

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 562

Session of
1985

INTRODUCED BY HELFRICK, MADIGAN AND SHUMAKER, MARCH 20, 1985

AS REPORTED FROM COMMITTEE ON GAMES AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 22, 1986

AN ACT

1 ~~Amending the act of December 7, 1982 (P.L. 784, No. 225), entitled~~ <—
2 ~~"An act relating to dogs, regulating the keeping of dogs;~~
3 ~~providing for the licensing of dogs and kennels; providing~~
4 ~~for the protection of dogs and the detention and destruction~~
5 ~~of dogs in certain cases; regulating the sale and~~
6 ~~transportation of dogs; declaring dogs to be personal~~
7 ~~property and the subject of theft; providing for the~~
8 ~~assessment of damages done to livestock, poultry and domestic~~
9 ~~game birds; providing for payment of damages by the~~
10 ~~Commonwealth in certain cases and the liability of the owner~~
11 ~~or keeper of dogs for such damages; imposing powers and~~
12 ~~duties on certain State and local officers and employees;~~
13 ~~providing penalties; and creating a Dog Law Restricted~~
14 ~~Account," requiring that dogs be vaccinated against rabies as~~
15 ~~a condition for licensure; authorizing the department to~~
16 ~~establish antirabies clinics; and making an appropriation.~~
17 PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A STATEWIDE <—
18 SYSTEM FOR THE PREVENTION AND CONTROL OF RABIES; IMPOSING
19 ADDITIONAL POWERS AND DUTIES ON THE DEPARTMENTS OF
20 AGRICULTURE AND HEALTH; PROVIDING FOR EMERGENCY DECLARATIONS;
21 FIXING PENALTIES FOR VIOLATIONS; AND MAKING AN APPROPRIATION.

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

14 ~~Section 1. Section 201 of the act of December 7, 1982~~ <—
15 ~~(P.L.784, No.225), known as the Dog Law, is amended by adding~~
16 ~~subsections to read:~~

17 ~~Section 201. Applications for licenses; fees; county treasurers~~
18 ~~as agents.~~

19 * * *

20 ~~(a.1) Rabies vaccination required. Each applicant for an~~
21 ~~annual license shall, in addition to the information required by~~
22 ~~subsection (a), present to the county treasurer, or his~~
23 ~~authorized agent, proof, acceptable to the department, that the~~
24 ~~dog has been adequately vaccinated by or under the supervision~~
25 ~~of a licensed veterinarian against rabies. The department shall~~
26 ~~recognize that rabies vaccine is effective for three years. No~~
27 ~~annual license shall be issued for any dog without proof of~~
28 ~~adequate vaccination.~~

29 * * *

30 ~~(b.1) Rabies vaccinations for dogs with lifetime licenses.~~

1 ~~Each applicant for a lifetime license shall, at the time of~~
2 ~~application for the license, in addition to the information~~
3 ~~required by subsection (b), present to the county treasurer, or~~
4 ~~his authorized agent, proof, acceptable to the department, that~~
5 ~~the dog has been adequately vaccinated by or under the~~
6 ~~supervision of a licensed veterinarian against rabies. No~~
7 ~~lifetime license shall be issued for any dog without proof of~~
8 ~~adequate vaccination. As a condition for a lifetime license to~~
9 ~~remain valid, the owner of the dog for which such a license has~~
10 ~~been issued shall, within three years from the original date of~~
11 ~~issue, and within each three year period thereafter, present to~~
12 ~~the county treasurer proof, acceptable to the department, that~~
13 ~~the dog has been adequately vaccinated by or under the~~
14 ~~supervision of a licensed veterinarian against rabies. Any~~
15 ~~county treasurer failing to receive the required proof within~~
16 ~~any such three year period shall mail a notice to the dog owner~~
17 ~~informing him that the license has been suspended and that, for~~
18 ~~all purposes of this act, the dog is an unlicensed dog until~~
19 ~~such time as proof is presented that the dog has been adequately~~
20 ~~vaccinated by or under the supervision of a licensed~~
21 ~~veterinarian against rabies.~~

22 ~~(c) Vaccination by certain owners. Any person to whom a~~
23 ~~private kennel license or breeding kennel license has been~~
24 ~~issued pursuant to section 206, or any other person who owns and~~
25 ~~keeps at least five but less than 26 dogs, may make application~~
26 ~~to the department for authorization to vaccinate dogs which he~~
27 ~~owns against rabies. If the department is satisfied that the~~
28 ~~vaccination will be performed in accordance with its prescribed~~
29 ~~guidelines, the department may issue the authorization. An~~
30 ~~authorization so issued may be revoked by the department at any~~

~~time for violation of the guidelines. When applying for a
license for a dog so vaccinated, the owner shall present to the
county treasurer, or his authorized agent, the authorization
issued by the department together with such proof of adequate
vaccination as the department may prescribe.~~

~~Section 2. Section 1001(c) of the act is amended to read:
Section 1001. Dog Law Restricted Account; disposition and
appropriation of funds accruing under the
provisions of this act.~~

~~* * *~~

~~(c) Subsidized services. [No] Except as provided in section
1001.1, no funds credited to the restricted account created by
this section shall be used for government subsidized veterinary
services.~~

~~Section 3. The act is amended by adding a section to read:
Section 1001.1. Antirabies clinics.~~

~~(a) General rule. In areas where the department determines
that occurrences of rabies pose a grave health risk to human or
animal population, the department may provide for the
establishment of antirabies clinics. The clinics shall be
offered at such locations and on such dates as the department
shall determine. The chief veterinarian of the department shall
establish vaccination procedures to be used at the clinics. In
establishing antirabies clinics, the department shall cooperate
with local licensed veterinarians and other local organizations.
Using funds credited to the Dog Law Restricted Account, the
department shall purchase and supply the necessary quantities of
vaccine at each established antirabies clinic. If any charge is
made by the department for vaccine so purchased and supplied,
the funds received by the department in payment of that charge~~

~~shall be paid into the Dog Law Restricted Account. Except as provided in subsection (b), funds credited to the Dog Law Restricted Account may also be used to pay for other related nondepartmental administrative costs associated with such antirabies clinics, including, but not limited to, building rental, supplies necessary to administer the vaccine, and dispensing fees. Not more than 1% of the funds received by the department under this act and credited to the Dog Law Restricted Account on an annual basis shall be utilized for nondepartmental administrative expenses pursuant to this section.~~

~~(b) Antirabies clinics in cities of the first class, second class and second class A. The costs of antirabies clinics established as provided in subsection (a) in cities of the first class, second class and second class A shall be paid by the cities in which they are located, and not from funds credited to the Dog Law Restricted Account. The department shall, however, purchase and supply the necessary quantities of vaccine at each established antirabies clinic in such cities.~~

~~Section 4. Section 1201 of the act is amended to read: Section 1201. Applicability to cities of the first class, ————— second class and second class A.~~

~~Insofar as this act provides for the individual licensing of dogs and the payment of damages for livestock or poultry injured by dogs or for licensed dogs illegally killed, it shall not apply to cities of the first class, second class and second class A. Such individual dog licensing and payment of damages in cities of the first class, second class and second class A shall continue to be carried on under the provisions of existing laws. However, the provisions of section 201 requiring proof that a dog has been adequately vaccinated against rabies as a condition~~

1 ~~for issuance of a license shall apply to persons issuing dog~~
2 ~~licenses anywhere in this Commonwealth, including cities of the~~
3 ~~first class, second class and second class A.~~

4 ~~Section 5. The sum of \$250,000 is hereby appropriated to the~~
5 ~~Department of Agriculture for fiscal year July 1, 1986, to June~~
6 ~~30, 1987, for agricultural/animal research to further provide~~
7 ~~for wildlife rabies vaccine research.~~

8 ~~Section 6. The provisions of section 201(a.1) and (b.1)~~
9 ~~shall apply to annual dog licenses issued for the year beginning~~
10 ~~January 1, 1987, and each year thereafter, and to lifetime dog~~
11 ~~licenses issued on or after January 1, 1987.~~

12 ~~Section 7. This act shall take effect immediately.~~

13 SECTION 1. SHORT TITLE.

<—

14 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE RABIES
15 PREVENTION AND CONTROL IN DOMESTIC ANIMALS AND WILDLIFE ACT.

16 SECTION 2. FINDINGS.

17 (A) INCIDENCE IN RABIES.--THE INCIDENCE OF RABIES THROUGHOUT
18 THIS COMMONWEALTH HAS INCREASED OVER THE PAST SIX YEARS IN
19 ALARMING PROPORTIONS. IN 1985, 450 LABORATORY-CONFIRMED RABIES
20 CASES WERE REPORTED IN THIS COMMONWEALTH, AS COMPARED TO ONLY 16
21 CONFIRMED CASES IN 1979. FURTHERMORE, THE EPIDEMIC IS SPREADING
22 ACROSS THE STATE. IN 1981, ONLY NINE COUNTIES REPORTED CASES OF
23 RABIES, WHEREAS, IN 1985, RABIES CASES WERE REPORTED IN ALMOST
24 HALF THE COUNTIES OF THIS COMMONWEALTH.

25 (B) IMPACT OF RABIES EPIDEMIC.--THE SOCIOECONOMIC IMPACT OF
26 THE EPIDEMIC IS FRIGHTENING. NOT ONLY IS THE POSTEXPOSURE
27 TREATMENT COSTLY BUT THE PROTOCOL SURROUNDING A SINGLE SUSPECTED
28 RABID ANIMAL REQUIRES THE EXPENDITURE OF BOTH MONETARY AND HUMAN
29 RESOURCES.

30 SECTION 3. LEGISLATIVE INTENT.

1 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE A
2 COMPREHENSIVE RABIES CONTROL PROGRAM INVOLVING RESEARCH,
3 PREVENTION AND EDUCATION WHICH WILL PROTECT THE CITIZENS OF THIS
4 COMMONWEALTH FROM AN UNNECESSARY AND HARMFUL RABIES EPIDEMIC.

5 SECTION 4. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
7 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
8 CONTEXT CLEARLY INDICATES OTHERWISE:

9 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE
10 COMMONWEALTH.

11 "RABIES." IN MAN AND ANIMAL, HYDROPHOBIA, AN ACUTE VIRAL
12 DISEASE OF THE CENTRAL NERVOUS SYSTEM USUALLY TRANSMITTED TO MAN
13 THROUGH THE INJECTION OF SALIVA BY AN ANIMAL BITE.

14 "SECRETARY." THE SECRETARY OF AGRICULTURE OF THE
15 COMMONWEALTH.

16 SECTION 5. STATEWIDE SYSTEM FOR RABIES CONTROL.

17 THE DEPARTMENT, IN COOPERATION WITH THE PENNSYLVANIA GAME
18 COMMISSION AND THE DEPARTMENT OF HEALTH, SHALL ESTABLISH A
19 STATEWIDE SYSTEM FOR THE PREVENTION AND CONTROL OF RABIES IN
20 BOTH WILD AND DOMESTIC ANIMALS. THE SYSTEM WILL ENCOMPASS BOTH A
21 COMPREHENSIVE RESEARCH PROGRAM AIMED AT ENDING THE RABIES
22 EPIDEMIC IN THE WILD AND A RABIES CONTROL PROGRAM WHICH INCLUDES
23 STANDARDIZED PROCEDURES TO FOLLOW IN THIS COMMONWEALTH.

24 SECTION 6. POWERS AND DUTIES OF DEPARTMENT.

25 THE DEPARTMENT SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

26 (1) MONITOR, IN COOPERATION WITH THE DEPARTMENT OF
27 HEALTH AND THE PENNSYLVANIA GAME COMMISSION, THE CONFIRMED
28 INCIDENCES OF RABIES IN BOTH DOMESTIC AND WILD ANIMALS.

29 (2) DETERMINE, BASED ON THE NUMBER OF CONFIRMED CASES,
30 THE NUMBER OF PROJECTED INCIDENCES, THE PROBABILITY OF HUMAN

1 CONTACT AND THE RAPIDITY OF THE SPREAD OF THE RABIES, WHERE A
2 PUBLIC RISK MAY EXIST.

3 (3) INSTITUTE THE RELEVANT ACTIONS OUTLINED IN THIS ACT,
4 AS WELL AS OTHERS DETERMINED BY THE DEPARTMENT UNTIL IT IS
5 DETERMINED THAT THE THREAT OF THE RABIES EPIDEMIC NO LONGER
6 EXISTS.

7 (4) INSTITUTE AN INTENSIVE PUBLIC EDUCATION CAMPAIGN ON
8 RABIES THROUGH NEWSPAPERS, RADIO AND TELEVISION
9 ANNOUNCEMENTS.

10 SECTION 7. TESTING.

11 ALL TESTING AND OTHER NECESSARY OR APPROPRIATE RABIES CONTROL
12 CONDUCTED UPON RABID OR SUSPECTED RABID ANIMALS APPROPRIATE TO
13 PROTECT HUMAN LIFE AND SAFETY SHALL BE CONDUCTED FREE OF CHARGE
14 AT STATE LABORATORIES OR OTHER FACILITIES DESIGNATED BY THE
15 SECRETARY.

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) CERTIFICATE AND TAG OF VACCINATION.--EVERY LICENSED

1 VETERINARIAN WHO VACCINATES A DOG OR CAT AGAINST RABIES SHALL
2 ISSUE A VACCINATION CERTIFICATE AND TAG PROVIDED BY THE
3 MANUFACTURER TO THE OWNER. INFORMATION CONTAINED IN RABIES
4 VACCINATION RECORDS SHALL NOT BE USED FOR THE PURPOSE OF
5 LICENSING ANIMALS OR FOR TAXATION OF INDIVIDUALS FOR OWNING
6 ANIMALS. FOR THE PURPOSES OF THIS SECTION, EACH LICENSED
7 VETERINARIAN MAY SELECT A VACCINE OF HIS CHOICE AND USE THE
8 PROCEDURES FOR ADMINISTERING IT AS ARE CONSISTENT WITH THE
9 RECOMMENDATIONS OF THE FEDERAL AGENCY WHICH LICENSES THE
10 VACCINE.

11 (C) ENFORCEMENT.--IT SHALL BE THE DUTY OF EVERY POLICE
12 OFFICER OR STATE DOG WARDEN OR THE DESIGNATED MUNICIPAL ANIMAL
13 CONTROL OFFICER TO ISSUE A CITATION TO EVERY PERSON WHO OWNS A
14 DOG OR CAT WHICH IS NOT VACCINATED PURSUANT TO SUBSECTION (A).
15 SECTION 9. ANTIRABIES CLINICS.

16 THE DEPARTMENT SHALL ASSIST IN THE ESTABLISHMENT OF LOW-COST
17 ANTIRABIES CLINICS. THESE CLINICS SHALL BE OFFERED AT LOCATIONS
18 AND ON DATES AS APPROPRIATE. THE DEPARTMENT SHALL ESTABLISH
19 VACCINATION PROCEDURES FOR CATS AND DOGS TO BE USED AT THE
20 CLINICS. IN ASSISTING IN THE ESTABLISHMENT OF ANTIRABIES
21 CLINICS, THE DEPARTMENT SHALL COOPERATE WITH LOCAL VETERINARIANS
22 AND OTHER LOCAL ORGANIZATIONS.

23 SECTION 10. POWERS AND DUTIES OF DEPARTMENT RELATING TO
24 WILDLIFE.

25 (A) POWERS AND DUTIES.--THE DEPARTMENT SHALL DEVELOP,
26 ADMINISTER AND ENTER INTO A CONTRACT WITH WISTAR INSTITUTE FOR A
27 COMPREHENSIVE MULTIYEAR WILDLIFE VACCINE RESEARCH PROGRAM, WHICH
28 MAY INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

29 (1) THE IDENTIFICATION OF AN APPROPRIATE WILDLIFE
30 VACCINE.

1 (2) THE DEVELOPMENT OF EFFECTIVE BAIT ATTRACTANTS FOR
2 WILDLIFE IN THE FIELD.

3 (3) ASSESSMENT OF THE DURATION OF THE IMMUNITY OF THE
4 ANIMAL, ONCE VACCINATED, AS WELL AS THE EFFECTS OF THE
5 VACCINE ON WILDLIFE, ITS SAFETY AND STABILITY, AND THE
6 ECONOMICS OF VACCINE PRODUCTION.

7 (4) THE IDENTIFICATION AND DEVELOPMENT OF A DISTRIBUTION
8 SYSTEM FOR THE DISSEMINATION OF THE BAIT IN RURAL AND URBAN
9 ENVIRONMENT.

10 (B) MONITORING AND REPORTING OF RESEARCH ACTIVITY.--

11 (1) ANNUALLY, THE DEPARTMENT IN CONJUNCTION WITH THE
12 WISTAR INSTITUTE SHALL PROVIDE TO THE GENERAL ASSEMBLY A
13 STATUS REPORT OF THE RESEARCH ACTIVITY CONDUCTED FROM THE
14 PRIOR YEAR. THE STATUS REPORT SHALL CONTAIN A SUMMARY OF THE
15 RESEARCH AND THE DOLLARS EXPENDED.

16 (2) PRIOR TO THE DISTRIBUTION OF THE BAIT IN RURAL AND
17 URBAN ENVIRONMENTS, A COMPREHENSIVE REPORT OUTLINING THE
18 DISTRIBUTION PROCEDURE MUST BE SUBMITTED TO THE GENERAL
19 ASSEMBLY FOR REVIEW.

20 (C) COMMISSION COOPERATION.--THE PENNSYLVANIA GAME
21 COMMISSION SHALL COOPERATE WITH THE DEPARTMENT IN CARRYING OUT
22 THE RESEARCH ACTIVITIES REQUIRED BY THIS SECTION.

23 SECTION 11. PENALTY.

24 A PERSON WHO VIOLATES ANY PROVISION OF THIS ACT COMMITS A
25 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
26 A FINE NOT EXCEEDING \$300 FOR EACH VIOLATION. EACH DAY OF
27 VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

28 SECTION 12. APPROPRIATION.

29 THE SUM OF \$273,000, OR AS MUCH THEREOF AS MAY BE NECESSARY,
30 IS HEREBY APPROPRIATED TO THE DEPARTMENT OF AGRICULTURE FOR THE

1 FISCAL YEAR JULY 1, 1986, TO JUNE 30, 1987, FOR THE DEVELOPMENT
2 AND ADMINISTRATION OF A COMPREHENSIVE MULTIYEAR WILDLIFE RABIES
3 VACCINE RESEARCH PROGRAM.

4 SECTION 13. REPEALS.

5 ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY ARE
6 INCONSISTENT WITH THIS ACT.

7 SECTION 14. EFFECTIVE DATE.

8 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.