

No. 2013-65

AN ACT

SB 155

Amending the act of December 15, 1986 (P.L.1610, No.181), entitled "An act 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," further providing for findings, for legislative intent, for definitions, for Statewide system for rabies control, for powers and duties of department, for vaccination required and certificate and tag, for veterinarians participating in low-cost rabies clinics and for powers and duties of department relating to wildlife.

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

Section 1. Sections 2 and 3 of the act of December 15, 1986 (P.L.1610, No.181), known as the Rabies Prevention and Control in Domestic Animals and Wildlife Act, are amended to read:

Section 2. Findings.

(a) Incidence of rabies.—**[The incidence of rabies throughout this Commonwealth has increased over the past six years in alarming proportions. In 1985, 450 laboratory-confirmed rabies cases were reported in this Commonwealth, as compared to only 16 confirmed cases in 1979. Furthermore, the epidemic is spreading across the State. In 1981, only nine counties reported cases of rabies, whereas, in 1985, rabies cases were reported in almost half the counties of this Commonwealth.] 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 **[the epidemic is frightening. Not only is the postexposure treatment costly, but the] 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.**

Section 3. Legislative intent.

It is the intent of the General Assembly to provide a comprehensive rabies control program involving **[research] control**, prevention and education **[which will protect the citizens of this Commonwealth from an unnecessary and harmful rabies epidemic].**

Section 2. The definition of "rabies" in section 4 of the act is amended and the section is amended by adding definitions to read:

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:

\* \* \*

*"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.

\* \* \*

*"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.

*"Dog Law."* The act of December 7, 1982 (P.L. 784, No. 225), known as the Dog Law.

*"Permanent identification."* As defined in section 102 of the act of December 7, 1982 (P.L. 784, No. 225), known as the Dog Law.

*"Rabies."* [In man and animal, hydrophobia, an acute viral disease of the central nervous system usually transmitted to man through the injection of saliva by an animal bite.] 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.

*"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.

\* \* \*

*"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.

*"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.

Section 3. Sections 5 and 6 of the act are amended to read:

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 **[both a comprehensive research program aimed**

at ending the rabies epidemic in the wild and] a rabies control program which includes standardized procedures to follow in this Commonwealth.

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) **[Determine, based on the number of confirmed cases, the number of projected incidences, the probability of human contact and the rapidity of the spread of the rabies, where a public risk may exist.] 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) **[Institute an intensive public education campaign on rabies through newspapers, radio and television announcements.] (Reserved).**

Section 4. Sections 8 and 9.1 of the act, amended or added July 1, 1987 (P.L.184, No.23), are amended to read:

Section 8. Vaccination required; certificate and tag.

(a) **[Requirement.—Every person living in this Commonwealth, owning or keeping a dog or cat over three months of age, shall cause that dog or cat to be vaccinated against rabies. Rabies vaccine shall be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. The Commonwealth shall recognize the three-year rabies vaccine as the vaccine to be used. Those animals vaccinated after one year of age shall get booster vaccinations every three years thereafter. Those animals vaccinated prior to one year of age will be considered protected for only one year and shall receive a booster vaccination one year later on the anniversary date of the original vaccination and shall be vaccinated every three years thereafter.] 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) [Other persons] Limited certificate to vaccinate.—**

*(1) [Owners of State-licensed private or breeding kennels and operators of State-licensed nonprofit kennels who have been examined and certified by the department under this subsection may administer rabies vaccine to animals which are either owned by the private or breeding kennel or which are in the possession of the nonprofit kennel.] 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 [departmental certification.] 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 [Fund] Law Restricted Account. The department shall promulgate all rules and regulations necessary to implement this subsection.*

*(3) [State-licensed kennel owners and operators of State-licensed nonprofit kennels who obtain the required certification] A person to whom a limited certificate under paragraph (1) is issued shall:*

*(i) Purchase and administer [an inactivated] 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 [animal] *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 [vaccination] certificate *of vaccination* and tag [provided by the manufacturer] 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.—[It shall be the duty of every] *A* police officer or State dog warden or the designated municipal animal control officer [to] *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.*

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 **[the direction of the veterinarian]** *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.

Section 5. Section 10 of the act is amended to read:

Section 10. **[Powers and duties of department relating to wildlife.**

**(a) Powers and duties.—The department shall develop, administer and enter into a contract with Wistar Institute for a comprehensive**

multiyear wildlife vaccine research program, which may include, but not be limited to, the following:

(1) The identification of an appropriate wildlife vaccine.

(2) The development of effective bait attractants for wildlife in the field.

(3) Assessment of the duration of the immunity of the animal, once vaccinated, as well as the effects of the vaccine on wildlife, its safety and stability, and the economics of vaccine production.

(4) The identification and development of a distribution system for the dissemination of the bait in rural and urban environment.

(b) **Monitoring and reporting of research activity.**—

(1) Annually, the department in conjunction with the Wistar Institute shall provide to the General Assembly a status report of the research activity conducted from the prior year. The status report shall contain a summary of the research and the dollars expended.

(2) Prior to the distribution of the bait in rural and urban environments, a comprehensive report outlining the distribution procedure must be submitted to the General Assembly for review.

(c) **Commission cooperation.**—The Pennsylvania Game Commission shall cooperate with the department in carrying out the research activities required by this section.] (*Reserved*).

Section 6. This act shall take effect as follows:

(1) The addition of section 8(g) of the act shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

APPROVED—The 9th day of July, A.D. 2013

TOM CORBETT