



SPONSOR: Rep. Carson & Sen. Ennis  
Rep. Brady; Sens. Hocker, Wilson

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 4

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RABIES CONTROL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 8202, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 8202. Definitions.

(a) ~~The term “animal” shall mean~~ “Animal” means any species of mammal, not including humans.

(b) “Animal exposed to rabies” means a domestic animal that has been bitten or scratched so that the skin has been broken by a rabid animal or a suspected rabid animal, or that has had contamination of an open scratch or wound, eye or mucous membrane with saliva or other potentially infectious material such as neural tissue. The Department shall be the primary agency to manage such exposures.

~~(b) The term “animal welfare officer” shall mean~~ (c) “Animal welfare officer” means a person employed by the Department of Health and Social Services or Department of Agriculture or a municipality as an enforcement officer.

~~(e) The term “bite” shall mean~~ (d) “Bite” means any penetration of the skin by the teeth.

~~(d) The term “cat” shall mean~~ (e) “Cat” means *Felis catus*.

~~(e) The term~~ (f) “Compendium” means the most current version of The Compendium of Animal Rabies ~~Vaccines Prevention and Control~~ prepared by the National Association of State Public Health Veterinarian; Veterinarians. ~~Inc., as amended from time to time.~~

(g) “Control and observation” and “controlled and observed” means that the animal is under the owner’s control and is being observed for clinical signs of infection with rabies virus.

~~(f) The term~~ (h) “Department of Agriculture” shall mean “Department” means the Department of Agriculture, 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~~ (i) "Division" means the Division of Public Health, or  
officially designated agent thereof.

~~(i) The term "dog" shall mean~~ (j) "Dog" means Canis familiaris.

~~(k) "Exotic" means not native to or generally found in Delaware. An exotic animal is ecologically foreign to~~  
Delaware.

~~(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 means 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) "Human exposed to rabies" means a human that has been bitten or scratched by a rabid animal or suspected  
rabid animal, or that has had contamination of an open scratch or wound, eye, or mucous membrane with saliva or other  
potentially infectious material such as neural tissue. The Division is the primary agency to manage such exposures.

~~(l) The term "kennel" shall mean~~ (m) "Kennel" means any place wherein dogs are kept for the purposes of  
breeding, training, ~~sale~~ sale, or show.

~~(m) The term "owner" shall mean~~ (n) "Owner" means any person, firm, partnership, association, or corporation  
~~owning, keeping~~ keeping, or harboring 1 or more animals: harboring, or with legal responsibility for a cat, dog, or other  
animal.

~~(n) The term "person" shall mean~~ (o) "Person" means any individual, business, partnership, firm, joint stock  
company, corporation, association, trust, ~~estate~~ 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) "Rabid animal" means any animal confirmed rabid through laboratory testing.

~~(p) The term "rabies" shall mean~~ (q) "Rabies" means, in man human 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.

(r) "Rabies vector species" means the wild animal species in the state of Delaware that most commonly carry and  
transmit the rabies virus to other animals, including bat, racoon, skunk fox, groundhog, or feral cat.

(s) "Strict quarantine" means confinement, under restraint by leash, closed gage, or paddock, on the private  
premises of the owner or at another location specified by the Department or Division, of an animal in such a manner

whereby there exists no opportunity for contact with other animals or humans, excepting one person, 18 years of age or older, who cares for that animal.

(t) "Scratch" means a mark or injury caused by the claws or nails of an animal.

(u) "Suspected rabid animal" means a mammal (domestic or wildlife) exhibiting clinical signs of infection with rabies (abnormal behavior with neurologic impairment) and any bat, racoon, skunk, fox, groundhog, or feral cat.

Section 2. Amend § 8203, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8203. Reporting of rabies.

Any medical practitioner, hospital, ~~veterinarian~~ veterinarian, or other person having knowledge of the following situations shall report the facts ~~to the Division of Public Health~~ within 12 hours by telephone, email, fax, or in person as follows:

(1) Any suspected or confirmed case of human rabies to the Division.

(2) Any suspected or confirmed case of animal rabies to the Department, ~~animal known to have or suspected of having been exposed to rabies.~~

(3) Any human known or suspected of having been exposed to rabies to the Division.

(4) Any animal known or suspected of having been exposed to rabies to the Department.

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

§ 8204. Rabies vaccination required for dogs, 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 licensed veterinarian; exemption from vaccination against rabies may be permitted if a licensed veterinarian has examined the animal and based on the veterinarian's professional judgment, has certified in writing that at the time, vaccination would endanger the animal's health because of its infirmity, disability, illness, or other medical considerations and a titer test, in the case of these medical exemptions, may be 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 licensed veterinarian. The owner of the dog will be responsible for keeping a valid rabies vaccination certificate or exemption certificate in their possession for inspection by an animal control officer, the Department, ~~Department of Agriculture~~ or the ~~Division of Public Health~~, Division, if deemed necessary. Certification that the animal is exempt from vaccination shall be valid for a period of 1 year from the date of the issuance of the certificate of

exemption, after which time the animal shall be re-examined by a licensed veterinarian and vaccinated against rabies or a new certificate of exemption shall be issued to the animal's owner.

(2) Upon request by an animal welfare officer, the ~~Department of Agriculture, Department, or the Division of Public Health~~, Division, all owners of kennels, excluding licensed boarding kennels, shall present immediately a valid rabies vaccination certificate or exemption certificate, signed by a licensed 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 examined and be issued an exemption certificate. Certification that the animal is exempt from vaccination shall be valid for a period of 1 year from the date of the issuance of the certificate of exemption, after which time the animal shall be re-examined by a licensed veterinarian and vaccinated against rabies or a new certificate of exemption shall be issued to the animal's owner.

(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 licensed veterinarian; exemption from vaccination against rabies may be permitted if a licensed veterinarian has examined the animal and based on the veterinarian's professional judgment has certified in writing that at the time, vaccination would endanger the animal's health because of its infirmity, disability, illness, or other medical considerations and a titer test, in the case of these medical exemptions, may be 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~~ their possession for inspection by an animal welfare officer, the Department, or the Division, ~~the Department of Natural Resources and Environmental Control, the Department of Agriculture, or the Division of Public Health~~. Certification that the animal is exempt from vaccination shall be valid for a period of 1 year from the date of the issuance of the certificate of exemption, after which time the animal shall be re-examined by a licensed veterinarian and vaccinated against rabies or a new certificate of exemption shall be issued to the animal's owner.

(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 licensed veterinarian; exemption from vaccination against rabies may be permitted if a licensed veterinarian has examined the animal and based on the veterinarian's professional judgment has certified in writing that at the time, vaccination would endanger the animal's health because of its infirmity, disability, illness, or other medical considerations and a titer test, in the case of these medical exemptions, may be 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

111 exemption certificate in that owner's possession for inspection by an animal welfare officer, the Department, or the  
112 Division. Department of Natural Resources and Environmental Control, the Department of Agriculture, or the Division of  
113 Public Health. Certification that the animal is exempt from vaccination shall be valid for a period of 1 year from the date of  
114 the issuance of the certificate of exemption, after which time the animal shall be re-examined by a licensed veterinarian and  
115 vaccinated against rabies or a new certificate of exemption shall be issued to the animal's owner.

116 (d) Any animal that receives a certificate of exemption under this section must be treated as unvaccinated in case  
117 of potential rabies exposure.

118 (e) Any form necessary to implement this section shall be designed by the Department of Agriculture and made  
119 available to licensed veterinarians.

120 (f) Duties of veterinarian.

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

124 (2) A rabies vaccination certificate will be promptly issued to the owner of each ~~dog or cat~~ dog, cat, or ferret  
125 vaccinated against rabies. The licensed veterinarian administering the vaccine shall complete the certificate specifying  
126 accurately the manufacturer's specifications of the duration of immunity of the rabies vaccination used and the date the  
127 animal shall be revaccinated in accordance with the specific criteria of the Compendium or as mandated by Delaware  
128 state law. The licensed veterinarian shall sign the certificate in a legible manner. The certificate shall also include the  
129 veterinarian's address, telephone ~~number~~ number, and state license number. Veterinarians shall maintain copies of  
130 these certificates for a minimum of 12 months after the effective expiration date of the vaccination.

131 (g) Public antirabies clinics. — The Compendium will serve as a basis for the procedures and practices used in  
132 public antirabies clinics. The ~~Department of Agriculture~~ or the licensed veterinarian selected to administer the vaccine at  
133 the public antirabies clinic will be consulted on the specific rabies vaccine or vaccines that shall be used at those clinics. All  
134 administrative procedures and personnel, excluding veterinary staffing, will be approved by the State Veterinarian. The  
135 responsible organization conducting the public antirabies clinic will be responsible for maintaining copies of these  
136 certificates for a minimum of 12 months after the effective expiration date of the vaccination.

137 Section 4. Amend § 8205, Title 3 of the Delaware Code by making deletions as shown by strike through and  
138 insertions as shown by underline as follows:

139 § 8205. Prohibition of vaccination of certain animals for rabies.

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

Section 5. Amend § 8206, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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.

Section 6. Amend § 8207, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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. Postexposure management of animals exposed to rabies must follow the guidelines set forth in the Compendium. The Department of Agriculture may make inspections as is deemed necessary to assure that the animal is properly restrained, controlled and observed or strictly quarantined, issue appropriate quarantine orders orders, and release the quarantine after the 90-day designated period. All costs relating to strict quarantine shall be borne by the owner of the animal. In instances where strict quarantine orders are violated, the owner shall implement alternative quarantine arrangements in consultation with the Department. Any person who violates any provision of this subsection shall be fined not less than \$100 nor more than \$200.~~

(b) Reports of suspected rabies exposures to vaccinated dogs, cats, and ferrets by vaccinated dogs, cats, and ferrets. – A report of suspected rabies exposure to a vaccinated dog, cat, or ferret does not require control and observation when the owner of the animal suspected of being exposed can provide proof of current rabies vaccination for the aggressor dog, cat, or ferret to the Department and attest to the truthfulness of the identity of the aggressor and documentation of the aggressor's vaccination status. 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) Release of quarantine following suspected rabies exposure to dogs, cats, and ferrets by dogs, cats, or ferrets. – In the event that the owner of the animal suspected of being exposed to rabies can attest to the Department that the biting

170 animal is alive and not displaying clinical signs of rabies at 10 days following the date of suspected exposure, the  
171 quarantine for the bitten animal can be released. If the owner of a dog, cat or other animal which is exposed to an animal  
172 suspected or known to be rabid cannot provide proof of a currently valid rabies vaccination, the animal shall, at the option  
173 of the owner, be either killed, under supervision of the Department of Agriculture, or held in isolated quarantine for a  
174 minimum of 6 months in a facility and manner approved by the Department of Agriculture, pursuant to § 8208 or § 8209  
175 of this title. All costs relating to such isolated quarantine shall be borne by the owner of the animal. If isolated quarantine is  
176 chosen, the Department of Agriculture may make inspections as is deemed necessary to assure that the animal is in isolated  
177 quarantine, issue appropriate quarantine orders and release the isolated quarantine after the 6-month period. In instances  
178 where isolated quarantine orders are violated the animal should be killed and tested for rabies unless an exception is made,  
179 based upon the circumstances, by the Department of Agriculture. Dogs, cats or ferrets shall be vaccinated against rabies 1  
180 month prior to the scheduled termination of the isolated quarantine. Other animals shall not be vaccinated unless approved  
181 by the Department of Agriculture.

182 (d) Vaccinated within 28 days of exposure. – A dog, cat, or ferret that has received its initial vaccination against  
183 rabies within 28 days prior to the exposure or suspected exposure is considered unvaccinated for the purposes of  
184 quarantining the animal pursuant to this chapter, but not for the purpose of meeting the rabies vaccination requirement  
185 included in this chapter. Any person who violates any provision of this section shall be fined not less than \$100 nor more  
186 than \$200.

187 (e) Reporting of conditions of quarantine.

188 (1) The owner of a dog, cat, or ferret controlled and observed or strictly quarantined pursuant to this chapter is  
189 responsible for reporting truthful and factual information to the Department or a licensed veterinarian, if that dog, cat,  
190 or ferret shows marked behavior changes, escapes, sickens, or dies during the quarantine period. If the quarantined  
191 animal dies, escapes, or for any other reason is not available to complete the quarantine period, the owner shall notify  
192 the Department by telephone within 12 hours and complete a signed, notarized affidavit stating the reason for the  
193 animal's unavailability to complete the quarantine period. This affidavit must be submitted to the Department within 7  
194 days of the animal's disappearance or death.

195 (2) Any veterinarian, approved kennel, or other person having knowledge of a controlled and observed or  
196 strictly quarantined dog, cat, or ferret which shows marked behavior changes, escapes, sickens, or dies shall report the  
197 facts to the Department by telephone within 12 hours.

198 (3) Any person failing to comply with the provisions of this subsection shall be fined not less than \$50 nor  
199 more than \$200.

(f) Disposition during quarantine. — A dog, cat, or ferret under strict quarantine may not be moved from the place of quarantine, destroyed, given away, or otherwise disposed of without the written permission of the Department. Any person failing to comply with the provisions of this subsection shall be fined not less than \$50 nor more than \$200.

(g) Surrender of dogs, cats, or ferrets for quarantine. — A person may not fail or refuse to surrender any dog, cat, or ferret for control and observation, strict quarantine, or destruction as required in this section when demand is made by written order of the Department or Division.

Section 7. Amend § 8208, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8208. Responsibility and liability of owner of dog, ~~eat~~ cat, or ferret for quarantine when dog, ~~eat~~ cat, or ferret is known or suspected to have exposed ~~exposes~~ a human being to rabies.

(a) Quarantine at time of exposure. — The owner of any dog, ~~eat~~ cat, or ferret that ~~exposes~~ is known or suspected to have exposed a human being to rabies shall place quarantine said the dog, ~~eat~~ cat, or ferret under a strict quarantine 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, ~~eat~~ cat, or ferret can provide proof of a currently valid rabies vaccination, that dog, ~~eat~~ cat, or ferret may be ~~quarantined~~ placed under a strict quarantine on the premises of the owner or custodian.

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

(3) If the owner of that dog, ~~eat~~ 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 the dog, cat, or ferret has been examined by a licensed veterinarian and a rabies vaccine is has been administered to that dog, ~~eat~~ cat, or ferret by a licensed veterinarian. The dog, ~~eat~~ cat, or ferret ~~shall~~ must not be vaccinated during the initial 10-day strict quarantine period.

(4) In cases where the behavioral disposition of the dog, cat, or ferret poses a public health danger which renders quarantine of the animal unsafe for its caregivers, the Division, in consultation with the Department and the attending veterinarian, may elect to forego the 10 day strict quarantine and euthanize the patient and submit the brain for rabies testing.

(b) Quarantine after notice of exposure. — An owner who fails to place under strict quarantine any dog, ~~eat~~ cat, or ferret that exposes a human being to rabies after being notified that the exposure occurred and of the quarantine



requirements must quarantine ~~said the~~ dog, ~~eat~~ cat, or ferret in an approved place and manner. An owner failing to quarantine ~~said the~~ dog, ~~eat~~ 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~~ this chapter is responsible for reporting the facts by telephone to the Division of ~~Public Health~~ or a licensed veterinarian, if that dog, ~~eat~~ cat, or ferret shows marked behavior changes, escapes, ~~sickens~~ 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~~, telephone within 12 hours, 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. ~~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~~ sickens, or dies shall report the facts to the Division of ~~Public Health~~. by telephone within 12 hours.

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

(e) Surrender of dogs, ~~eats~~ 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. ~~Division of Public Health~~.

(f) Law enforcement canines. — Notwithstanding any other provision of this chapter, a police dog from any recognized law enforcement agency is not subject to being quarantined after biting any person, if such bite occurred while the dog was being used for a law enforcement purpose and the dog is current on its rabies vaccination. The law enforcement agency shall notify the Division by telephone if the dog shows marked behavior changes, escapes, sickens, or dies.

Section 8. Amend § 8209, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(a) Destruction or quarantine. — When an animal, other than a dog, ~~eat~~ 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. ~~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~~ sickens, or dies, shall report the facts to the Department of ~~Agriculture~~. by telephone.

(d) Penalty. — Any person interfering with the provisions of this section shall be fined not less than \$100 nor more than \$200.

Section 9. Amend § 8210, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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~~. unfrozen for transfer to the Division of Public Health Laboratory within 72 hours. Precautions shall be taken to avoid exposure to humans during all stages of specimen preparation and transport ~~destruction and until transported~~ to the Division of Public Health Laboratory. The Division will review requests for rabies laboratory testing of rabies vector species in cases with a potential human exposure and will test samples if the rabies vector species is available and in adequate condition for valid results. The Division of ~~Public Health~~ ~~shall be~~ is 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 veterinary 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~~, veterinarian or the Department of ~~Agriculture~~ or the Department of ~~Natural Resources and Environmental Control~~, to be inhumanely suffering may be ~~killed~~ destroyed 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 licensed veterinarian, shall be ~~killed~~ destroyed 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.

(d) A person may not fail or refuse to surrender the remains of an animal for the purposes of rabies testing when a written order is made by the Division or the Department.

(e) Penalty. — Any person interfering with the provisions of this section shall be fined not less than \$100 nor more than \$300.

Section 10. Amend § 8211, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(a) Regulations. — The Department of Natural Resources and Environmental Control, Department of Agriculture, Department of Health and Social Services, 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, ~~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~~ quarantine 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.~~

319           Section 11. Amend § 8212, Title 3 of the Delaware Code by making deletions as shown by strike through and  
320   insertions as shown by underline as follows:

321           § 8212. Enforcement.

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

#### SYNOPSIS

Section 1 clarifies the definitions for animal exposed to rabies, control and observation, exotic animals, human exposed to rabies, owner, rabid animal, rabies vector species, strict quarantine, scratch, and suspect rabid animal. Section 2 clarifies the reporting requirements for a medical practitioner, hospital, veterinarian, or other person with knowledge of a person or animal suspected of being exposed to rabies. Section 3 requires veterinarians providing rabies vaccines to be licensed veterinarians and removes the Department of Natural Resources and Environmental Control from the list of entities authorized to inspect a cat or ferret owner's certificate of a valid rabies vaccination. Section 4 provides that no licensed veterinarian or other person may vaccinate a native wild animal, a native wild animal hybrid, an exotic mammal or an exotic mammal hybrid with a rabies vaccine not intended for use in that animal except when specifically approved by the Department of Agriculture. Section 6 modifies the requirements for management of animals exposed to rabies including requirements for reports of suspected rabies exposure, requirements for release of quarantine, reporting of conditions of quarantine, disposition during quarantine, and surrender of dogs, cats, or ferrets for quarantine. Section 7 clarifies the responsibility and liability of an owner of an animal known or suspected to have exposed a human to rabies. Section 7 also establishes that law enforcement canines are not subject to being quarantined after biting a person if such bit occurred while the dog was being used for a law enforcement purpose. Section 10 removes the provision allowing the Director of Division of Public Health to require the reporting of all cases where humans were bitten by an animal known to transmit rabies.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Drafting Manual.