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CHAPTER 247

FORMERLY

HOUSE BILL NO. 360

AN ACT TO AMEND TITLE 3, OF THE DELAWARE CODE BY ADDING A NEW CHAPTER 82, RELATING TO RABIES CONTROL IN ANIMAL AND HUMAN POPULATIONS AND TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE, RELATING TO OBSTRUCTING THE CONTROL AND SUPPRESSION OF RABIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Part VI, Title 3 of the Delaware Code, by adding a new Chapter 82 to read as follows:

"Chapter 82. Rabies control in animal and human populations.

Section 8201. Purpose of Chapter.

The purpose of this Chapter is to control and suppress the spread of rabies among the domestic and wild animal populations of the State of Delaware, to provide safeguards against exposure of this disease to citizens of the State of Delaware and to prevent the introduction of this virus into this State by the importation of animals or species of animals known to be vectors or carriers.

Section 8202. Definitions.

- a. The term "Animal" shall mean - Any species of mammal, not including humans.
- b. The term "Animal Control Officer" shall mean - A person employed by the State, County or an Animal Control Agency as an enforcement officer.
- c. The term "Bite" shall mean - Any penetration of the skin by the teeth.
- d. The term "Cat" shall mean - Fells catus.
- e. The term "Compendium" shall mean - The Compendium of Animal Rabies Vaccines prepared by the National State Public Health Veterinarian, Inc. as Amended from time to time.
- f. The term "Department of Agriculture" shall mean - The Department, or officially designated agent thereof.
- g. The term "Department of Natural Resources and Environmental Control" shall mean - The Department, or officially designated agent thereof.
- h. The term "Division of Public Health" shall mean - The Division, or officially designated agent thereof.

l. The term "Dog" shall mean - Canis familiaris.

j. The term "Exposure to rabies" shall mean - A bite or contamination with the saliva of an animal known or suspected to have rabies of a mucosal membrane or fresh wound.

k. The term "Isolated Quarantine" shall mean - Confinement of an animal In such a manner whereby there exists no opportunity for contact with other animals or humans, excepting one person 18 years old or older who cares for that animal.

1. The term "kennel" shall mean - Any place wherein dogs are kept for the purposes of breeding, training, sale or show.

m. The term "Owner" shall mean - Any person owning, keeping or harboring one or more animals.

n. The term "Person" shall mean - Any individual, business, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

o. The term "Quarantine" shall mean - Strict confinement, under restraint by leash, closed cage, or paddock, on the private premises of the owner or at another specified location.

p. The term "Rabies" shall mean - In man and animal, an acute viral disease of the central nervous system, caused by a rhabdovirus, also known as hydrophobia or Lyssa, usually transmitted to man through the injection of saliva by an animal bite.

Section 8203. Reporting of Rabies.

Any medical practitioner, hospital, veterinarian or other person having knowledge of the following situations shall report the facts to the Division of Public Health:

a. Any suspected or confirmed case of human rabies.

b. Any animal known to have or suspected of having been exposed to rabies. Section 8204. Rabies vaccination required for dogs and cats and related topics.

a. Vaccination of Dogs

(1) Any person owning a dog six (6) months of age or older In this State shall have that dog vaccinated against rabies by a veterinarian. The owner of the dog will receive a copy of the rabies vaccination certificate legibly signed by the veterinarian. The owner of the dog will be responsible for keeping a valid rabies vaccination certificate In his possession for inspection by an animal Control officer, the Department of Agriculture, or the Division of Public Health, If deemed necessary.

(2) Upon request by an animal control officer, the Department of Agriculture, or the Division of Public Health, all owners of kennels, excluding licensed boarding kennels, shall present immediately a valid rabies vaccination certificate, signed by the veterinarian, for each dog six (6) months of age owned by the kennel. Kennel owners will be specifically responsible for keeping all vaccination certificates for all dogs owned or kept at their premise until at least twelve (12) months after the effective expiration date of the vaccination. If a dog Is sold or traded, then the valid vaccination certificate shall be given to the new owner of the dog. If no valid certificate Is given to the new owner, the new owner shall have the dog vaccinated and be Issued a valid vaccination certificate.

b. Vaccination of Cats.

Any person owning a cat six (6) months of age or older In this State shall have the cat vaccinated against rabies by a veterinarian. The owner of the cat will be responsible for keeping a valid rabies vaccination certificate In his possession for inspection by an animal control officer, the Department of Natural Resources and Environmental Control, the Department of Agriculture, or the Division of Public Health.

c. Duties of Veterinarian.

(1) Each licensed veterinarian may select a rabies vaccine of his choice and use procedures for administering it consistent with the recommendations of the Veterinary Biologics Division of the U.S. Department of Agriculture which licenses that vaccine.

(2) A rabies vaccination certificate will be promptly issued to

the owner of each dog or cat vaccinated against rabies. The veterinarian administering

the vaccine shall complete the certificate specifying accurately the date the animal

shall be revaccinated in accordance with the specific criteria of the Compendium. The

veterinarian shall sign the certificate in a legible manner. The certificate shall also

include the veterinarian's address, telephone number and state license number. Veterinarians shall maintain copies of these certificates for a minimum of twelve (12) months after the effective expiration date of the vaccination.

d Public anti-rabies Clinics

The Compendium will serve as a basis for the procedures and practices used in public anti-rabies clinics. The Department of Agriculture or the veterinarian selected to administer the vaccine at the public anti-rabies clinic will be consulted on the specific rabies vaccine or vaccines that shall be used at those clinics. All administrative procedures and personnel, excluding veterinary

staffing, will be approved by the State Veterinarian. The responsible organization conducting the public anti-rabies clinic will be responsible for maintaining copies

of these certificates for a minimum of twelve (12) months after the effective expiration date of the vaccination.

e. Penalty.

Any person who violates any provision of this Section shall be fined twenty-five dollars (\$25). No penalty imposed by this Section shall be suspended.

Section 8205. Prohibition of vaccination of certain animals for rabies.

a. No licensed veterinarian or other person may vaccinate a wild animal or other animal with a rabies vaccine not intended for use in that animal, except when specifically approved by the Department of Agriculture.

b. Anyone violating this Section shall be fined not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250).

Section 8206. Prohibition on the importation of certain animals.

a. The Department of Agriculture may also ban importation of certain species of animals into the State, or require special permits for importation of certain species, if it is felt that these species of animals represent an unacceptable risk of rabies infection to humans and animals.

b. Anyone violating this Section shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Section 8207. Disposition of animals exposed to Rabies.

a. If the owner of a dog or cat which is exposed to an animal suspected or known to be rabid, can provide proof of a currently valid rabies vaccination, that dog or cat shall be revaccinated immediately and quarantined for 90 days.

The Department of

Agriculture may make inspections as is deemed necessary to assure that the animal is properly restrained, issue appropriate quarantine orders and release the quarantine after the 90 day period.

b. In the event that a rabies vaccine is approved for use in animals other than dogs or cats, and should such a vaccinated animal be exposed to rabies, the animal shall be placed in quarantine or destroyed for rabies testing, as may be required by the Department of Agriculture.

c. If the owner of a dog, cat, or other animal which is exposed to an animal suspected or known to be rabid, cannot provide proof of a currently valid rabies vaccination, the animal shall, at the option of the owner, be either killed, under supervision of Department of Agriculture, or held in isolated quarantine for a minimum of 6 months in a facility and manner approved by the Department of Agriculture, pursuant to Section 8208 or 8209. All costs relating to such isolated quarantine shall be borne by the owner of the animal. If isolated quarantine is chosen, the

Department of

Agriculture may make inspections as is deemed necessary to assure that the animal is in

isolated quarantine, issue appropriate quarantine orders and release the isolated

quarantine after the 6-month period. In instances where isolated quarantine orders are

violated the animal should be killed and tested for rabies unless an exception is made, based upon circumstances, by the Department of Agriculture. Dogs or cats shall be vaccinated against rabies one month prior to the scheduled termination of the isolated quarantine. Other animals shall not be vaccinated unless approved by the Department of Agriculture.

a. Penalty.

Any person who violates any provision of this Section shall be fined not less than one hundred (\$100) nor more than two hundred dollars (\$200).

Section 8208. Responsibility and liability of owner of dog or cat for quarantine when

dog or cat exposes a human being to Rabies.

a. The owner of any dog or cat that exposes a human being to rabies shall quarantine said dog or cat for a period of at least ten (10) days commencing at the time of the exposure. Any persons who fails to comply with this subsection shall be fined not less than twenty five dollars (\$25) nor more than one hundred dollars (\$100).

(1) If the owner of the dog or cat can provide proof of a currently valid rabies vaccination, that dog or cat may be quarantined on the premises of the owner or custodian.

(2) If the owner of the dog or cat cannot provide proof of a currently valid rabies vaccination, that dog or cat must be quarantined by a veterinarian, kennel or other facility approved by The Department of Agriculture. The cost of quarantine in this instance is to be borne by the owner of the dog or cat.

(3) If the owner of that dog or cat cannot show proof of a valid rabies vaccination, the quarantine period shall be extended beyond the 10 days until such time that rabies vaccine is administered to that dog or cat by a licensed veterinarian. The dog or cat shall not be vaccinated during the initial 10 day quarantine period.

b. An owner who fails to quarantine any dog or cat that exposes a human being to rabies after being notified must quarantine said dog or cat in an approved place and manner. An owner failing to quarantine said dog or cat shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).

c. Reporting of conditions of quarantine.

(1) The owner of a dog or cat quarantined pursuant to these regulations is responsible for reporting the facts to the Division of Public Health or a veterinarian, if that dog or cat shows marked behavior changes, escapes, sickens, or dies during the quarantine period.

(2) Any veterinarian, approved kennel, or other person having knowledge of a quarantined dog or cat which shows marked behavior changes, escapes, sickens, or dies shall report the facts to the Division of Public Health.

(3) Any person failing to comply with the provisions of this subsection shall be fined not less than fifty dollars MO) nor more than two hundred dollars (\$200).

d. Disposition during quarantine.

A dog or cat under quarantine may not be moved from the place of quarantine, killed, given away or otherwise disposed of without the written permission of the Division of Public Health or Department of Agriculture.

e. Surrender of dogs or cats for quarantine.

A person may not fail or refuse to surrender any dog or Cat for quarantine or destruction as required in this Section when demand is made by written order of the Department of Agriculture or Division of Public Health.

Section 8209 Disposition and quarantine of animal other than dog or cat which exposes

a human being to rabies.

a. When an animal, other than a dog or cat, exposes a human being to rabies, the Division of Public Health or the Department of Agriculture may require the destruction of the animal for rabies testing, or the quarantine of the animal In an approved place and manner.

b A person may not fail or refuse to surrender said animal for quarantine or

destruction as required In this Section when demand Is made by written order of the Department of Agriculture or the Division of Public Health.

c. Any person having knowledge of an animal, quarantined under the provisions of this Section, which shows marked behavior changes, escapes, sickens, or dies, shall report the facts to the Department of Agriculture.

d. Penalty.

Any person Interfering with the provision of this Section shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).

Section 8210. Submission of animal for rabies testing and examination during quarantine.

d. When an animal is destroyed for the purposes of rabies testing, every effort shall be made to keep the head and brain Intact and unfrozen. Precautions shall be taken 'o avoid exposure to humans during destruction and until transported to the Division of Public Health Laboratory. The Division of Public Health shall be

responsible for ensuring that the destroyed animal is transported safely, and for notifying the submitting party of the rabies testing results.

b. The Division of Public Health or the Department of Agriculture may order the owner of an animal which is suspected of having exposed a human being to rabies to have the animal examined by a licensed veterinarian at any time during the quarantine period. The cost of the examination and any other associated cost shall be borne by the owner of the biting animal which is suspected of having exposed the human being to rabies. Any animal determined by a licensed veterinarian, the Department of Agriculture, or the Department of Natural Resources and Environmental Control, to be Inhumanely suffering any be killed in a humane manner and the head promptly submitted to the Division of Public Health Laboratory for rabies testing.

c. Notwithstanding any other provision of this Chapter, the Department of Natural Resources and Environmental Control, the Department of Agriculture, or the Division of Public Health, may issue a written order that an animal suspected of exposing a human being to rabies be killed In a humane manner for laboratory examination for rabies, if It Is determined that the animal is not being quarantined adequately or that there are other reasons which make it necessary for the preservation of human health.

Section 8211. Joint regulatory powers of Department of Natural Resources and

Environmental Control, Department of Agriculture, and Division of Public Health• quarantine and area-wide emergencies.

a. The Department of Natural Resources and Environmental Control, Department of Agriculture, and Division of Public Health are hereby delegated the power to adopt joint regulations signed by all three Department Secretaries setting forth procedures regulating the conduct of practitioners of human health, human health services, animal health services and animal control agencies for the purpose of fulfilling or carrying out the purpose and intent of this Chapter.

b. Area wide quarantine.

If rabies is known to exist within an area, the Division of Public Health, in conjunction with the Department of Natural Resources and Environmental Control and Department of Agriculture may establish a rabies quarantine and shall define the boundaries of the quarantine area and specify the animal or animals subject to quarantine. All these animals within the quarantine area and subject to the quarantine restrictions shall be kept in strict confinement upon the premises of the owner at all times until the quarantine is terminated. An animal, subject to the quarantine, may not be brought into the quarantine area or taken out of the quarantine area without written permission.

c. Area wide rabies emergency.

The Director of the Division of Public Health may declare an area wide rabies emergency and shall define the boundaries of the area and place specified animals under quarantine. By doing so, the Director of the Division of Public Health authorizes Department of Natural Resources and Environmental Control, its agents, and state and local police officers to destroy on sight any animals not in compliance with quarantine orders.

d. Human animal bite

The Director of Division of Public Health may require the reporting of all cases where humans were bitten by an animal known to transmit rabies.

Section 8212. Enforcement.

The provisions of this Chapter may be enforced by any authorized employee or agent of the Departments of Agriculture, Natural Resources and Environmental Control, or Health and Social Service.

Section 2. Amend subpart D, subchapter VI, Chapter 5, Title 11, of the Delaware Code,

by adding a new Section 1248 to read as follows:

"Section 1248. Obstructing the control and suppression of rabies.

a. A person is guilty of obstructing the control and suppression of rabies when he violates any lawful order of authorized state employees, or their agents, in the enforcement of laws to control and suppress rabies, pursuant to Chapter 82, Title 3, of

the Delaware Code, Rabies Control in Animal and Human Populations, or prevents or dissuades another person from complying with such orders.

b. Obstructing the control and suppression of rabies is a Class B misdemeanor. However, obstructing the control and suppression of rabies in a place and at a time when a state of emergency with respect to rabies has been declared pursuant to Section 8211, Title 3, of the Delaware Code, is a Class E Felony.

Section 3. This Act shall become effective upon the appropriation of sufficient funding

and positions needed to carry out the Rabies Control Program in all three counties of the State.

Section 4. This Act shall become effective upon the specific appropriation of funds for such purposes In the Annual Appropriation Act.

Section 5. If any provision or part of any provision of this Act or any regulation

promulgated by any Department or permit issued by any Department is determined to be Invalid, void or unlawful, said provision or part thereof shall be served from the remainder of the original provisions of said Chapter, regulation or permit, and said remaining provisions thereof shall continue In force.

Approved May 13, 1988.



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