



[§ 8201](#) [§ 8202](#) [§ 8203](#) [§ 8204](#) [§ 8205](#) [§ 8206](#) [§ 8207](#) [§ 8208](#) [§ 8209](#) [§ 8210](#) [§ 8211](#) [§ 8212](#) [§ 8213](#)

TITLE 3

Agriculture

Domestic and Foreign Animals, Birds, Reptiles and Insects

CHAPTER 82. RABIES CONTROL IN ANIMAL AND HUMAN POPULATIONS

Subchapter I. Rabies Control in Animal and Human Populations

§ 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, to provide safeguards against exposure of this disease to citizens of the State 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.

[66 Del. Laws. c. 247, § 1](#); [75 Del. Laws. c. 326, § 1](#);

§ 8202 Definitions.

- (a) The term "animal" shall mean any species of mammal, not including humans.
- (b) The term "animal welfare officer" shall mean a person employed by the Department of Health and Social Services or Department of Agriculture or a municipality as an enforcement officer.
- (c) The term "bite" shall mean any penetration of the skin by the teeth.
- (d) The term "cat" shall mean *Felis 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.
- (i) 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 1 person 18 years old or older who cares for that animal.

(l) 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 1 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.

[66 Del. Laws, c. 247, § 1](#); [68 Del. Laws, c. 285, § 1](#); [75 Del. Laws, c. 326, § 1](#); [80 Del. Laws, c. 248, § 2](#);

§ 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:

- (1) Any suspected or confirmed case of human rabies.
- (2) Any animal known to have or suspected of having been exposed to rabies.

[66 Del. Laws, c. 247, § 1](#); [75 Del. Laws, c. 326, § 1](#);

§ 8204 Rabies vaccination required for dogs and cats; antirabies clinics.

(a) *Vaccination of dogs.* —

(1) Any person owning a dog 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 welfare 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 a veterinarian, for each dog 6 months of age or older 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 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 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 or her possession for inspection by an animal welfare officer, the Department of Natural Resources and Environmental Control, the Department of Agriculture, or the Division of Public Health.

(c) *Vaccination of ferrets.* — Any person owning a ferret 6 months of age or older in this State shall have the ferret vaccinated against rabies by a veterinarian. The owner of the ferret is responsible for keeping a valid rabies vaccination certificate in that owner's possession for inspection by an animal welfare officer, the Department of Natural Resources and Environmental Control, the Department of Agriculture, or the Division of Public Health.

(d) *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 manufacturer's specifications of the duration of immunity of the rabies vaccination used and the date the animal shall be revaccinated in accordance with the specific criteria of the Compendium or as mandated by Delaware state law. 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 12 months after the effective expiration date of the vaccination.

(e) *Public antirabies clinics.* — The Compendium will serve as a basis for the procedures and practices used in public antirabies clinics. The Department of Agriculture or the veterinarian selected to administer the vaccine at the public antirabies 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 antirabies clinic will be responsible for maintaining copies of these certificates for a minimum of 12 months after the effective expiration date of the vaccination.

(f) *Penalty.* — Any person who violates any provision of this section shall be fined \$25. No penalty imposed by this section shall be suspended.

[66 Del. Laws. c. 247, § 1](#); [70 Del. Laws. c. 186, § 1](#); [75 Del. Laws. c. 309, § 1](#); [75 Del. Laws. c. 326, § 1](#); [78 Del. Laws. c. 323, § 1](#); [80 Del. Laws. c. 248, § 3](#);

§ 8205 Prohibition of vaccination of certain animals for rabies.

(a) No licensed veterinarian or other person may vaccinate a wild animal, wild animal hybrid 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 \$50 nor more than \$250.

[66 Del. Laws. c. 247, § 1](#); [68 Del. Laws. c. 285, § 2](#); [75 Del. Laws. c. 326, § 1](#);

§ 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 \$100 nor more than \$500.

[66 Del. Laws. c. 247, § 1](#); [75 Del. Laws. c. 326, § 1](#);

§ 8207 Disposition of animals exposed to rabies.

(a) If the owner of a dog, cat or ferret which is exposed to an animal suspected or known to be rabid can provide proof of a currently valid rabies vaccination, that dog, cat or ferret shall be revaccinated immediately

and quarantined for 45 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, cats or ferrets, 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 the 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 § 8208 or § 8209 of this title. 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 the circumstances, by the Department of Agriculture. Dogs, cats or ferrets shall be vaccinated against rabies 1 month prior to the scheduled termination of the isolated quarantine. Other animals shall not be vaccinated unless approved by the Department of Agriculture.

(d) Any person who violates any provision of this section shall be fined not less than \$100 nor more than \$200.

[66 Del. Laws, c. 247, § 1](#); [75 Del. Laws, c. 309, §§ 2, 3](#); [75 Del. Laws, c. 326, § 1](#);

§ 8208 Responsibility and liability of owner of dog, cat or ferret for quarantine when dog, cat or ferret exposes a human being to rabies.

(a) *Quarantine at time of exposure.* — The owner of any dog, cat or ferret that exposes a human being to rabies shall quarantine said dog, cat or ferret for a period of at least 10 days commencing at the time of the exposure. Any person who fails to comply with this subsection shall be fined not less than \$25 nor more than \$100.

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

(2) If the owner of the dog, cat or ferret cannot provide proof of a currently valid rabies vaccination, that dog, cat or ferret 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, cat or ferret.

(3) If the owner of that dog, cat or ferret 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, cat or ferret by a licensed veterinarian. The dog, cat or ferret shall not be vaccinated during the initial 10-day quarantine period.

(b) *Quarantine after notice of exposure.* — An owner who fails to quarantine any dog, cat or ferret that exposes a human being to rabies after being notified must quarantine said dog, cat or ferret in an approved place and manner. An owner failing to quarantine said dog, cat or ferret shall be fined not less than \$100 nor more than \$200.

(c) *Reporting of conditions of quarantine.* —

(1) The owner of a dog, cat or ferret quarantined pursuant to these regulations is responsible for reporting the facts to the Division of Public Health or a veterinarian, if that dog, cat or ferret shows marked behavior changes, escapes, sickens or dies during the quarantine period. If the quarantined animal dies, escapes or for any other reason is not available to complete the quarantine period, the owner shall immediately notify

the Division of Public Health by telephone, to be followed by a signed, notarized affidavit stating the reason for the animal's unavailability to complete the quarantine period. This affidavit must be submitted within 7 days of the animal's disappearance or death to the Division of Public Health.

(2) Any veterinarian, approved kennel or other person having knowledge of a quarantined dog, cat or ferret 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 \$50 nor more than \$200.

(d) *Disposition during quarantine.* — A dog, cat or ferret 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, cats or ferrets for quarantine.* — A person may not fail or refuse to surrender any dog, cat or ferret 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.

[66 Del. Laws. c. 247, § 1](#); [68 Del. Laws. c. 285, § 3](#); [75 Del. Laws. c. 309, §§ 4-6](#); [75 Del. Laws. c. 326, § 1](#);

§ 8209 Disposition and quarantine of animal other than dog, cat or ferret which exposes a human being to rabies.

(a) *Destruction or quarantine.* — When an animal, other than a dog, cat or ferret, 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) *Surrender of animal.* — 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) *Report of behavior changes, escapes, etc.* — 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 provisions of this section shall be fined not less than \$100 nor more than \$200.

[66 Del. Laws. c. 247, § 1](#); [75 Del. Laws. c. 309, § 7](#); [75 Del. Laws. c. 326, § 1](#);

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

(a) 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 to 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 may 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 or having bitten a person and that animal having not been immunized with a vaccine specifically approved for use in that species and administered by a veterinarian, shall 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.

[66 Del. Laws, c. 247, § 1](#); [68 Del. Laws, c. 285, § 4](#); [75 Del. Laws, c. 326, § 1](#);

§ 8211 Joint regulatory powers of Department of Natural Resources and Environmental Control, Department of Agriculture, Division of Public Health; quarantine and areawide emergencies.

(a) *Regulations.* — 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 3 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) *Areawide 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 the Department of Agriculture may establish a rabies quarantine and shall define the boundaries or 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) *Areawide rabies emergency.* — The Director of the Division of Public Health may declare an areawide 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 the 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.

[66 Del. Laws, c. 247, § 1](#); [75 Del. Laws, c. 326, § 1](#);

§ 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.

[66 Del. Laws, c. 247, § 1](#); [75 Del. Laws, c. 326, § 1](#);

§ 8213 Court jurisdiction.

Justices of the peace shall have jurisdiction of all offenses under this chapter.

[67 Del. Laws, c. 338, § 1](#); [75 Del. Laws, c. 326, § 1](#);



