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## HOUSE BILL NO. 621

Offered January 13, 2010

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A *BILL to amend and reenact §§ 3.2-6521, 3.2-6522, 3.2-6525, 3.2-6526, 3.2-6562, 18.2-313.1, and 54.1-3812 of the Code of Virginia, relating to rabies regulation and control; penalty.*

Patron—Orrock

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.2-6521, 3.2-6522, 3.2-6525, 3.2-6526, 3.2-6562, 18.2-313.1, and 54.1-3812 of the Code of Virginia are amended and reenacted as follows:**

§ 3.2-6521. Rabies inoculation of dogs, cats and ferrets; availability of certificate; rabies clinics.

A. The owner or custodian of all ~~dogs and domesticated cats~~ *any dog, cat, or ferret* four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner *or custodian* of the ~~dog or the custodian of the domesticated cat~~ *any animal vaccinated for rabies* with a rabies vaccination certificate ~~of or herd rabies vaccination certificate~~ *and shall keep a copy in his own files*. The owner *or custodian* of the ~~dog or the custodian of the domesticated cat~~ *animal* shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such ~~dog or cat animal~~. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. *At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.*

B. ~~Rabies~~ *All rabies clinics, must be* approved by the appropriate local health department and governing body. *Rabies clinics* shall be held at least once per year when the governing body finds that the number of resident veterinarians is otherwise inadequate to meet the need. *The licensed veterinarian that administers rabies vaccinations at the clinic shall (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii) ensure that a licensed veterinary facility retain a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, licensed veterinarian, or official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained. The sponsoring organization of a rabies clinic may provide other assistance upon request.*

C. Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs provided under § 16.1-69.48:1 or 17.1-275.7.

§ 3.2-6522. Rabid animals.

A. When there is sufficient reason to believe that a ~~rabid animal~~ *is at large the risk of exposure to rabies is elevated*, the governing body of any locality ~~shall have the power to pass~~ *may enact, and the local health director may recommend*, an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs ~~and~~, cats, ~~and ferrets~~ therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by ~~the~~ *a* rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the governing body of such locality *in consultation with the local health director*. The governing body of any locality shall also have the power and authority to pass ordinances restricting the running at large in their respective jurisdiction of dogs and cats that have not been inoculated or vaccinated against rabies and to provide penalties for the violation thereof.

B. Dogs ~~or~~, cats, ~~or ferrets~~ showing active signs of rabies or suspected of having rabies *that are not known to have exposed a person, companion animal, or livestock* shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, *in the discretion of the local health director*, confinement is impossible or impracticable, such dog ~~or~~, cat, ~~or ferret~~ shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. *The disposition of other animals showing active signs of rabies shall be determined by the local health*

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59 *director and may include euthanasia and testing.*

60 C. Every person having knowledge of the existence of an animal ~~apparently afflicted with that is~~  
61 *suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies*  
62 shall report immediately to the local health department the existence of such animal, the place where  
63 seen, the owner's name, if known, and the ~~symptoms~~ *signs* suggesting rabies.

64 D. Any dog ~~or~~, cat, *or ferret*, for which no proof of current rabies vaccination is available, and that  
65 *is may have been* exposed to rabies through a bite, or through saliva or central nervous system tissue, in  
66 a fresh open wound or mucous membrane, by an animal ~~believed to be afflicted with rabies suspected to~~  
67 *be rabid*, shall be ~~confined~~ *isolated* in a pound, kennel or enclosure approved by the local health  
68 department for a period not to exceed six months at the expense of the owner *or custodian in a manner*  
69 *and by a date certain as determined by the local health director. If this is not feasible, the dog or cat*  
70 *shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546.*  
71 A rabies vaccination shall be administered *by a licensed veterinarian* prior to release. Inactivated rabies  
72 vaccine may be administered at the beginning of ~~confinement~~ *isolation*. Any dog ~~or~~, cat, *or ferret* so  
73 bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or  
74 mucous membrane with proof of a ~~valid rabies current~~ vaccination, shall be revaccinated *by a licensed*  
75 *veterinarian* immediately following the ~~bite exposure~~ and shall be confined to the premises of the owner  
76 *or custodian*, or other site as may be approved by the local health department *at the expense of the*  
77 *owner or custodian*, for a period of 45 days. *If the local health director determines that isolation is not*  
78 *feasible or maintained, the dog, cat, or ferret shall be euthanized by one of the methods approved by*  
79 *the State Veterinarian as provided in § 3.2-6546. The disposition of dogs, cats, and ferrets not so*  
80 *confined shall be at the discretion of the local health director.*

81 E. At the discretion of the ~~director of a local health department~~ *director*, any animal dog, cat, *or*  
82 *ferret* that ~~has bitten~~ *may have exposed* a person shall be confined under competent observation for 10  
83 days *at the expense of the owner or custodian*, unless the animal develops active ~~symptoms~~ *signs* of  
84 rabies ~~or~~, expires, *or is euthanized* before that time. A seriously injured or sick animal may be  
85 euthanized as provided in § 3.2-6546; ~~and its head sent to the Division of Consolidated Laboratory~~  
86 *Services of the Department of General Services, or the local health department, for evaluation.*

87 F. When any ~~potentially suspected~~ rabid animal; other than a dog ~~or~~, cat, *or ferret* exposes or may  
88 have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a  
89 fresh open wound or mucous membrane, *decisions regarding the disposition of* that animal shall be  
90 ~~confined~~ at the discretion of a local health director ~~in a manner approved by the health department or~~  
91 ~~euthanized and may include euthanasia~~ as provided in § 3.2-6546 ~~and its head sent to the Division of~~  
92 ~~Consolidated Laboratory Services of the Department of General Services or the local health department~~  
93 ~~for evaluation, or as directed by the state agency with jurisdiction over that species.~~ When any animal,  
94 other than a dog ~~or~~, cat, *or ferret* is exposed *or may have been exposed* to rabies through a bite, or  
95 through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an  
96 animal ~~believed to be afflicted with rabies suspected to be rabid~~, *decisions regarding the disposition of*  
97 that newly exposed animal shall be ~~confined~~ at the discretion of a local health director ~~in a manner~~  
98 ~~approved by the health department or euthanized as provided in § 3.2-6546.~~

99 G. *When any animal may have exposed a person to rabies and subsequently expires due to illness or*  
100 *euthanasia, either within an observation period, where applicable, or as part of a public health*  
101 *investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the*  
102 *Department of General Services or be tested as directed by the local health department.*

103 § 3.2-6525. Regulations to prevent spread of rabies.

104 A. The governing body of any locality may adopt such ordinances, regulations or other measures as  
105 may be deemed reasonably necessary to prevent the spread within its boundaries of the disease of rabies.  
106 Penalties may be provided for the violation of any such ordinances. If the ordinance declares the  
107 existence of an emergency, then the ordinance shall be in force upon passage.

108 B. The governing body of ~~Fairfax County~~ *any locality* may, *in consultation with the Department of*  
109 *Health and with written authorization from the Department of Game and Inland Fisheries in accordance*  
110 *with § 29.1-508.1*, adopt an ordinance creating a program for the distribution of oral rabies vaccine  
111 within its boundaries to prevent the spread of rabies. An ordinance enacted pursuant to this subsection  
112 shall contain the following provisions:

113 1. Notice shall be given to the owner or occupant of property prior to the entry upon the property for  
114 the purpose of the distribution of oral rabies vaccine or the use of any other methods to place oral rabies  
115 vaccine on the property. Notice shall be given by: (i) sending two letters by first-class mail, at  
116 successive intervals of not less than two weeks set forth in the ordinance; and (ii) printing a copy  
117 thereof, at least once, in a newspaper of general circulation in the locality concerned. Written notice  
118 shall be in a form approved by the governing body and shall include a description of the purpose for  
119 which entry upon the property is to be made, the time and method of rabies vaccine distribution at the  
120 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, 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.

§ 3.2-6526. What dog or cat license shall consist of.

A. A dog or cat license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and bear a serial number or other identifying information prescribed by the locality.

B. *It is the responsibility of the owner or custodian to apply for a license.* No license tag shall be issued for any dog or cat unless there is presented, to the treasurer or other officer of the locality, or other agent charged by law with the duty of issuing license tags for dogs and cats, satisfactory evidence that such dog or cat ~~has been inoculated or is currently~~ vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

§ 3.2-6562. Capturing, confining, and euthanizing animals by animal control officers; approval of drugs used.

A. It shall be the duty of the animal control officer or any other officer to capture and confine any companion animal of unknown ownership found running at large on which the license fee has not been paid. Following the expiration of the holding period prescribed in § 3.2-6546, the animal control officer or other officer may deliver such companion animal to any person in his jurisdiction who will pay the required license fee on such companion animal. Prior to disposition by euthanasia or otherwise, all the provisions of § 3.2-6546 shall have been complied with. For all companion animals not otherwise disposed of as provided for in this chapter, it shall be the duty of the animal control officer or any other officer to euthanize such companion animals. Any person, animal control officer, or other officer euthanizing a companion animal under this chapter shall cremate, bury, or sanitarily dispose of the same.

B. *It shall be the duty of animal control officers to ensure the capture, confinement, isolation, or euthanasia of any animal that has exposed, or poses a risk of exposing, a person or companion animal to rabies. If the animal control officer is unable to ensure the capture, confinement, isolation, or euthanasia of a companion animal that (i) is reasonably suspected to be rabid and (ii) has exposed, or poses a risk of exposing, a person or companion animal to rabies, the animal control officer shall ensure the humane destruction of such animal. The local health director may direct animal control officers in pursuit of their duties to minimize risks arising from rabid animals, including any companion animal that has not been isolated or confined as provided for in § 3.2-6522.*

C. *No animal control officer shall disclose the identity of any victim of an animal bite or rabies exposure, except to a health care provider or official of the Department of Health and as may otherwise be provided by law. No health care provider or official of the Department of Health shall disclose the identity of any victim of an animal bite or rabies exposure or any health information of such victim except in accordance with § 32.1-127.1:03.*

All drugs and drug administering equipment used by animal control officers or other officers to capture companion animals pursuant to this chapter shall have been approved by the State Veterinarian.

§ 18.2-313.1. Withholding information about possibly rabid animal; penalty.

It shall be unlawful for any person to (i) knowingly withhold information from, or knowingly give false information to, any lawfully authorized governmental agent which would reasonably lead to the discovery or location and capture of any animal reasonably identifiable as one which has ~~bitten~~ *potentially exposed* a human being to rabies; (ii) *upon the request of an animal control officer, a law-enforcement officer, or an official of the Department of Health, willfully fail to grant access to any animal owned, harbored, or kept by that person who is suspected of having caused a rabies exposure to a human being; or (iii) upon notice by an animal control officer, a law-enforcement officer, or an official of the Department of Health, willfully fail to comply with a confinement, isolation, or quarantine order.*

Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

§ 54.1-3812. Release of records.

A. A veterinarian licensed by the Board shall release or authorize the release of rabies immunization records and other relevant treatment data of an animal under his care to (i) a requesting physician, physician assistant, or nurse practitioner who is contemplating the administration of the rabies treatment

182 protocol to any person under his care who has been the victim of a bite or ~~traumatic injury to the skin~~  
183 ~~or body from such animal~~ *other possible rabies exposure from such animal; (ii) a requesting animal*  
184 *control officer or law-enforcement officer who needs to identify the owner of such animal or verify the*  
185 *rabies vaccination history of such animal; or (iii) a requesting animal control officer or an official of*  
186 *the Department of Health who is investigating the incident.*

187 B. Any veterinarian licensed by the Board who in good faith releases or authorizes the release of an  
188 animal's rabies immunization records and other relevant data pursuant to this section shall not be liable  
189 for civil damages resulting from the release of such information.

190 **2. That the Board of Health shall promulgate regulations to implement the provisions of this act.**  
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