

## REGULATION NO. 1-96

### ENVIRONMENTAL HEALTH REGULATION ADOPTING LOCAL CONTROLS FOR RABIES

The Board of Health of the Hamilton County General Health District met in regular session on the 14th day of October 1996, with the following members present:

John H. Phillips, Esq.  
Thomas Chatham  
William Kuhlmann, D.V.M.  
Kenneth Amend, M.D.  
Charles A. Reid III

Dr. Kuhlmann moved for adoption of the following regulation:

**A Regulation establishing local controls for rabies to safeguard humans against rabies by requiring the immunization of all Dogs and Cats for rabies in order to prevent epidemics of rabies among Dogs and Cats and the menace and danger therefrom to the life, health, and safety of the people.**

**WHEREAS**, the Board of Health of the Hamilton County General Health District has the authority pursuant to Ohio Revised Code Section 3709.21 to make such Orders and Regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement and suppression of nuisances; and

**WHEREAS**, the Board of Health of the Hamilton County General Health District is mandated to adopt such rules and regulations as it deems necessary for the public health, the prevention or restriction of disease, and the prevention, abatement and suppression of nuisances; and

**WHEREAS**, the Board of Health of the Hamilton County General Health District has determined that regulations regarding the immunization of all Dogs and Cats against rabies and other controls relating thereto are necessary to prevent and restrict rabies in individuals and animals.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Health of the Hamilton County General Health District that the following be known as Sections of Environmental Health Regulation 1-96 and be adopted, effective the 1st day of November, 1996.

## SECTION I - DEFINITIONS

- 1.1 "Animal Exposure" shall mean that a Susceptible Animal has been Bitten.
- 1.2 "Bitten" shall mean that a Susceptible Animal has seized a human or other Susceptible Animal with the teeth or jaws so that the skin of the human or animal seized has been nipped or gripped, or has been wounded or pierced, including scratches; and includes probable Contact of saliva with a break or abrasion of the skin as determined by a licensed physician with respect to a "Human Exposure" and by a Veterinarian with respect to an "Animal Exposure." "Bitten" shall also include Contact of saliva with any mucous membrane.
- 1.3 "Cat" - The term "Cat" shall apply to any domestic feline animal (*Felis domesticus*), male or female, sexed or neutered.
- 1.4 "Contact" shall mean any Susceptible Animal that directly or indirectly has touched or otherwise been exposed to a Rabid Animal.
- 1.5 "Dog" - The term "Dog" shall apply to any domestic canine animal (*Canis familiaris*), male or female, sexed or neutered.
- 1.6 "Exotic Animal" shall mean Susceptible Animals not indigenous to Ohio, whether Wild or domesticated.
- 1.7 "Feral" shall mean any Susceptible Animal indigenous to Ohio living in the Wild.
- 1.8 "Health Commissioner" shall mean the Health Commissioner of the Hamilton County General Health District or his authorized representative.
- 1.9 "Human Exposure" shall mean that a human has been Bitten.
- 1.10 "Isolation" shall mean the placing of a Rabid Animal or Suspected Rabid Animal or a Contact separate and apart from all other Susceptible Animals or humans so that the transmission of Rabies is not probable.
- 1.11 "NASPHV" means National Association of State Public Health Veterinarians, Inc.
- 1.12 "Own" or "Owned" - The term Own or Owned, unless otherwise specified, shall be deemed to mean keep, harbor, or have control, charge, or custody of a Dog or Cat. This term shall not apply to Dogs or Cats Owned by others which

are temporarily maintained on the premises of a Veterinarian or kennel operator for a period of less than 60 days.

1.13 "Owner" - The term "Owner", as used in this regulation, shall mean any Person keeping, harboring, or having charge or control of, or permitting any Dog or Cat to habitually be or remain on, or be lodged or fed within such Person's house, yard, or premises. This term shall not apply to Veterinarians or kennel operators temporarily maintaining on their premises Dogs or Cats Owned by others for a period of less than 60 days.

1.14 "Person" shall mean an individual, business trust, estate, trust, partnership, corporation, association, organization, two or more individuals having a joint or common interest, or any other legal or commercial entity.

1.15 "Quarantine" means the restriction of a human or animal who has been exposed to a communicable disease during the period of communicability in such a manner as to prevent effective Contact with those who have not been exposed.

1.16 "Rabid" shall mean showing observable clinical signs of Rabies or having Rabies as confirmed by a laboratory acceptable to the Health Commissioner.

1.17 "Rabid Animal" shall mean any animal that has Rabies or displays the symptoms of an animal with Rabies.

1.18 "Rabies" as may be designated by the Health Commissioner from time to time shall mean any infectious virus disease of the central nervous system which can be transmitted to a human through the bite of a Susceptible Animal and is characterized by choking, convulsions, inability to swallow liquids, and/or foaming at the mouth.

1.18 "Sacrificed" shall mean euthanasia in a humane manner under the direction of a Veterinarian.

1.19 "Stray" shall mean any Susceptible Animal whose Owner cannot be determined or one that cannot be apprehended and isolated for observation.

1.20 "Susceptible Animal" shall mean any animal to which Rabies can be transmitted, including Dogs and Cats.

1.21 "Suspected Rabid Animal" shall mean a Susceptible Animal showing to a limited degree observable clinical signs of Rabies or a Susceptible Animal that has Bitten a human or has come in Contact with a human in such a manner that Rabies could be transmitted to that human.

1.22 "Unvaccinated" shall mean that a Susceptible Animal, including a Dog or Cat, has not been innoculated with a Rabies vaccine licensed for the species by the United States Department of Agriculture, and recommended in the *Compendium of Animal Rabies Control* as may be prepared by the National Association of State Public Health Veterinarians from time to time.

1.23 "Vaccination," "Vaccinate" or "Vaccinated" shall mean the inoculation of a Susceptible Animal, including a Dog or Cat, with a Rabies vaccine licensed for the species by the United States Department of Agriculture, and recommended in the *Compendium of Animal Rabies Control* as may be prepared by the National Association of State Public Health Veterinarians from time to time. Such Vaccination must be performed by or under the direct supervision of a Veterinarian duly licensed to practice veterinary medicine.

1.24 "Veterinarian" shall mean a Veterinarian duly licensed or authorized to practice veterinary medicine in the State of Ohio.

1.25 "Wild" shall mean living or growing in its original, natural state and not normally domesticated or cultivated.

## **SECTION II - REPORTS OF ANIMALS THAT BITE HUMANS**

2.1 Whenever a human has been Bitten by a Dog, Cat or other Susceptible Animal, report of such bite shall be made within twenty-four hours to the Health Commissioner (OAC 3701-3-28).

2.2 Reports of animal bites must be made to the Health Commissioner by physicians, hospitals, laboratories, animal Owners, bite victims, and anyone else having such knowledge of animal bite episode (OAC Chapter 3701-3). The Hamilton County General Health District will routinely generate animal bite reporting requirements to hospitals, physicians, Veterinarians, fire and police departments, and other organizations likely to obtain such information. Animal bite report forms will be provided to each organization to facilitate the transmission of animal bite information by telephone, fax, or such other reasonable means as designated by the Health Commissioner.

## **SECTION III - RABIES VACCINATION REQUIRED**

3.1 No Person who Owns a Dog or Cat in Hamilton County shall fail to Vaccinate the Dog or Cat against Rabies within thirty days after the Dog or Cat has reached the age of three months.

3.2 Unvaccinated Dogs or Cats in Hamilton County must be Vaccinated within thirty days after arrival, unless under three months of age.

3.3 Every Dog and Cat Vaccinated for the first time must be Vaccinated one year later and thereafter at not more than thirty-six month intervals. The interval between Vaccinations is to be based on the type of vaccine used, the nature of Rabies in the community, and the recommendation of the *Compendium of Animal Rabies Control* prepared by NASPHV as published from time to time.

3.4 All vaccines must be administered by or under the direct supervision of a Veterinarian licensed in the State of Ohio and the costs thereof borne by the Owner of the Dog or Cat.

#### SECTION IV - DUTIES OF VETERINARIAN

4.1 Each Veterinarian, when vaccinating any Dog or Cat, shall complete a certificate of Rabies Vaccination similar to NASPHV form #51 or such other form as approved by the Health Commissioner for such purpose. The certificate shall include the following information:

- (a) Owner's name and address
- (b) Description of Dog or Cat
- (c) Date of Vaccination
- (d) Rabies Vaccination tag number, including name and address of Veterinarian administering vaccine
- (e) Type of Rabies vaccine administered
- (f) Manufacturer's serial number of vaccine

4.2 The Veterinarian shall distribute a copy of the certificate of Rabies Vaccination to the Owner. A copy shall be retained by the issuing Veterinarian. The Veterinarian and the Owner shall retain their copies for the interval between Vaccinations. A copy of the Rabies Vaccination certificate shall be made available to the Hamilton County General Health District upon request.

4.3 The Veterinarian shall issue a durable metal or plastic numbered tag which shall be securely attached to the collar or harness of the Dog or Cat. The tag should conform in shape and color to the recommendation of the *Compendium of Animal Rabies Control* prepared by NASPHV as published from time to time.

4.4 Pet Owners shall be prepared to demonstrate evidence of current animal Vaccination by producing for inspection upon request of the Hamilton County General Health District the form required by Section 4.1 above.

## SECTION V - POST EXPOSURE MANAGEMENT OF SUSCEPTIBLE ANIMALS

5.1 Any Susceptible Animal Bitten or scratched by another Susceptible Animal not available for testing shall be regarded as having been exposed to Rabies.

5.2 Any Rabid Animal or Suspected Rabid Animal shall be Sacrificed immediately. If the animal is Owned, and the Owner of the animal requests that the animal not be Sacrificed, the Health Commissioner, at the Health Commissioner's Option, may require that the Owner Quarantine the animal in strict Isolation for a minimum of six months, or longer as directed by the Health Commissioner. If the animal should die during the Quarantine period, the head or body shall be submitted for Rabies examination. Dogs and Cats found not to have Rabies must be Vaccinated one month before being released from the Quarantine. All other Susceptible Animals found not to have Rabies shall be Vaccinated one month before being released from the Quarantine if a Rabies vaccine is available for the particular type of Susceptible Animal.

5.3 Unvaccinated Susceptible Animals which are Bitten by a Rabid Animal or a Suspected Rabid Animal shall be Sacrificed immediately. If the Susceptible Animal that was Bitten is Owned, and the Owner of the animal requests that the animal not be Sacrificed, the Health Commissioner, at the Health Commissioner's Option, may require that the Owner Quarantine the animal in strict Isolation for a minimum of six months, or longer as directed by the Health Commissioner. If the animal should die during the Quarantine period, the head or body shall be submitted for Rabies examination. Dogs and Cats found not to have Rabies must be Vaccinated one month before being released from the Quarantine. All other Susceptible Animals found not to have Rabies shall be Vaccinated one month before being released from the Quarantine if a Rabies vaccine is available for the particular type of Susceptible Animal that was Bitten.

5.4 Currently Vaccinated Susceptible Animals Bitten by a known Rabid Animal or Suspected Rabid Animal, must be Vaccinated immediately and confined and observed for a minimum of ninety days or longer as determined by the Health Commissioner in conjunction with a Veterinarian, as directed by the Health Commissioner.

5.5 If the Owner of any Susceptible Animal does not comply with the Quarantine procedures as specified in Sections 5.2, 5.3, or 5.4 above, the Health Commissioner may order that the Susceptible Animal be immediately Sacrificed and examined for Rabies.

## **SECTION VI - POST EXPOSURE MANAGEMENT OF ANIMALS THAT BITE HUMANS**

6.1 Any Dog or Cat that bites a human shall be confined and observed for ten days following the bite, and evaluated by a Veterinarian at the first sign of illness during confinement. At the end of the Quarantine, the Owner shall have the animal examined by a Veterinarian and submit to the Hamilton County General Health District a statement of certification that the animal is free of signs of Rabies. In some instances in which an animal Owner cannot physically provide for Veterinarian services, the Health Commissioner may provide for sanitarian Quarantine release. Any illness in the animal shall be reported immediately to the Health Commissioner. If signs suggestive of Rabies develop, the animal shall be Sacrificed, and its head removed and shipped under refrigeration for examination by a qualified laboratory designated by the Health Commissioner. Any Stray Dog or Stray Cat that bites a human will be held at the Society for the Prevention of Cruelty to Animals (SPCA), or such other organization as may be designated by the Health Commissioner, for full Quarantine processes and the animal may be Sacrificed and the head submitted for Rabies examination if deemed necessary by the organization or the Health Commissioner.

6.2 A Feral, Exotic Animal, or Susceptible Animal other than a Dog or Cat that bites a human shall be Sacrificed and the head or entire body of animals weighing less than one pound shall be shipped under refrigeration for examination by a qualified laboratory designated by the Health Commissioner. If the biting animal is Owned, and the Owner of the animal requests that the animal not be Sacrificed, the health district, at its option, may require that the Owner Quarantine the animal for a period of time to be determined by the Hamilton County Health Commissioner. If the animal should die during the Quarantine period, the head or body shall be submitted for Rabies examination.

6.3 If the Owner does not strictly comply with the Quarantine procedures as specified anywhere in this regulation, the Hamilton County Health Commissioner may order that the animal be immediately Sacrificed and examined for Rabies.

## **SECTION VII - IMPOUNDMENT OF DOGS OR CATS WITHOUT VALID RABIES VACCINATION TAGS**

7.1 Any Dog or Cat found off the Owner(s) premises and not wearing a valid Rabies Vaccination tag may be impounded. All impounded Dogs shall be given proper care and maintenance. Each impounded Dog and Cat shall be kept and maintained at the Hamilton County Animal Shelter for a minimum of three days unless claimed earlier by the Owner.

7.2 Any Unvaccinated Dog or Cat may be claimed by its Owner during the period of impoundment by paying the prescribed fees and by paying all impoundment fees and complying with the Rabies Vaccination requirements of this regulation prior to release. Any Vaccinated Dog or Cat impounded due to the lack of a Rabies Vaccination tag may be claimed by its Owner by furnishing proof of current Rabies Vaccination and paying all impoundment fees prior to release.

7.3 At the expiration of the impoundment an unclaimed Dog or Cat may be claimed by any Person paying the established impoundment fees, and by complying with the Rabies Vaccination regulation prior to release. If the Dog or Cat is unclaimed at the end of the impoundment period, the impoundment authority may dispose of the Dog or Cat in accordance with applicable laws, rules, and regulations.

### **SECTION VIII - ADMINISTRATION**

8.1 The Board of Health of the Hamilton County General Health District may appoint and authorize any agency to administer and enforce the provisions of these regulations concerning immunization of Dogs and Cats against Rabies.

8.2 Whenever, in the judgment of the Board of Health of the Hamilton County General Health District, Rabies is prevalent, such Board or Persons performing the duties of such Board, shall declare a Quarantine of all Dogs in the health district, or part thereof, as authorized by Ohio Revised Code Section 955.26. During such Quarantine, the Owners of any Dogs shall keep the Dogs confined to the premises of the Owners or in a suitable pound or kennel, provided, a Dog may be permitted to leave the premises of the Owner if under leash or under the control of a responsible Person. The Quarantine order shall be considered an emergency and need not be published.

8.3 Whenever, in the judgment of the Board of Health of the Hamilton County General Health District, Rabies is prevalent, such Board or Persons performing the duties of such Board, shall declare a Quarantine of all Cats in the health district, or part thereof. During such Quarantine, the Owners of any Cats shall keep the Cats confined to the premises of the Owners or in a suitable pound or kennel, provided, a Cat may be permitted to leave the premises of the Owner if under leash or harness or under the control of a responsible Person. The Quarantine order shall be considered an emergency and need not be published.

8.4 No Person shall violate a Rabies quarantine order issued under Section 955.26 of the Ohio Revised Code (ORC 955.39) or these regulations.



## **SECTION IX - ENFORCEMENT**

9.1 The provisions of these regulations shall be enforced and enforceable by the Health Commissioner or his designated agent.

9.2 After the receipt of a Susceptible Animal bite report, the Hamilton County General Health District will immediately notify the Owner of the biting animal. An Animal bite investigation form ( including specific information request will be mailed or otherwise delivered to the animal Owner with clear directives to mail or return the form to the Hamilton County General Health district directly after obtaining Quarantine release sign-off from a Veterinarian.

9.3 If the information required by the animal bite investigation form is not received within seventeen days of the bite incident a Notice of Violation (NOV) will be mailed or delivered to the Owner of the biting animal. The NOV will require the immediate provision of information required by the animal bite investigation form.

9.4 In the event that the conditions of the NOV are not met, the Hamilton County General Health District will immediately seize the Susceptible Animal for evaluation and refer the animal Owner to the Hamilton County Prosecutor for the determination of appropriate legal action.

Failure to comply with the conditions of the NOV is a misdemeanor with a maximum fine of \$100.00 per day for every day of violation.

## **SECTION X - SEVERABILITY**

10.1 Should any provision of these regulations be declared unconstitutional or invalid for any reason, the remainder of these regulations shall not be affected thereby.

## **SECTION XI - PENALTIES**

11.1 Each and every violation of the provisions of this chapter shall constitute a separate offense. A violation is punishable by Section 3709.99 of the Ohio Revised Code.

**NOW THEREFORE BE IT RESOLVED** that the Board of Health of the Hamilton County General Health District that the Regulation be recorded and certified and become a part of the record of the local Regulations of the Board of Health of the Hamilton County General Health District.

**BE IT FURTHER RESOLVED**, that any previous regulation, rule, or policy adopted by the Board of Health of the Hamilton County General Health District for RABIES CONTROL that in any way conflicts in part or in whole with this regulation, is hereby rescinded and repealed in part or in whole to the extent of any conflict; and

**BE IT FURTHER RESOLVED**, that the Board of Health of the Hamilton County General Health District hereby finds by a vote of at least three-fourths of its members that this Regulation be read only once and the requirement that it be read on three different days be dispensed with as provided by law; and

**BE IT FURTHER RESOLVED**, by this Board of Health of the Hamilton County General Health District, that this regulation be published in one newspaper of general circulation within the Hamilton County General Health District once a week for two consecutive weeks and that the first publication take place no later than ten (10) days prior to the effective date of this regulation fees; and

**BE IT FURTHER RESOLVED**, that this Board of Health of the Hamilton County General Health District find and determine that all formal actions relative to the passage of this regulation were taken in an open meeting of this board and that all deliberations of this board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirement, including Sections 121.22 of the Ohio Revised Code.

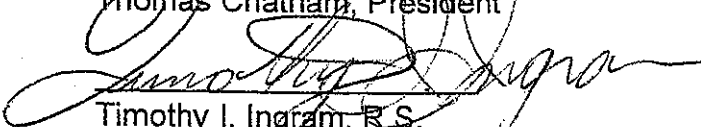
Charles Reid III seconded the resolution, upon roll call, the vote was as follows:

John H. Phillips, Esq.	<u>Yes</u>
William M. Kuhlmann, D.V.M.	<u>Yes</u>
Kenneth Amend, M.D.	<u>Yes</u>
Thomas Chatham	<u>Yes</u>
Charles A. Reid III	<u>Yes</u>

Board of Health of the Hamilton County General Health District

  
Thomas Chatham, President

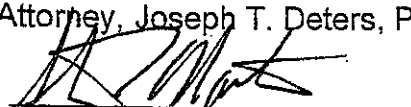
Attest:

  
Timothy I. Ingram, R.S.  
Health Commissioner

Date: Oct. 14, 1996

This resolution was approved as to form by the office of the Hamilton County Prosecuting Attorney, Joseph T. Deters, Prosecutor.

By:

  
Steven E. Martin  
Assistant Prosecuting Attorney

Date: 11-12-96