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HOUSE BILL NO. 2152

House Amendments in [] — January 23, 2001

A *BILL to amend and reenact §§ 3.1-796.100 and 32.1-48.3 of the Code of Virginia, relating to regulations to prevent the spread of rabies.*

Patron Prior to Engrossment—Delegate Amundson

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.100 and 32.1-48.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-796.100. Regulations to prevent spread of rabies and running at large of vicious dogs.

A. The governing body of any county, city or town may adopt such ordinances, regulations or other measures as may be deemed reasonably necessary to prevent the spread within its boundaries of the disease of rabies, and to regulate and control the running at large within its boundaries of vicious or destructive dogs. Penalties may be provided for the violation of any such ordinances. If the ordinance declares the existence of an emergency, then the ordinance shall be in force upon passage.

B. *The governing body of any county that has adopted the urban county executive form of government may adopt an ordinance creating a program for the distribution of oral rabies vaccine within its boundaries to prevent the spread of rabies. An ordinance enacted pursuant to this subsection shall contain the following provisions:*

1. *Notice shall be given to the owner or occupant of property prior to the entry upon the property for the purpose of the distribution of oral rabies vaccine or the use of any other methods to place oral rabies vaccine on the property. Notice shall be given by (i) sending two letters by first-class mail, at successive intervals [of not less than two weeks] set forth in the ordinance and (ii) printing a copy thereof, at least once, in a newspaper of general circulation in the locality concerned. Written notice shall be in a form approved by the governing body and shall include a description of the purpose for which entry upon the property is to be made, the time and method of rabies vaccine distribution at the property, and the submission deadline for requests by any owner or occupant of property who wishes to be excluded from the oral rabies vaccine distribution program.*

2. *The owner or occupant of property may refuse to allow the distribution of oral rabies vaccine upon such property. The ordinance shall establish procedures to be followed by any owner or occupant who wishes to be excluded from the oral rabies vaccine distribution program, including the time and method by which requests for nonparticipation must be received. If the governing body receives a request for nonparticipation by the owner or occupant of property for the distribution of oral rabies vaccine [~~in a timely manner~~], no further action shall be taken to distribute oral vaccine on such property [for a period of one year].*

Nothing in this subsection shall be construed to limit any authority for the distribution of oral rabies vaccine otherwise provided by law.

§ 32.1-48.3. Regulations of Commissioner covering local ordinances and requirements.

If the governing body of the county or city in which the outbreak exists does not adopt, under §§ 3.1-796.93, 3.1-796.95, 3.1-796.96, 3.1-796.98 and subsection A of § 3.1-796.100, ordinances, regulations and measures to prohibit the running at large of dogs and to prevent the spread of rabies, the State Health Commissioner is authorized to adopt regulations providing for the matters contained in such sections and to enforce the same in the same manner as if they had been specifically adopted by the governing body of the county or city involved, and the provisions of such sections shall apply mutatis mutandis to the regulations adopted by the Commissioner hereunder.

ENGROSSED

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