

# Rabies Control Act

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## **§ 20-19-301. Title.**

This subchapter shall be known as the "Rabies Control Act".

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 1;

## **§ 20-19-302. Definitions.**

As used in this subchapter:

- (1) "Animal" means any animal other than dogs or cats which may be affected by rabies;
- (2) "Cats" includes all members of the feline family;
- (3) "Dogs" includes all members of the canine family;
- (4) "Has been bitten" means the skin has been penetrated by an animal's teeth and saliva has contacted a break or abrasion of the skin;
- (5) "Owner" means any person who:
  - (A) Has a right of property in a dog or cat or other animal;
  - (B) Keeps, harbors, cares for, or acts as the custodian of a dog or cat or other animal; or
  - (C) Knowingly permits a dog or cat or other animal to remain on or about any premises occupied by him or her; and

(6) "Vaccination against rabies" means the injection, subcutaneously or otherwise, of canine antirabic vaccine, as approved by the United States Department of Agriculture or the State Board of Health and administered by a licensed veterinarian or agent of the Department of Health.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 2; 1975, No. 725, § 1; Acts 2009, No. 159, § 2.

**§ 20-19-303. Power of political subdivisions not limited — Applicability.**

(a) This subchapter does not limit in any manner the power of any municipality or political subdivision to prohibit dogs or cats or other animals from running at large whether or not they have been vaccinated against rabies as provided in this subchapter.

(b) This subchapter does not limit in any manner the power of any municipality or other political subdivision to further control and regulate dogs or cats or other animals in such municipality or political subdivision.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 7; 1975, No. 725, § 5; Acts 2009, No. 159, § 3.

**§ 20-19-304. Penalties.**

(a)(1) A person shall be guilty of a violation for:

(A) Violating or aiding in or abetting the violation of any provision of this subchapter;

(B) Making a misrepresentation in regard to any matter prescribed by this subchapter;

(C) Resisting, obstructing, or impeding any authorized officer in enforcing this subchapter; or

(D) Refusing to produce for inoculation against rabies any dog or cat in his or her possession.

(2) Upon conviction, the person shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

(b) Any dog or cat termed a stray that is not vaccinated against rabies is subject to destruction.

(c)(1) Any officers failing, refusing, or neglecting to carry out the provisions of this subchapter shall be guilty of a violation.

(2) Upon conviction, the officer shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, §§ 5, 9; 1975, No. 725, § 4; Acts 2005, No. 1994, § 115.

**§ 20-19-305. Vaccination for dogs and cats required.**

All dogs and cats shall be vaccinated against rabies annually or as required by the State Board of Health.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 2; 1975, No. 725, § 1; Acts 2009, No. 159, § 4.

**§ 20-19-306. Illegal acts when person bitten.**

(a) It is unlawful for any person bitten, the family, treating physician, or veterinarian that has knowledge of a person bitten by a dog or cat or other animal to refuse to notify the health authorities promptly.

(b) It is unlawful for the owner of the dog or cat or other animal to sell, give away, transfer, transport to another area, or otherwise dispose of the dog or cat or other animal that is known to have bitten a person until it is released by the health authorities.

(c)(1) It is unlawful for the owner of the dog or cat or other animal to refuse or fail to comply with the written or printed instructions of the health authorities in any particular case.

(2)(A) The written instructions shall be delivered in person by health authorities or their authorized agent.

(B) If instructions cannot be delivered in person, they shall be mailed by regular mail, postage prepaid, and addressed to the owner of the dog or cat or other animal.

(C) The affidavit or testimony of the health authorities or their authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the dog or cat or other animal.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 3; 1975, No. 725, § 2;

**§ 20-19-307. Confinement of animal when person bitten.**

(a)(1) Whenever the health authorities, county sheriffs office, or municipal police officers in cooperation with health authorities receive information that any person has been bitten by a dog or cat or other animal, these local public officials acting in cooperation shall have the dog or other animal confined and observed.

(2) If there is no local facility available for confining the dog or cat or other animal, it shall be the owner's responsibility to make satisfactory arrangements or to prepare a facility for the purpose of confinement.

(b)(1) The offending dog or cat shall be confined for a period of ten (10) days by a veterinarian or owner or public pound.

(2)(A) All other species of animals are to be confined and observed for rabies in the same manner, except the time element will vary so as to compensate for the difference in the incubation period of the disease.

(B) This adjusted time element is to be determined by consultation with the Department of Health.

(C) If there is no known incubation period, the animal may be euthanized and tested at the discretion of the department.

(3) The veterinarian, owner, or public pound management personnel shall notify the local public health authorities of the disposition of the dog or animal at the termination of the confinement.

(c)(1) Any confinement and observation expense incurred in the handling of any dog or cat or other animal under this subchapter shall be borne by the owner.

(2) If the dog or cat or other animal is a stray and has no owner, the confinement and observation expense shall be borne by the person bitten or, if a minor, by the head of the family.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 3; 1975, No. 725, § 2; Acts 2009, No. 159, § 5.

### **§ 20-19-308. Shipment to laboratory of head of animal suspected of being rabid.**

Any person causing the death of an animal, either wild or domesticated, suspected of being rabid shall cause the head of the animal to be presented to a county health unit of the county in which the animal was killed.

**History.** Acts 1953, No. 238, § 1; Acts 1968 (1st Ex. Sess.), No. 11, § 6; Acts 2005, No. 1994, § 116; Acts 2009, No. 159, § 6.

### **§ 20-19-309. Area quarantine.**

(a)(1) The Director of the Division of Health of the Department of Health and Human Services shall place certain areas under a rabies quarantine upon request of proper local officials.

(2) In serious situations, the director may place the area under quarantine without waiting for a local request.

(b) The occurrence of three (3) or more positive rabies cases in animals shall be sufficient basis for placing areas under quarantine.

(c) The positive rabies cases shall be laboratory-confirmed by the State Public Health Laboratory of the Division of Health of the Department of Health and Human Services or any other laboratory acceptable to or approved by the director.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 4; 1975, No. 725, § 3;

### **§ 20-19-310. Authority to impose additional measures.**

Whenever the proper officials or a government unit are convinced that the situation is conducive to the spread of rabies, additional measures may be imposed by the government unit if deemed necessary to prevent the spread of rabies among dogs and other animals. The government unit involved may require:

(1) That all dogs or cats or other animals in the locality be kept:

(A) Confined within an enclosure; or

(B) Muzzled and restrained by a leash composed of chain, wire, rope, or cable;

(2) That all owners or keepers of dogs or cats or other animals take such prophylactic measures as may be required and necessary to prevent the spread of rabies; or

(3) That other measures, in addition to annual vaccination against rabies, that may be necessary to control the spread of rabies in dogs, cats, and other animals be carried out.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 4; 1975, No. 725, § 3;

**§ 20-19-311. Administration by Director of the Division of Health of the Department of Health and Human Services.**

The Director of the Division of Health of the Department of Health and Human Services or his or her official representative shall have the responsibility for carrying out the provisions of this subchapter.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 2; 1975, No. 725, § 1;

**§ 20-19-312. State Board of Health's authority to regulate.**

The State Board of Health shall promulgate such rules and regulations as are necessary to carry out the purposes or provisions of this subchapter, with subsequent amendments as needed.

**History.** Acts 1968 (1st Ex. Sess.), No. 11, § 8;