



SPONSOR: Rep. Gray & Sen. Hocker
Reps. Briggs King, Wilson; Sen. Ennis

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 238

AN ACT TO AMEND TITLE 3 AND TITLE 16 OF THE DELAWARE CODE RELATING TO RABIES AND OTHER VACCINATION REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 8204, Title 3 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8204. Rabies vaccination required for dogs, ~~and cats, and ferrets~~; 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; exemption from vaccination against rabies may be permitted if a licensed veterinarian has examined the animal and has certified in writing that at the time, vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations and a titer test is administered to assist in determining the need for the vaccination. 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 or exemption 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 or exemption 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 or exemption. If a dog is sold or traded, then the valid vaccination certificate or exemption 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 or exemption 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; exemption from vaccination against rabies may be permitted if a licensed

veterinarian has examined the animal and has certified in writing that at the time, vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations and a titer test is administered to assist in determining the need for the vaccination. The owner of the cat will be responsible for keeping a valid rabies vaccination certificate or exemption 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; exemption from vaccination against rabies may be permitted if a licensed veterinarian has examined the animal and has certified in writing that at the time, vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations and a titer test is administered to assist in determining the need for the vaccination. The owner of the ferret is responsible for keeping a valid rabies vaccination certificate or exemption 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.

Section 2. Add new Section to Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 3091. Vaccination risk assessment

(a) Prior to administering a vaccine to a dog, cat or ferret, a licensed veterinarian shall review the risks associated from the vaccine with the owner by using a Vaccine Risk Assessment Form. The Vaccine Risk Assessment Form will be designed, developed and provided to licensed veterinarians by the Department before January 1, 2019. The form will include the following items;

(1) an area on the form that lists each commonly administered dog, cat, and ferret vaccines and provide space for the veterinarian to indicate the potential risk to the animal from receiving the vaccine based on the health, size, age, and overall physical condition of the animal. Risk will be indicated on a 1 to 5 point scale for each vaccine under consideration;

(2) an area on the form to indicate the risk of the animal being exposed to the disease based on the environment where the animal will inhabit. Risk will be indicated on a 1 to 5 point scale for each vaccine under consideration;

(3) an area on the form to indicate that the veterinarian and owner have discussed using a titer test to avoid unnecessary vaccination(s);

(4) an area on the form to document that the veterinarian and owner discussed a strategy to administer needed vaccines over a period of time to avoid medical problems, and;

53 (5) an area on the form for both the licensed veterinarian and the owner to sign establishing that the Vaccine Risk
54 Assessment Form has been completed.

55 (b) The original Vaccine Risk Assessment Form will be maintained for inspection by the licensed veterinarian for
56 a period of 3 years and a copy will be provided to the owner.

57 (c) Whoever violates this subchapter shall be subject to the fines provided for in § 107(a) of this title and such
58 fines are payable to the Department.

59 Section 3. This act will be known as the Maggie's Pet Vaccine Protection Act.

SYNOPSIS

This Act enables licensed veterinarian's to exempt an animal from the mandated rabies vaccination, if the veterinarian determines the vaccine would endanger the animal's health and a titer test has been administered to assist in determining the necessity of the vaccine. Additionally the bill requires that a license veterinarian complete a Vaccine Risk Assessment Form provided by the department and to review the form with the pet owner. The form must be developed and distributed to licensed veterinarians by the Department of Health and Social Services before January 1, 2019.