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HOUSE BILL NO. 621

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 9, 2010)

(Patron Prior to Substitute—Delegate Orrock)

A BILL to amend and reenact §§ 3.2-6521, 3.2-6522, 3.2-6525, 18.2-313.1, and 54.1-3812 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6562.1, relating to rabies regulation and control; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6521, 3.2-6522, 3.2-6525, 18.2-313.1, and 54.1-3812 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6562.1 as follows:

§ 3.2-6521. Rabies inoculation of companion animals; availability of certificate; rabies clinics.

A. The owner or custodian of all dogs and ~~domesticated~~ cats four months of age and older shall have ~~them~~ *such animal* 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 *unless otherwise provided by regulations*. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the ~~custodian of the domesticated~~ cat 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 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. 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 who 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, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an 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.*

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 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.

~~Dogs or cats~~ *B. Any dog or cat* showing active signs of rabies or suspected of having rabies *that is 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 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 director and may include euthanasia and testing.*

C. Every person having knowledge of the existence of an animal ~~apparently afflicted with~~ *that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies*

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60 shall report immediately to the local health department the existence of such animal, the place where
61 seen, the owner's name, if known, and the ~~symptoms~~ *signs* suggesting rabies.

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

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

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

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

101 § 3.2-6525. Regulations to prevent spread of rabies.

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

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

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

120 2. The owner or occupant of property may refuse to allow the distribution of oral rabies vaccine
121 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.

§ 3.2-6562.1. Rabies exposure; local authority and responsibility plan.

The local health director, in conjunction with the governing body of the locality, shall adopt a plan to control and respond to the risk of rabies exposure to persons and companion animals. Such plan shall set forth a procedure that promptly ensures 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. The plan shall identify the authority and responsibility of the local health department, law-enforcement officers, animal control officers, and any other persons with a duty to control or respond to a risk of rabies exposure. The plan shall provide for law-enforcement officers, animal control officers, and other persons to report to and be directed by the local health director for such purposes.

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

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

2. That the Board of Health, in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), shall adopt regulations to implement the provisions of this act. Such regulations shall include a model plan that may be used by localities to comply with the requirements of § 3.2-6562.1 of this act. The model plan shall provide alternatives that reflect variations in local circumstances across the Commonwealth.