section 7.	Testing.
Section 8.	Vaccination required; certificate and tag.
Section 9.	Antirabies clinics.
Section 9.1.	Veterinarians participating in low-cost rabies clinics.
Section 10.	(Reserved).
Section 11.	Penalty.
Section 12.	Disposition of fines and penalties.
Section 13.	Appropriation.
Section 14.	Repeals.
Section 15.	Effective date.

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.--Each year several hundred cases of rabies in animals are reported in this Commonwealth. The animals include wild animals, livestock and domestic pets. Human exposure can occur through contact with rabid animals.

(b) Impact of rabies epidemic.--The socioeconomic impact of rabies in animals and humans is significant. Infection by the rabies virus is almost always fatal. The protocol surrounding a single suspected rabid animal requires the expenditure of both monetary and human resources by the department, and the human postexposure prophylaxis is expensive.

(2 amended July 9, 2013, P.L.466, No.65)

Section 3. Legislative intent.

It is the intent of the General Assembly to provide a comprehensive rabies control program involving control, prevention and education.

(3 amended July 9, 2013, P.L.466, No.65)

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.

"Certificate of vaccination." A certificate verifying vaccination against rabies, containing information consistent with the current version of the National Association of State Public Health Veterinarians Rabies Compendium. (Def. added July 9, 2013, P.L.466, No.65)

"Department." The Department of Agriculture of the Commonwealth.

"Direct veterinary supervision." Occurs when a veterinarian is on the premises and has given either oral or written instructions to a certified veterinary technician or noncertified employee and is easily and quickly available to assist the certified veterinary technician or the noncertified employee. (Def. added July 9, 2013, P.L.466, No.65)

"Dog Law." The act of December 7, 1982 (P.L.784, No.225), known as the Dog Law. (Def. added July 9, 2013, P.L.466, No.65)

"Permanent identification." As defined in section 102 of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law. (Def. added July 9, 2013, P.L.466, No.65)

"Rabies." A viral disease affecting the central nervous system of a mammal that is transmitted through contact with saliva or other potentially infectious material such as neural tissue from an infected animal, including, but not limited to, a bite, scratch and contact of saliva or other infectious material with broken skin, an eye or mucous membrane. (Def. amended July 9, 2013, P.L.466, No.65)

"Rabies vaccine." A product used to stimulate an immune response to rabies, licensed by the United States Department of Agriculture and listed in the current version of the National Association of State Public Health Veterinarians Rabies Compendium. (Def. added July 9, 2013, P.L.466, No.65)

"Secretary." The Secretary of Agriculture of the Commonwealth.

"Suspected rabid animal." A mammal exhibiting behavior that is suggestive of infection with rabies in the opinion of a veterinarian, public health official or official representative of the department, the Department of Health or the Pennsylvania Game Commission. (Def. added July 9, 2013, P.L.466, No.65)

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

(1) has undergone administration of unexpired rabies vaccine in accordance with the specifications of the vaccine manufacturer:

(i) by a licensed veterinarian; or

(ii) under direct veterinary supervision; and

(2) is a member of an animal species for which the rabies vaccine has been approved for use.

(Def. added July 9, 2013, P.L.466, No.65)

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 a rabies control program which includes standardized procedures to follow in this Commonwealth.

(5 amended July 9, 2013, P.L.466, No.65)

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) Coordinate and cooperate with Federal, State and local health or animal regulatory authorities as necessary to perform its responsibilities under this act. This includes

the authority to enter into agreements to facilitate the distribution of rabies vaccine-impregnated animal baits to wildlife within this Commonwealth by Federal or local health or animal regulatory authorities and to otherwise effectively allocate responsibilities, equipment, expertise and manpower in furtherance of the objectives of this act.

(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) (Reserved).

(6 amended July 9, 2013, P.L.466, No.65)

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) Vaccination against rabies required.--

(1) A person owning or keeping a dog or a cat in this Commonwealth shall have the dog or cat vaccinated against rabies within four weeks after the date the dog or cat attains 12 weeks of age.

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

(3) Unless otherwise indicated by the directions of the vaccine manufacturer, a booster vaccination shall be administered between 12 and 14 months from the date of the initial vaccination regardless of the age of the animal at initial vaccination. The animal shall then be subsequently revaccinated on an ongoing basis in accordance with the directions of the vaccine manufacturer.

(b) Limited certificate to vaccinate.--

(1) A person who holds any of the following types of kennel licenses under the Dog Law may apply to the department for a limited certificate authorizing the person to whom it is issued to vaccinate a dog or cat within the possession of the licensed kennel:

- (i) Commercial kennel, in compliance with section 207(i)(7) of the Dog Law.
- (ii) Dealer kennel.
- (iii) Nonprofit kennel.
- (iv) Private kennel.
- (v) Research 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 issuance of a limited certificate as described in paragraph (1). A person seeking a limited certificate shall provide the department written

verification that was issued by a licensed veterinarian and confirms the applicant was provided a demonstration of rabies vaccination procedures by the licensed veterinarian, and the applicant demonstrated competence in administering the vaccine. The department may assess a fee for the program and examination. All fees received and all costs incurred shall be deposited in or expended from the Dog Law Restricted Account. The department shall promulgate all rules and regulations necessary to implement this subsection.

(3) A person to whom a limited certificate under paragraph (1) is issued shall:

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

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

(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 dog or cat vaccinated. The description shall include the breed, age, color, markings, sex and any permanent identification markers such as a microchip or tattoo.

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

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

(c) Certificate and tag of vaccination.--Every licensed veterinarian who vaccinates a dog or cat against rabies shall issue a certificate of vaccination and tag 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.--A police officer or State dog warden or the designated municipal animal control officer shall issue a citation to every person who owns a dog or cat which is not either:

(1) vaccinated against rabies pursuant to subsection

(a) or (b); or

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

(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.

(f) Exemption.--

(1) An exemption from vaccination against rabies for a dog or cat under subsection (a) may be granted if a licensed veterinarian examines the dog or cat and determines that it would be medically contraindicated to vaccinate.

(2) An exemption statement must be completed and signed by the veterinarian and dog or cat owner and must contain the following information in order to be valid:

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

- (ii) the date;
- (iii) the name and address of the veterinary practice, office or clinic;
- (iv) an explanation of the medical reason contraindicating vaccination against rabies;
- (v) a description of the dog or cat that includes:
 - (A) breed;
 - (B) sex;
 - (C) age;
 - (D) color and markings;
 - (E) whether the dog or cat is intact, neutered or spayed; and
 - (F) the current license number of the dog that includes any permanent identification, if applicable; and
- (vi) the signature of the owner of the dog or cat and the address of the owner. If there is more than one owner and the owners are living at separate locations where the dog or cat may be housed, the signature and address of both owners is required.

(3) An exemption from vaccination against rabies is valid for a period of up to one calendar year, after which the dog or cat shall be reexamined. At the reexamination, the dog or cat shall either be vaccinated against rabies, or, if exemption status still applies, a new certificate of exemption shall be issued.

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

(g) The owner or operator of a boarding kennel, as defined in section 102 of the Dog Law, shall require the owner of each dog for which the boarding kennel is taking control to provide proof of an up-to-date rabies vaccination at the time the dog enters the boarding kennel. The proof of vaccination shall be kept on file at the boarding kennel for seven days following the dog's departure from the boarding kennel. All rabies vaccination records and owner contact information for dogs involved in a dog attack at a boarding kennel shall be made available to the owners of all dogs that are injured in the dog attack.

(8 amended July 9, 2013, P.L.466, No.65)

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 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 direct veterinary supervision 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.

(9.1 amended July 9, 2013, P.L.466, No.65)

Section 10. (Reserved).

(10 amended July 9, 2013, P.L.466, No.65)

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.

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

(15 amended July 1, 1987, P.L.184, No.23)