

# Flathead County Rabies Control Program

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## **Flathead County Rabies Control Program**

### **Section 1 - Purpose**

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

### **Section 2 – Effective Date and Review Procedures**

2.1 All provisions established under this regulation shall become effective March 21<sup>st</sup>, 2015.

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.

### **Section 3 – Authority and Scope of Regulation**

3.1 Sections 50-2-116(1)(f) and (g), MCA, 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. Section 50-2-115(2), MCA, authorizes local boards of health to adopt regulations that do not conflict with regulations adopted by the Department of Public Health and Human Services for the control of communicable disease. Rabies or rabies exposure is identified as a reportable communicable disease.

3.2 This Regulation shall apply in all parts of Flathead County where a comparable Regulation does not exist. The requirement to vaccinate cats is applied throughout Flathead County. Where rabies vaccination of dogs is required by municipal code (ordinance) and is consistent with the regulations prescribed herein, municipalities shall continue to administer the municipal code including enforcement.

### **Section 4 - Definitions**

4.1 “Animal” means any member of the order Mammalia, all of which are capable of being infected with and transmitting rabies. For the purpose of this regulation, animal shall refer to dog and cat as defined herein except where species-specific information is provided.

4.2 “Animal Control Officer” means a person designated by the Flathead County Sheriff or Chief of Police of any incorporated city in Flathead County to assist with the enforcement of the provisions of this Regulation.

4.3 “Animal Shelter” means the Flathead County Animal Shelter that is operated by the Flathead City-County Health Department for the purpose of impounding or harboring animals.

4.4 “Bite” means the wound made by biting where the skin has been penetrated by an animal’s teeth.

4.5 “Cat” means any domestic feline animal (*Felis catus*).

- 4.6 “Department” means the Flathead City-County Health Department.
- 4.7 “Dog” means any domestic canine animal (*Canis familiaris*).
- 4.8 “Flathead County Enforcement Officer” means any Animal Control Officer or any Flathead County Law Enforcement Officer.
- 4.9 “Health Officer” means the Health Officer appointed by the Flathead City-County Board of Health in accordance with §50-2-116(1)(a), MCA, or his or her designee.
- 4.10 “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.
- 4.11 “Quarantine” means confinement of an animal exposed or potentially exposed to rabies.
- 4.12 “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 §37-18-305, MCA.
- 4.13 “Rabies Vaccine” means an anti-rabies vaccine approved for use in the United States.

## **Section 5 - Health Officer, Law Enforcement Officers.**

- 5.1 The Health Officer or his or her designees are responsible for enforcing this regulation and are hereby vested with the power and authority to enforce it.
- 5.2 As provided in §50-2-120, MCA, 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 §50-2-122, MCA, it is unlawful to hinder a Health Officer in the performance of his or her duties.

## **Section 6 - Rabies Vaccination Requirements – Dogs and Cats**

### **6.1 Initial Vaccination:**

- (a) The Owner of every animal that is 3 months of age or older shall have the animal vaccinated before the animal is 5 months old and thereafter in accordance with the vaccine manufacturer recommendation.
- (b) Regardless of age, an animal 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) An animal receiving an initial vaccination is not considered effectively vaccinated for 28 days.

## 6.2 Revaccination:

- (a) Regardless of the age of the animal at initial vaccination, a booster vaccination shall be required one year later.
- (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 and the Department seeks to determine the immune status of the biting exempted animal, immune status testing must be provided at the expense of the Owner.

6.4 A 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 6.4 upon request.

6.6 Unvaccinated animals more than 3 months of age that are acquired or moved into Flathead 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 wildlife and hybrids have not been established and no rabies vaccinations are licensed for these animals. Hybrids and wildlife animals will be treated as unvaccinated animals.

## **Section 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 or cat over 3 months of age unless such animal has been vaccinated against rabies as prescribed by this program.

7.2 Licensed veterinarian clinics, the Animal Shelter, 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. If necessary, an alternative to vaccination at the time of sale, adoption or gift of the animal, the organization shall provide a rabies voucher to the person acquiring the unvaccinated animal. The voucher shall be redeemable for a rabies vaccination with or without an additional charge. The voucher shall contain the name, address and other contact information necessary to contact the owner of the animal. A copy of the voucher shall be provided to the Department for follow-up. The issuer of the rabies voucher shall notify the

Department that the animal has been vaccinated and a Certificate and tag have been issued.

### **Section 8 - Rabies Vaccination of Transient or Show Dogs, Cats.**

Owners of animals who are temporarily visiting Flathead County or who are exhibiting an animal in competition must carry with them and be prepared, upon demand of a legal authority, to present a current rabies vaccination certificate for each animal.

### **Section 9 -Reporting Bites and Suspected Rabies.**

9.1 It shall be the duty of every Flathead County Enforcement Officer and all healthcare providers of Flathead County to ensure that the Department is notified when animal bite victims are treated or when animal bite incidents are reported.

9.2 Any person having knowledge of any animal or person having been bitten by an animal potentially exposed to rabies shall report the facts immediately to the Department.

9.3 Any person having knowledge of an animal known to have or suspected of having rabies shall report the facts immediately to the Department and the State Veterinarian.

### **Section 10 - Investigations and Management of Rabies Exposure**

10.1 The Health Officer must apply generally accepted control measures for confirmed or suspected exposures to a human by a species susceptible to rabies infection.

10.2 The Health Officer must investigate each report of possible rabies exposure and gather, at a minimum, information about the circumstances of the possible 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.

10.3 As soon as possible after investigating a report of possible 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.

10.4 Whenever the circumstances involve a dog or cat, the Health officer must:

- (a) Order quarantine of the animal for observation of 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 quarantine 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 quarantine and the brain analyzed.
- (b) Require the animal be rabies vaccinated prior to release from quarantine.
- (c) If an animal dies during the quarantine 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 in strict Quarantine for 10 days, subject to a determination by the Health Officer, or Flathead County Enforcement Officer that the Owner is cooperative, responsible, has the facilities to confine the animal in Quarantine and will allow observation of the confined animal by the Department, Flathead County Enforcement Officer upon request. Permission for home confinement may be revoked by the Health Officer at any time during the confinement period.
- (e) Any animal who has salivary contact with or has been bitten or scratched by a bat or other wild mammal known to be a potential rabies virus carrier will be regarded as having been exposed to rabies unless determined otherwise by diagnostic testing of the biting animal.
  - (1) If exposed to rabid animal, unvaccinated animals must be immediately destroyed. If the Owner is unwilling to have such animal destroyed, the unvaccinated animal must be placed in strict quarantine for six (6) months, at the Owner's expense, in a secure place designated by the Health Officer. The animal shall be vaccinated before release.
  - (2) If exposed to a rabid animal, a vaccinated dog, or cat shall be immediately revaccinated and confined to the Owner's property for ninety (90) days.

## **Section 11 – Impoundment**

11.1 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 the Flathead County Rabies Control Program;
- (b) An animal subject to a bite investigation;
- (c) An animal to be held for quarantine or isolation;
- (d) 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 Flathead County Enforcement Officer shall seize and impound such animal at the Owner's expense.

11.2 The cost of impoundment shall be the responsibility of the Owner.

11.3 Animals impounded under this regulation shall be released to the Owner at the end of the quarantine 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 quarantine or investigation period, the Owner forfeits all right, title and interest thereto to Flathead County and the animal is subject to adoption in accordance with the Flathead County Animal Control Ordinance.

## **Section 12 - Wild Animals**

This section shall be administered in conjunction with the Montana Department of Public Health and Human Services (DPHHS) and the Montana Department of Livestock (DOL). Where this

Section of this regulation conflict with the application of the Montana Code Annotated (MCA) or Administrative Rules of Montana (ARM), the MCA's and ARM's shall prevail.

12.1 If a wild animal, whether unlawfully or lawfully in the possession of a person, has bitten or otherwise exposed a person to the possibility of contracting rabies, the animal may be impounded by the Health Officer and either quarantined or destroyed and the animal's brain may be tested for rabies.

12.2 A lawfully possessed wild animal that is quarantined and found not to be rabid must be returned to its Owner.

### **Section 13. - Penalties for Violations**

13.1 A person who does not comply with rules adopted is guilty of a misdemeanor. Upon conviction, the person shall be fined not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both (§50-2-124 (2) MCA).

13.2 Each day of violation constitutes a separate offense (§50-2-124 (3) MCA).

13.3 Fines, except justice's court fines, must be paid to the county treasurer (§50-2-124 (4) MCA).