

1 SB469
2 108879-1
3 By Senator Dixon
4 RFD: Health
5 First Read: 05-MAR-09

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8 SYNOPSIS: Under existing law, dogs and cats are
9 required to be immunized for rabies.

10 This bill would add ferrets to the list of
11 animals required to be vaccinated, would further
12 provide for rabies clinics and for fees for
13 vaccinations, would further provide for penalties,
14 would authorize home quarantines, would provide for
15 the humane euthanizing of certain biting animals,
16 would provide for the quarantine of rabies epidemic
17 areas, would authorize the State Board of Health to
18 provide for exemptions from the vaccination
19 requirements when a vaccination may be injurious to
20 an animal's health, and would provide that persons
21 assisting at rabies clinics would be considered
22 volunteers.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from
2 becoming effective with regard to a local
3 governmental entity without enactment by a 2/3 vote
4 unless: it comes within one of a number of
5 specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

9 The purpose or effect of this bill would be
10 to require a new or increased expenditure of local
11 funds within the meaning of the amendment. However,
12 the bill does not require approval of a local
13 governmental entity or enactment by a 2/3 vote to
14 become effective because it comes within one of the
15 specified exceptions contained in the amendment.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

21 Relating to rabies immunization of cats and dogs; to
22 amend Sections 3-7A-1, 3-7A-2, 3-7A-3, 3-7A-5, 3-7A-7, 3-7A-8,
23 3-7A-9, 3-7A-10, 3-7A-11, 3-7A-12, and 3-7A-14, Code of
24 Alabama 1975, to add members of the ferret (*Mustela putorius*
25 *furo*) family to the list of animals required to be vaccinated
26 against rabies; to provide further for public rabies clinics
27 and set fees therefor; to provide further for penalties to

1 owners of animals found to be unvaccinated; to allow for home
2 quarantine as directed by the health officer; to provide for
3 humane euthanizing of certain biting animals; to provide for
4 quarantine of rabies endemic areas; to authorize exemptions
5 from vaccinations under certain conditions; to add Section
6 3-7A-16 to the Code of Alabama 1975, to provide that persons
7 assisting at rabies vaccination clinics would be considered
8 volunteers; and in connection therewith would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 3-7A-1, 3-7A-2, 3-7A-3, 3-7A-5,
16 3-7A-7, 3-7A-8, 3-7A-9, 3-7A-10, 3-7A-11, 3-7A-12, and
17 3-7A-14, Code of Alabama 1975, are amended to read as follows:

18 "§3-7A-1.

19 "As used in this chapter, the following words and
20 phrases shall have the following meanings respectively
21 ascribed to them unless the context clearly indicates
22 otherwise:

23 "(1) CANINE CORPS DOGS. Those members of the canine
24 family maintained by governmental agencies for exclusive use
25 in official duties assigned to those agencies. Seeing eye dogs
26 shall be included within the meaning of this definition.

1 "(2) CAT. All members of the domesticated feline
2 (Felis catus) family ~~three months of age or older.~~

3 "(3) DOG. All members of the domesticated canine
4 (Canis familiaris) family ~~three months of age or older.~~

5 "(4) FERRET. All members of the ferret (Mustela
6 putorius furo) family.

7 "~~(4) (5) HAS BEEN EXPOSED. Seized with the teeth or~~
8 ~~claws, so that the skin of the person or animal seized has~~
9 ~~been nipped or gripped, or has been wounded or pierced and~~
10 ~~includes suspected~~ Suspected or confirmed contact of saliva
11 with a break or abrasion of the skin or with any mucous
12 membrane, as determined by ~~a licensed physician~~ the health
13 officer or medical or law enforcement personnel.

14 "~~(5) (6) HEALTH OFFICER. A~~ The State Health Officer
15 or any county health officer as defined in Section 22-3-2, or
16 his or her designee.

17 "~~(6) (7) IMMUNIZATION AGAINST RABIES. The injection,~~
18 in a manner approved by the State Health Officer and the State
19 Veterinarian, of ~~antirabies~~ rabies vaccine approved by the
20 State Health Officer and the State Veterinarian. The
21 administration of ~~antirabies~~ rabies vaccine to species other
22 than those for which reliable immunization data is available
23 shall be a violation of this chapter.

24 "~~(7) (8) IMPOUNDING OFFICER. An agent of a county or~~
25 municipality vested with impounding authority for animals
26 covered under this chapter.

1 "~~(8)~~ (9) OWNER. Any person having a right of
2 property in ~~the~~ a dog, cat, ferret, or other animal, or who
3 keeps or harbors the animal, or who has it in his or her care,
4 or acts as its custodian, or who permits the animal to remain
5 on or about any premises occupied by him or her.

6 "~~(9)~~ (10) PERSON. Individuals, firms, partnerships,
7 and associations.

8 "~~(10)~~ (11) QUARANTINE FOR RABIES OBSERVATION.
9 Confinement under the direct care, custody, control, and
10 supervision of a licensed veterinarian for a period of 10 days
11 subsequent to the date of the exposure, or as otherwise
12 directed by the ~~State Health Officer~~ appropriate health
13 officer.

14 "~~(11)~~ (12) RABIES OFFICER. A licensed veterinarian
15 as defined in Section 34-29-61, duly appointed by the county
16 board of health and approved by the State Health Officer and
17 State Veterinarian.

18 "§3-7A-2.

19 "(a) Every owner of a dog, ~~or cat, or ferret~~
20 required to be immunized for rabies as defined in this
21 chapter, shall cause ~~said dog or cat~~ the animal to be
22 immunized by the rabies officer, his or her authorized
23 representative, or any duly licensed veterinarian, when ~~said~~
24 the animal reaches three months of age and ~~annually thereafter~~
25 subsequently in accordance with the intervals specified in the
26 vaccine's license. Notwithstanding the above, the State Board
27 of Health may establish by rule vaccine intervals or specific

1 vaccines, or both, to be used in public rabies vaccination
2 clinics, based on considerations such as county specific
3 prevalence of animal rabies or risk of animal rabies and the
4 vaccination rates of dogs, cats, and ferrets in a county.
5 Evidence of ~~such~~ immunization shall consist of a printed
6 certificate furnished ~~in triplicate~~ by the Alabama Department
7 of Public Health, upon which shall be legibly inscribed: a
8 description of the ~~dog or cat~~ animal; its age, color, sex,
9 breed, and tattoo identification, if any; the name and address
10 of the owner; the lot number and type of vaccine used
11 (modified live virus, inactivated virus); the name of the
12 manufacturer, ~~and the~~ amount of vaccine injected, and the date
13 after which the animal is no longer considered vaccinated; and
14 a serially numbered tag bearing the same number and year as
15 that of the certificate. The certificate shall be dated and
16 signed by the person authorized to administer the vaccine.
17 Certificates not ~~in keeping~~ complying with the provisions of
18 this section, or certificates issued by those persons
19 unauthorized to administer rabies vaccine, shall not be valid.
20 In lieu of printed certificates, licensed veterinarians may
21 elect to utilize electronically generated and maintained
22 certificates if the certificates contain substantially the
23 same information as required above. ~~The original~~ A signed
24 paper copy of the certificate prescribed herein shall be
25 delivered to the owner of the ~~dog or cat~~ animal immunized, ~~one~~
26 ~~copy to the local health department, and one copy to be~~
27 ~~retained by the rabies officer. The certificate of~~

1 ~~immunization shall be valid for a period of one year for all~~
2 ~~dogs and cats required to be immunized under this chapter.~~
3 ~~Immunization certificates may be destroyed three years after~~
4 ~~date of issuance. A paper copy or electronic copy or evidence~~
5 ~~thereof shall be maintained by the licensed veterinarian for a~~
6 ~~period of one year past the expiration date of a certificate.~~
7 ~~An additional paper copy or electronic copy or listing shall~~
8 ~~be provided to the local rabies enforcement authority upon~~
9 ~~request by the authority and in the manner as so requested.~~

10 "(b) It shall be unlawful and in violation of the
11 provisions of this chapter for any person to import, receive,
12 sell, offer for sale, barter, or exchange animal ~~antirabies~~
13 rabies vaccine, other than antirabies vaccine intended for
14 human use, to anyone except a duly licensed veterinarian.

15 "(c) (1) Notwithstanding the other provisions of this
16 chapter, the State Board of Health by rule may establish
17 procedures and qualifications for an exemption from the
18 requirement for a vaccination for an animal if a rabies
19 vaccination would be injurious to the animal's health.

20 "(2) An animal exempted under subdivision (1) shall
21 be considered unvaccinated by the State Board of Health in the
22 event of the animal's exposure to a confirmed or suspected
23 rabid animal.

24 "§3-7A-3.

25 "~~The~~ At public rabies clinics, the rabies officer
26 may charge for such immunization a sum an immunization fee
27 established by a committee consisting of the State Health

1 Officer, the State Veterinarian, and the president of the
2 Alabama Veterinary Medical Association, and approved by the
3 State Board of Health prior to the first day of January each
4 year. The committee shall consider all cost factors in
5 administering the vaccine as the economy dictates, including
6 but not limited to the current prices of vaccines ~~and tags~~.

7 "§3-7A-5.

8 "In the event ~~of tag loss when the same a tag or~~
9 certificate is lost after it has been legally issued, every
10 replacement thereof shall be upon such terms as may be agreed
11 upon with the rabies officer or veterinarian by whom the
12 animal has been immunized. In ~~such that~~ instance, a new
13 certificate marked "duplicate" may be issued ~~setting forth the~~
14 ~~number of the new tag and the certificate issued and~~
15 distributed according to Section 3-7A-2.

16 "§3-7A-7.

17 "It shall be the duty of each and every county in
18 ~~the state to~~ Each county in the state shall provide a suitable
19 county pound and impounding officer for the impoundment of
20 dogs, ~~and cats, and ferrets~~ found running at large in
21 violation of the provisions of this chapter. Every
22 municipality with a population over 5,000 in which the county
23 pound is not located shall maintain a suitable pound or
24 contribute their pro rata share to the staffing and upkeep of
25 the county pound. ~~When dogs and cats are impounded and if~~ If
26 the owner ~~thereof~~ of an impounded animal is known, ~~such the~~
27 owner shall be given direct notice of the impoundment ~~of said~~

1 ~~animal or animals belonging to him; or the impounding officer~~
2 ~~may make said animal or animals available for adoption after a~~
3 ~~period of not less than seven days.~~

4 "§3-7A-8.

5 "All dogs, ~~and cats, and ferrets~~ which have been
6 impounded ~~for lack of rabies immunization~~ in accordance with
7 the provisions of this chapter, ~~due after~~ notice of which
8 ~~shall have been~~ is given to the owner as provided in Section
9 3-7A-7, may be humanely destroyed and disposed of when not
10 redeemed by the owner within seven days. In case the owner of
11 an impounded ~~dog or cat~~ animal desires to ~~make redemption~~
12 ~~thereof~~ redeem the animal, he or she may do so on the
13 following condition: He or she shall pay for the immunization
14 of the animal and ~~the a~~ penalty as prescribed equal to the
15 minimum fine established in Section 3-7A-6 if a certificate of
16 current immunization cannot be produced, and ~~in addition,~~ pay
17 for the board of the animal for the period for which it was
18 impounded. The amount paid for the board of the ~~dog or cat~~
19 animal shall accrue to the credit of the city or county,
20 depending upon the jurisdiction of the pound in which the
21 animal was confined. At his or her discretion, the ~~said~~
22 impounding officer may ~~sell any dog or cat~~ provide for
23 adoption of any animal not redeemed or claimed or otherwise
24 disposed of, to any ~~purchaser~~ person desiring the ~~said~~ animal,
25 ~~which said purchaser must comply~~ if the person complies with
26 all the provisions of this chapter.

27 "§3-7A-9.

1 "(a) Whenever the rabies officer or the health
2 officer ~~shall receive~~ receives information that a human being
3 has been bitten or exposed by a dog, ~~or cat, or ferret~~
4 required by this chapter to be immunized against rabies, the
5 health officer or his or her authorized agent shall cause ~~said~~
6 the dog, or cat, or ferret to be placed in quarantine under
7 the direct supervision of a duly licensed veterinarian for
8 rabies observation as prescribed in Section 3-7A-1. It shall
9 be unlawful for any person having knowledge that a human being
10 has been bitten or exposed by a dog, ~~or cat, or ferret~~ to fail
11 to notify one or more of the aforementioned officers.
12 Vaccinated dogs, cats, and ferrets may be authorized to be
13 quarantined in the home of the owner of the animal by the
14 appropriate health officer.

15 "(b) When ~~said a dog, or cat, or ferret is unowned,~~
16 has no owner as determined by the rabies officer or the health
17 officer after reasonable investigation, or ~~where~~ if the owner
18 of a dog, ~~or cat, or ferret~~ agrees in writing, or ~~when~~ if
19 ordered by the health officer, the animal shall be humanely
20 destroyed immediately after the exposure and the head shall be
21 submitted for rabies examination to the state health
22 department laboratory.

23 "(c) The period of quarantine for animals other than
24 domesticated dogs, ~~and cats, and ferrets~~ which have bitten or
25 exposed a human being shall be determined by the Alabama
26 Department of Public Health upon consultation with the U.S.
27 Public Health Service. ~~Provided, however, for those animal~~

1 ~~species where~~ If reliable epidemiologic data ~~are~~ is lacking
2 for an animal species regarding duration of rabies virus
3 secretion from the salivary glands, ~~said~~ the animals shall be
4 humanely destroyed and the head submitted for rabies
5 examination to the state health department laboratory.

6 "(d) It shall be a violation of this chapter for the
7 owner of such an animal to refuse to comply with the lawful
8 order of the health officer in any particular case. It is
9 unlawful for the owner to sell, give away, transfer to another
10 location, or otherwise dispose of any ~~such~~ animal that is
11 known to have bitten or exposed a human being until it is
12 released from quarantine by the rabies officer, duly licensed
13 veterinarian, or by the appropriate health officer.

14 "(e) Instructions for the quarantine of the
15 offending animal shall be delivered in person or by telephone
16 or facsimile to the owner by the health officer or his or her
17 authorized agent. If ~~such~~ the instructions cannot be delivered
18 in such a manner, they shall be mailed by regular mail,
19 postage prepaid and addressed to the owner of the animal. The
20 affidavit or testimony of the health officer or his or her
21 authorized agent, who delivers or mails ~~such~~ the instructions,
22 shall be prima facie evidence of the receipt of such
23 instructions by the owner of the animal. Any expenses incurred
24 in the quarantine of the offending animal under this section
25 and Section 3-7A-8 shall be borne by the owner.

26 "(f) The veterinarian under whose care the offending
27 animal has been committed for quarantine shall promptly report

1 the results of his or her observation of ~~said the~~ animal to
2 the attending physician of the human being bitten or exposed
3 and the appropriate health officer.

4 "(g) Canine corps dogs and seeing eye dogs shall be
5 exempt from the quarantine period ~~where such~~ if the exposure
6 occurs in the line of duty and evidence of proper immunization
7 against rabies is presented, but shall be examined immediately
8 at the end of 10 days by a licensed veterinarian, who shall
9 report the results of his or her examination to the
10 appropriate health officer as previously authorized.

11 "§3-7A-10.

12 "Those domesticated species, for which ~~antirabies~~
13 rabies vaccine is recognized and recommended, upon exposure or
14 potential exposure to a known rabid animal, shall be humanely
15 destroyed or slaughtered immediately. Provided, however, the
16 owner ~~may have~~ has the option of quarantining ~~said the animal~~
17 or animals based on the recommendations of the Alabama
18 Department of Public Health upon consultation with the U.S.
19 Public Health Service.

20 "§3-7A-11.

21 "(a) ~~It shall be the responsibility of the~~ The
22 county board of health ~~to~~ shall nominate annually one duly
23 licensed veterinarian from each county within the state for
24 the position of rabies officer. Applications for this position
25 may be received from any duly licensed veterinarian residing
26 within the county, or in the event that no applications are
27 received, from the Alabama Veterinary Medical Association.

1 ~~Said applications~~ Applications shall be provided to the
2 ~~chairman~~ chair of each county board of health during the month
3 of November. ~~It shall be the responsibility of the~~ The county
4 board of health, ~~within or prior to the month of~~ not later
5 than January 31 of the appointing year, ~~to~~ shall select and
6 appoint a nominee, subject to the approval of the State Health
7 Officer and the State Veterinarian. The appointee's term of
8 office shall expire on December 31 of the year of appointment;
9 provided, however, that he or she shall be eligible for
10 reappointment. The rabies officer may be removed from office,
11 for cause, by the county board of health or the State Health
12 Officer.

13 " (b) Appointments not made within the prescribed
14 time limits specified in this section shall become the joint
15 prerogative of the State Health Officer and the State
16 Veterinarian after due consultation with the appropriate
17 health officer.

18 " (c) For the purpose of providing proper enforcement
19 of this chapter, the county board of health is hereby invested
20 with general supervisory and administrative authority for the
21 implementation of this chapter. It shall be the duty of the
22 rabies officer to immunize for rabies all dogs, ~~and~~ cats, and
23 ferrets covered under ~~the provisions of~~ this chapter and he or
24 she may employ as many licensed veterinarians to serve as
25 deputies to aid him or her as he or she may desire. The rabies
26 officer and his or her deputies in each county are clothed
27 with limited police powers to the extent that they may issue

1 citations for violations of this chapter as an agent of the
2 county board of health, and shall not be subject to the
3 limitations of Section 36- 21-50. The sheriff and his deputies
4 in each county and the police officers in each incorporated
5 municipality shall be aides, and are hereby instructed to
6 cooperate with ~~said the~~ rabies officer in carrying out the
7 provisions of this chapter. The compensation of the rabies
8 officer and his or her deputies shall be limited to the fees
9 collected from enforcement of ~~the provisions of~~ this chapter.

10 "§3-7A-12.

11 "Any Except as provided for in Section 3-7A-6, any
12 person violating or aiding or abetting the violation of any
13 provision of this chapter, or counterfeiting or forging any
14 certificate ~~or tag~~, or making any misrepresentation in regard
15 to any matter prescribed by this chapter or rule promulgated
16 hereunder or except as otherwise provided, or resisting,
17 obstructing, or impeding any authorized officer in enforcing
18 the provisions of this chapter, or refusing to produce for
19 immunization any animal in his or her possession for which
20 ~~antirabies~~ rabies vaccine is recognized and recommended, or
21 for failing to report an animal bite, shall be charged with a
22 Class C misdemeanor, ~~and for the purpose of enforcing this~~
23 ~~chapter, shall be fined not less than \$25.00 nor more than~~
24 ~~\$100.00,~~ and for the purpose of enforcing this chapter, resort
25 may be had to any court of competent jurisdiction.

26 "§3-7A-14.

1 "Nothing in this chapter shall be held to limit in
2 any manner the power of any municipality to prohibit dogs, ~~or~~
3 cats, or ferrets from running at large, regardless of rabies
4 immunization status as herein provided; nor shall anything in
5 this chapter be construed, in any manner, to limit the power
6 of any municipality to further control and regulate dogs or
7 cats in such municipality."

8 Section 2. Section 3-7A-16 is added to the Code of
9 Alabama 1975, to read as follows:

10 §3-7A-16.

11 A licensed veterinarian and his or her assistants,
12 whether compensated by fee or otherwise or not compensated,
13 when assisting the county rabies officer at any officially
14 designated rabies vaccination clinic shall be considered a
15 volunteer for the purpose of Section 6-5-336.

16 Section 3. All laws or parts of laws which conflict
17 with this act are repealed.

18 Section 4. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.