

LEWIS AND CLARK COUNTY RABIES CONTROL REGULATION
(BOH-19-01)

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LEWIS AND CLARK COUNTY RABIES CONTROL REGULATION

1 PURPOSE

The Lewis and Clark City-County Board of Health (Board) sets forth this regulation to protect the public health, safety, and welfare of the people and animals of Lewis and Clark County and to control and prevent the spread of rabies.

2 EFFECTIVE DATE AND REVIEW PROCEDURES

- 2.1. All provisions established under this regulation shall become effective upon adoption by the Board.
- 2.2. At any time, the Board may propose additions or revisions to these regulations. Changes proposed to the regulation by the Board shall be processed for adoption as prescribed by existing County Administrative Regulations.

3 AUTHORITY AND SCOPE OF REGULATION

- 3.1. Mont. Code Ann. Sections 50-2-116(1)(f) and (g) require local boards of health to identify, assess, prevent, and ameliorate conditions of public health importance and to protect the public from the introduction of and spread of communicable disease. Mont. Code Ann. § 50-2-116(2) authorizes local boards of health to adopt regulations that do not conflict with regulations adopted by the Montana Department of Public Health and Human Services (DPHHS) for the control of communicable disease. Rabies or potential rabies exposure is identified as a reportable communicable disease.
- 3.2. This Regulation shall apply in all parts of Lewis and Clark County where a comparable Regulation does not exist. The requirement to vaccinate dogs, cats and ferrets is applied throughout Lewis and Clark County. Where rabies vaccination of dogs, cats and ferrets is required by municipal code (ordinance) and is consistent with the regulations prescribed herein, municipalities shall continue to administer the municipal code including enforcement.

4 DEFINITIONS

- 4.1. "Animal" means any member of the order Mammalia, all of which are capable of being infected with and transmitting rabies.

- 4.2. “Animal Control Officer” means a person designated by the Lewis and Clark County Sheriff or Chief of Police of any incorporated city in Lewis and Clark County to assist with the enforcement of the provisions of this Regulation.
- 4.3. “Animal Shelter” means the Lewis and Clark County Animal Shelter that is operated by Lewis and Clark Humane Society for the purpose of impounding or harboring animals.
- 4.4. “Bite” means the wound made by a biting animal where the skin has been penetrated by the teeth of an animal.
- 4.5. “Cat” means any domestic feline animal (*Felis catus*).
- 4.6. “Confinement for Observation” and/or “Confined for Observation” means isolation of an animal that has caused a potential human rabies exposure to prevent further potential exposure and watch for signs and symptoms of rabies.
- 4.7. “Department” means Lewis and Clark Public Health.
- 4.8. “Dog” means any domestic canine animal (*Canis familiaris*).
- 4.9. “Ferret” means any domestic animal that is descended from the European polecat (*Mustela putorius furo*).
- 4.10. “Lewis and Clark County Enforcement Officer” means any Animal Control Officer or any Lewis and Clark County Law Enforcement Officer.
- 4.11. “Health Officer” means the Health Officer appointed by the Lewis and Clark City-County Board of Health in accordance with Mont. Code Ann. § 50-2-116(1)(a), or his or her designee.
- 4.12. “Owner” means a person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person. This term shall not apply to veterinarians or kennel operators who have temporary custody, for a period of less than 60 days, of animals owned by others.
- 4.13. “Potential Rabies Exposure” means a bite or by contamination from an animal or wild animal of a mucous membrane, scratch, abrasion or open wound of a human by the saliva or other infectious material and direct, or suspected, contact between a bat and a human.
- 4.14. “Rabies Vaccination” (used interchangeably with “Rabies immunization” and “Rabies Vaccine Administration”) means the inoculation of an animal with an anti-rabies vaccine administered by a licensed veterinarian or under the direct supervision of a licensed veterinarian as defined in Mont. Code Ann. § 37-18-305.
- 4.15. “Rabies Vaccine” means an anti-rabies vaccine approved for use in the United States.

- 4.16. "Wild Animal" means any non-domesticated member of the order Mammalia, all of which are capable of being infected with and transmitting rabies, excluding domestic dogs, cats and ferrets; domestic livestock; hybrids of domestic and wild animals; legally captive wild animals, rodents and rabbits.

5 HEALTH OFFICER, LAW ENFORCEMENT OFFICERS

- 5.1. The Health Officer or his or her designees are responsible for and are hereby vested with the power and authority to enforce this regulation.
- 5.2. As provided in Mont. Code Ann. § 50-2-120 the Health Officer may request a sheriff or other peace officer to assist the Health Officer in carrying out the provisions of this regulation.
- 5.3. As provided in Mont. Code Ann. § 50-2-122, MCA, it is unlawful to hinder a Health Officer in the performance of his or her duties, remove or deface any placard or notice posted by the local health officer, or violate a confinement for observation regulation.

6 RABIES VACCINATION REQUIREMENTS – DOGS, CATS AND FERRETS

- 6.1. Initial Vaccination:
- (a) Every dog, cat or ferret that is at least 3 months old shall be vaccinated and any subsequent vaccinations shall be administered in accordance with the vaccine manufacturer's recommendation.
 - (b) Regardless of age, any dog, cat or ferret with no record of rabies vaccination shall be required to be vaccinated and the initial vaccination will confer immunity as stated in part (c) of this Subsection.
 - (c) Any dog, cat or ferret receiving an initial vaccination is not considered effectively vaccinated for 28 days.
- 6.2. Revaccination:
- (a) Regardless of the age of a dog, cat or ferret at initial vaccination, subsequent doses shall be administered according to the vaccine manufacturer's recommendation.
 - (b) Thereafter, the interval between revaccinations shall conform to the recommendations of the vaccine manufacturer.
- 6.3. Vaccination Exemption: If, after an animal receives one initial and one booster rabies vaccination, a licensed veterinarian determines that an additional vaccination would endanger the animal's life due to disease or other medical considerations, the animal

may be exempted from the requirement for revaccination while the condition exists. The licensed veterinarian must complete and submit to the Department an “Exemption from Rabies Vaccination Certificate” on a form approved by the Department. A copy of the Certificate shall be provided to the Department. If an exempted animal bites another animal or person, then the animal must be confined for observation as specified in 9.4

6.4. Proof of Rabies Vaccination:

All dogs, cats, and ferrets shall be vaccinated by a licensed veterinarian against rabies in accordance with procedures recommended in the latest version of the U.S. Public Health Compendium for rabies vaccine, and are to be identified on the health certificate by the date of rabies vaccination and the serial number of the rabies vaccination and tag. ARM 32.3.213. A proof of rabies vaccination certificate using the National Association of State Public Health Veterinarians (NASPHV) Form 51 (revised 2007) or equivalent will be issued by the Veterinarian. A copy of the form will be provided to the Owner and the original filed with the veterinarian, Animal Shelter, or other Animal Welfare Organization incorporated and operated under section 501(c)(3) of the Internal Revenue Code (IRS). Along with a copy of the Certificate, the veterinarian will issue a durable tag. The tag will include the year of vaccination, name of the clinic/veterinarian, an address of the clinic/veterinarian and a unique number. The tag number will be placed on the Certificate.

6.5. The Owner is responsible for assuring that the rabies tag is securely attached to a collar or harness or show proof of current rabies status as indicated in Section 6.3 upon request.

6.6. Any unvaccinated dog, cat or ferret of more than 3 months of age that is acquired or moved into Lewis and Clark County must be vaccinated within 30 days of purchase or arrival unless there is documented evidence of current vaccination.

6.7. The safety and efficacy of rabies vaccination for wild animals and hybrids of wild animals have not been established and no rabies vaccinations are licensed for these animals. Wild animals and hybrids of wild animals will be treated as unvaccinated animals.

7 VACCINATION FOR RABIES PRIOR TO TRANSFER OF ANIMAL OWNERSHIP

7.1. It is unlawful for any person to sell, offer for adoption, or give away any dog, cat or ferret over 3 months of age unless such animal has been vaccinated against rabies as prescribed by this regulation.

- 7.2. Licensed veterinary clinics, animal shelters, and animal welfare organizations incorporated and operated under section 501(c)(3) of the Internal Revenue Code are not required to vaccinate an animal in their care, but may not sell, adopt or give away an unvaccinated animal.

8 REPORTING POTENTIAL RABIES EXPOSURE AND SUSPECTED RABIES

- 8.1. It shall be the duty of every Lewis and Clark County Enforcement Officer and all healthcare providers of Lewis and Clark County to ensure that the Health Officer is notified when animal bite victims are treated or when potential rabies exposure incidents are reported.
- 8.2. Any person having knowledge of an animal known to have rabies or symptoms suggestive or consistent with rabies, as determined by a veterinarian, shall report the facts immediately to the Health Officer and the State Veterinarian.
- 8.3. Any person having knowledge of any animal or person having been bitten by an animal susceptible to rabies shall report the facts immediately to the Health Officer.

9 INVESTIGATIONS AND MANAGEMENT OF POTENTIAL RABIES EXPOSURE

- 9.1. The Health Officer must apply generally accepted control measures, as identified in the most recent version of the National Association of State Public Health Veterinarians Compendium of Animal Rabies Prevention and Control, for confirmed or potential rabies exposures to a human by a species susceptible to rabies infection.
- 9.2. The Health Officer must investigate each report of potential rabies exposure and gather, at a minimum, information about the circumstances of the potential rabies exposure; nature of the exposure; name, age, and address of the exposed individual; vaccination status of the animal in question; treatment of the exposed person; and eventual outcome for both animal and person involved.
- 9.3. As soon as possible after investigating a report of potential rabies exposure, the Health Officer must inform the exposed person or the individual responsible for the exposed person, if that person is a minor, whether or not post-exposure treatment is recommended to prevent rabies.
- 9.4. Whenever the circumstances involve a dog, cat, or ferret the Health officer must:
 - (a) Order the animal confined for observation for signs and/symptoms of illness during a ten-day period at the Animal Shelter, veterinary facility, or other facility approved by the Health Officer. Any illness in the animal during the confinement for observation or before release is evaluated by a veterinarian for signs and

symptoms suggestive of rabies. If the symptoms observed are consistent with rabies, the Health Officer shall order the animal euthanized and the head or appropriate tissue sent to the Montana Department of Livestock's diagnostic laboratory for rabies analysis. The Health Officer may also order an animal euthanized subsequent to confinement for observation and the brain analyzed.

- (b) Require the animal be vaccinated against rabies prior to release from confinement for observation. Vaccination should not occur during the 10 day confinement for observation period in order to avoid the potential for development of a response to vaccination, which could result in the affected animal being unnecessarily euthanized.
- (c) If an animal dies during the confinement for observation period, the animal's head shall be sent to the Montana Department of Livestock's diagnostic laboratory for rabies testing.
- (d) If a biting animal has a current rabies vaccination the Health Officer may permit the owner to confine the animal at home under strict confinement for observation for a minimum of 10 days. Home confinement is subject to a determination by the Health Officer or Lewis and Clark County Enforcement Officer that the owner is cooperative, responsible, has the facilities to confine the animal and will allow observation of the confined animal by the Health Officer and/or Lewis and Clark County Enforcement Officer upon request. Permission for home confinement for observation may be revoked by the Health Officer at any time during the confinement period.

9.5. If a potential rabies exposure involves other animals such as domestic livestock; captive wild animals; hybrids of wild animals; rodents; or rabbits, the animal must be kept in a secure area, if possible, to prevent escape until decisions can be made regarding human health risks.

10 IMPOUNDMENT

- 10.1. Animals that are subject to impoundment under this regulation include but are not limited to:
 - (a) Any animal kept or maintained contrary to the provisions of this Regulation;
 - (b) An animal subject to a potential rabies exposure investigation; or
 - (c) An animal to be held for confinement for observation or isolation.
- 10.2. The cost of impoundment shall be the responsibility of the Owner. It is unlawful for any person to refuse or neglect to surrender any animal subject to impoundment. At the direction of the Health Officer, any Lewis and Clark County Enforcement Officer shall seize and impound such animal at the Owner's expense.
- 10.3. Animals impounded under this regulation shall be released to the Owner at the end of the confinement for observation period, as determined by the Health Officer. The

Owner shall be required to pay any impoundment costs, including veterinarian evaluation or treatment and vaccination, prior to release of the animal. If an impounded animal is not claimed by its Owner and fees and costs paid within 72 hours of the end of the confinement for observation or investigation period, the Owner forfeits all rights, title and interest thereto to Lewis and Clark Humane Society and the animal is subject to adoption in accordance with the Lewis and Clark Humane Society policies and procedures.

11 WILD ANIMALS


This section shall be administered in conjunction with the Montana Department of Public Health and Human Services and the Montana Department of Livestock. Where this Section of the regulation conflicts with the application of the Montana Code Annotated or the Administrative Rules of Montana, the Montana Code Annotated and/or the Administrative Rules of Montana shall prevail.

- 11.1. If a wild animal has bitten or otherwise exposed a person to the possibility of contracting rabies, the animal may be destroyed and the animal's head sent to the Montana Department of Livestock's diagnostic laboratory for rabies testing.

12 PENALTIES FOR VIOLATIONS

- 12.1. A person who does not comply with these rules adopted by the Board is guilty of a misdemeanor. Upon conviction, the person shall be fined not less than \$10 or more than \$200. Mont. Code Ann. §50-2-124.
- 12.2. Each day of violation constitutes a separate offense. Mont. Code Ann. §50-2-124 (3).
- 12.3. Fines, except justice's court fines, must be paid to the county treasurer. Mont. Code Ann. § 50-2-124 (4).


LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH



Jim Benish, Chair

03/28/2019

Date



Drenda Niemann, Health Officer
Lewis & Clark Public Health

3/28/19

Date