

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS OF ***“Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island”*** AND PUBLIC HEARING

The Director of the Department of Environmental Management (DEM) is proposing amendment of the ***“Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island”*** and gives notice of intent to hold a public hearing to afford interested parties an opportunity to submit data, views or arguments orally and/or in writing on the regulations.

The public hearing will be held on **January 16<sup>th</sup>, 2014 at 10:00 AM** in Room 300 of DEM’s Main Office at [235 Promenade Street](#), Providence, Rhode Island. The Department of Environmental Management building is accessible to those with disabilities. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 or dialing 711 (RI Relay).

RIDEM is proposing minor amendments to the regulations. The proposed changes come at the request of the RI Veterinary Medical Association in an effort to make the regulations less burdensome on small businesses, i.e. veterinarians. The proposed amendments are; to allow use of a signature stamp or electronic signature in lieu of an actual written signature on rabies vaccination certificates, and to make the regulations regarding the components of an official rabies vaccination certificate consistent with the model rabies vaccination certificate as developed by the National Association of State Public Health Veterinarians (NASPHV). The NASPHV model certificate is incorporated into many veterinary practice management software programs so making the regulations consistent with that form will allow veterinarians to streamline the process of issuance of rabies vaccination certificates when the service is rendered. The proposed amendment will also include the RI State Veterinarian as one of the entities with authority to enforce these regulations. Finally, the proposed regulations will also provide consistent formatting. The previous version will be replaced and superseded by this version.

An electronic copy of the proposed regulations is available on the DEM website at [www.dem.ri.gov/programs/bnatres/agricult/pdf/rabiesdraft13.pdf](http://www.dem.ri.gov/programs/bnatres/agricult/pdf/rabiesdraft13.pdf).

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Division of Agriculture (room 370), 235 Promenade Street, Providence, RI, 02908 or by email to [scott.marshall@dem.ri.gov](mailto:scott.marshall@dem.ri.gov) no later than **4:00 PM** on **January 16th, 2014**.

Signed 9 December 2013.

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Ken Ayars, Chief  
RIDEM/Division of Agriculture

| Section  | Description of Change   |
|--|---|
| <b>Amendment of Rules and Regulations Governing the Importation of Animals</b> |   |
| Entire document  | The entire document has been reviewed with the intention of making the formatting consistent and easier to read.  |
| Entire document  | The entire document has been reviewed to make language consistent across rules where there should be consistent language.   |
| Rule 6   | Will be amended to allow the use of an authorized signature stamp or electronic signature by veterinarians on rabies vaccination certificates.  |
| Rule 6   | Will be amended to provide that the required components of a rabies certificate will be consistent with the components of a standard rabies certificate as developed and accepted by the National Association of State and Public Health Veterinarians. |
| Rule 14  | Will be amended to include the RI State Veterinarian as a party who has authority to enforce these rules and regulations.   |



**Concise Summary of Amendments to “Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island”**

RIDEM is proposing minor amendments to the regulations. The proposed changes come at the request of the RI Veterinary Medical Association in an effort to make the regulations less burdensome on small businesses, i.e. veterinarians. The proposed amendments are; to allow use of a signature stamp or electronic signature in lieu of an actual written signature on rabies vaccination certificates, and to make the regulations regarding the components of an official rabies vaccination certificate consistent with the model rabies vaccination certificate as developed by the National Association of State Public Health Veterinarians (NASPHV). The NASPHV model certificate is incorporated into many veterinary practice management software programs so making the regulations consistent with that form will allow veterinarians to streamline the process of issuance of rabies vaccination certificates when the service is rendered.

An electronic copy of the proposed regulations is available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/agricult/pdf/rabiesdraft13.pdf>

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has accepted written comments pertaining to development of these proposed regulations. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

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**RULES & REGULATIONS GOVERNING THE PREVENTION,  
CONTROL AND SUPPRESSION OF RABIES WITHIN THE STATE  
OF RHODE ISLAND**



**Department of Environmental Management  
Division of Agriculture**

**EFFECTIVE: ~~April 2010~~ February 2014**

**AUTHORITY:** These regulations are adopted pursuant to Chapter 4-13 of the Rhode Island General Laws of 1956 as amended.

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## **1.00 AUTHORITY**

These rules and regulations are promulgated pursuant to authority provided under Rhode Island General Laws ("R.I.G.L.") Chapters 4-13, 42-17.1 and 42-35 for the purpose of carrying out the functions required to prevent, control and/or suppress rabies.

## **2.00 ADMINISTRATIVE FINDINGS**

Rhode Island had its first confirmed case of rabies January 26, 1994 in a raccoon which was killed after attacking a pet cat in Burrillville. Subsequently, surveillance has confirmed that every community in Rhode Island has been impacted by the Mid-Atlantic Epizootic of raccoon rabies. The infection of a human with rabies is invariably fatal. Rabies vaccination of companion and livestock animals is the most effective method for protecting humans from rabies. Proper disposition of suspect rabid animals and their bite victims is also essential for the diagnosis and treatment of rabies where necessary. Rabies testing can only be performed by testing brain tissue therefore, euthanasia is, at times, necessary in an effort to diagnose and prevent the spread of rabies. To avoid the destruction of domestic animals and pets, quarantines are necessary to avoid further exposures to rabies, thereby preventing the spread of rabies. Quarantine will allow the incubating rabies infection to become clinically apparent and, at the same time, prevent any further exposures by the suspect animal. Therefore, for the reasons stated above and pursuant to the powers vested in the Rhode Island Department of Environmental Management by R.I.G.L Chapters 4-13,42-17.1, and 42-35, the Rhode Island Department of Environmental Management hereby adopts these regulations for the purpose of rabies diagnosis and prevention among domestic animals and for the purpose of allowing timely rabies treatment for those humans exposed to rabies.

## **3.00 PURPOSE**

The purpose of these rules and regulations is to suppress and control rabies found within the state and to prevent the spread of rabies when rabies appears in any area within the State of Rhode Island and its appearance creates a threat of infection to animals or humans.

## **4.00 DEFINITIONS**

As used in these rules and regulations, the following terms shall, where the context permits, be construed as follows:

(a) The term "**Animal Control Officer**" (ACO) as used in these Regulations shall mean any person(s) employed by a city or town as a canine control officer, a dog or animal warden or a police officer responsible for animal control delegated authority by the Rhode Island Rabies Control Board.

(b) The term "**Cat**" as used in these Regulations shall mean any member of *Felis catus* (excluding hybrids with wild felines).

(c) The term "**Compendium**" as used in these Regulations shall mean the most recent Compendium of Animal Rabies Control as published by the National Association of State Public Health Veterinarians, Inc.

(d) The term "**Currently Vaccinated**" as used in these Regulations shall mean administration of a vaccine that has been properly stored and subsequently injected by or under the direct supervision of a licensed veterinarian with a rabies vaccine licensed for use in that species by the U.S. Department of Agriculture (USDA) and satisfying the following criteria:

**i. For dogs, cats and ferrets:**

- (1) the manufacturer's protocol with regards to minimum age of animal as well as frequency and intervals of vaccination(s) was followed; and
- (2) at least thirty (30) days have elapsed since the initial vaccination; and
- (3) not more than twelve (12) months have elapsed since the last vaccine if last vaccine was the initial vaccination or the animal is a ferret, or if the vaccine has an annual booster recommendation. Dogs, cats, and ferrets shall be considered currently vaccinated if the last booster was administered within the time frame specified by the most current **Compendium** regarding frequency and interval of vaccination for the particular product used and for the specific species that the product was used in.
- (4) Dogs, cats, and ferrets that were **previously** vaccinated but are **not** considered **currently vaccinated** are required to receive a booster vaccination within twelve (12) months of the most recent **current** vaccination in order to be considered **currently vaccinated** for the interval stated on the vaccine product label. (For example: If a dog, or cat is presented for vaccination thirty-seven (37) months after a vaccination that was labeled for use every three (3) years, the result of the new vaccination will be that the animal will be considered **currently vaccinated** for a maximum of one year.)
- (5) **Vaccine status** will be determined from the dates on the most recent rabies vaccination certificate. It will be the responsibility of the animal owner to maintain and produce that document as proof of vaccine status.

**ii. For all other species** for which there exists an unconditionally licensed rabies vaccine, the animals must be vaccinated against rabies in accordance with the most current Compendium of Animal Rabies Control.

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**NOTE: Failure or inability by the owner/keeper of a dog, cat or ferret to present or make available a rabies certificate or a copy thereof to an ACO investigating a possible rabies exposure shall result in classification of the animal in question as not currently vaccinated against rabies.**

(e) The term "**Director**" as used in these Regulations shall mean the director of the Department of Environmental Management or his/her duly authorized designee.

(f) The term "**Dog**" as used in these Regulations shall mean any member of *Canis familiaris* (excluding hybrids with wild canids).

(g) The term "**Domestic Animal**" as used in these Regulations shall mean animals which, through extremely long association with humans, have been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to the extent that makes them unique and distinguishable from wild individuals of their species. This includes, but is not limited to, the following:

- (1) Domestic dog (*Canis familiaris*);
- (2) Domestic cat (*Felis catus*);
- (3) Domestic horse (*Equus caballus*);
- (4) Domestic cattle (*Bos taurus* and *Bos indicus*);
- (5) Domestic sheep (*Ovis aries*)

(h) The term "**Environmental Police Officer**" as used in these Regulations shall mean any commissioned environmental police officer for the Department of Environmental Management, Division of Law Enforcement

(i) The term "**Euthanasia**" as used in these Regulations shall mean the humane destruction of an animal accomplished by a method that involves nearly instantaneous loss of consciousness followed immediately by death or by a method that involves anesthesia produced by an agent which causes painless and rapid loss of consciousness and death during that period of unconsciousness. All methods of euthanasia must comply with Rhode Island General Laws and with the most current American Veterinary Medical Association Guideline on Euthanasia.

(j) The term "**Exposure**" as used in these Regulations shall mean the possible exposure to the rabies virus via a direct bite or scratch, which results in a break in the skin of the victim, or contact between infectious material (i.e., saliva or Central Nervous System (CNS) tissue and fluid) and the eye, inside the nose or mouth, or a pre-existing break in the skin.

(k) The term "**Ferret**" as used in these Regulations shall, mean any member of the family *Mustela putorius* or Common European Ferret.

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(l) The term "**Manual**" as used in these Regulations shall mean the current State of Rhode Island and Providence Plantations Manual for Rabies Management and Protocols.

(m) The term "**Owner/Keeper**" as used in these Regulations shall mean any person or agency keeping, harboring or having charge or control of or responsibility for control of an animal or any person or agency which permits any dog, cat, ferret, or domestic animal to habitually be fed within that person's yard or premises. This term shall not apply to veterinary facilities, any licensed boarding kennel, municipal pound, pet shop, or animal shelter. (see RIGL 4-13-1.2)

(n) The term "**Person(s)**" as used in these Regulations shall mean an individual, firm, joint stock company, partnership, association, private or municipal corporation, trust, estate, state, commission, political subdivision, any interstate body, the federal government or any agency or subdivision of the federal government, other government entity, or other legal entity.

(o) The term "**Quarantine**" as used in these Regulations shall mean the removal, isolation, close confinement or related measures of an animal under conditions and for time periods that are in conformance with the guidelines set out in the Manual.

(p) The term "**Strict Confinement**" as used in these Regulations shall mean the act of confining an animal at the home of the animal in a manner that the animal is not allowed to run free and is not allowed to come into contact with any person or animal that does not reside at that location. This type of action may be done *in lieu* of quarantine at the discretion of the Animal Control Officer and only when the animal being held in strict confinement is currently vaccinated against rabies (as defined above) and is not considered a high risk to escape, and the person in control of the animal is considered by the Animal Control Officer to be certain to adhere to the order for strict confinement.

(q) The term "**Target Species**" as used in these Regulations shall mean those animals at high risk for incubating rabies, including, but not limited to, raccoons, foxes, skunks, bats and woodchucks.

## 5.00 COMPULSORY RABIES VACCINATION AND RABIES RISK SIGNAGE

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### 5.01 Animals Residing within Rhode Island

Any owner or keeper of a dog, cat, or ferret that is three (3) months of age or older and which resides in Rhode Island shall have such dog, cat or ferret currently vaccinated against rabies.

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### 5.02 Animals Exhibiting within Rhode Island

Any owner/keeper of any animal species for which United States Department of Agriculture (USDA) licensed unconditionally approved rabies vaccine exists, and who uses such animals for show or exhibit purposes, or who allows such animals, to come into direct physical contact with the public shall keep such animals currently vaccinated against rabies, (including, but not limited to: petting zoos, nature centers, riding stables, fairs, shows, exhibitions, pony rides and educational programs).

### **5.03 Posting of SIGNAGE for Dogs, Cats, and Ferrets Maintained At Municipal or Private Facility(s)**

Dogs, cats, and ferrets maintained at facilities (municipal or private) where animal/public contact is allowed must be either:

- (a) Currently vaccinated against rabies; or if not currently vaccinated against rabies due to any lawful reason must be:
  - (i) Separated from the public by sufficient means so as to disallow direct animal/public contact; and
  - (ii) Identified as possible rabies carrier by conspicuously posted and readily legible signs stating: ***RHODE ISLAND RABIES CONTROL BOARD NOTICE: FEED AND TOUCH THESE ANIMALS AT YOUR OWN RISK.***

Facilities subject to this regulation shall include but not be limited to the following: pet shops, dog pounds, and animal shelters. Lawful reasons for keeping animals that are not currently vaccinated include but are not limited to animals that are too young to vaccinate or animals that have been vaccinated but thirty (30) days have not lapsed since the vaccination.

### **5.04 Posting of SIGNAGE for Animals for Which No USDA Licensed Unconditionally Approved Vaccine Exists**

Animals which are used for public display exhibition or show must be either:

- (a) Separated from the public by sufficient means so as to disallow direct animal/public contact; and
- (b) Identified as possible rabies carriers by conspicuously posted and readily legible signs stating: ***RHODE ISLAND RABIES CONTROL BOARD NOTICE: FEED AND TOUCH THESE ANIMALS AT YOUR OWN RISK.***

Facilities subject to this regulation shall include but not be limited to the following: show, petting zoos, zoos, nature centers, fairs, exhibitions, or educational programs involving animals.

### **5.05 Exemptions**

Low risk rabies species, including, but not limited to, rodents, reptiles, birds, and those rabbits which can be documented as being born and raised indoors need not be isolated from direct physical contact with the public nor have posted any public notice of rabies risk.

### **5.06 Variances**

(a) Any person seeking exception to Section 5.01 through 5.04, inclusive, shall apply in writing to the Rhode Island Rabies Control Board for such variance. The Rabies Control Board, may, if satisfied that the variance conditions do not constitute a threat to public health or safety, grant said variance. The Rabies Control Board will meet from time to time to consider any variances that have been received. The Rabies control board will meet no less frequently than once per year for this purpose, but may, at the discretion of the State Veterinarian, meet more frequently. The Rabies Control Board may seek an opinion from municipal officials regarding granting of a variance. The Rabies Control Board may issue stipulations and/or conditions to any variance granted that will decrease the public health risk of an owner keeping an unvaccinated animal. If a

variance is granted, the owner of the animal and the Animal Control Officer with authority in the jurisdiction where the animal for which the variance is granted will be notified in writing of the variance. If the animal is relocated to another municipality within the state, the State Veterinarian must be notified a minimum of fourteen (14) days prior to relocation so that the ACO of the municipality that the animal is being relocated to can be notified of the relocation. Failure of the owner to maintain any of the stipulations and/or conditions of these Regulations or of the specific variance may result in penalties as set forth in these regulations. The Animal Control Officer with authority in the jurisdiction where the animal for which a variance is granted is kept shall have the responsibility of ensuring that the stipulations and/or conditions of the variance have been maintained.

- (b) The application for a variance shall demonstrate that:
  - (i) strict adherence to the regulation causes undue hardship or the impossibility of performance; and
  - (ii) the procedures to be followed if the variance is granted are as protective as the section from which relief is requested.

## **6.00 RABIES VACCINATION PROTOCOL**

### **6.01 Vaccine Administration**

For animals to be considered **Currently Vaccinated**, rabies vaccinations shall be administered by or under the direct supervision of a licensed veterinarian. All rabies vaccine must be stored, handled, and administered in strict accordance with the vaccine manufacturer's labeled directions.

### **6.02 Record Keeping and Tag Issuance**

The Veterinarian must maintain a record identifying the vaccinated animal, the owner's name and address, the rabies tag number issued (if applicable) as well as the date of inoculation and the date the next booster is due. Such records must be maintained for five (5) years following vaccination.

The licensed veterinarian or person working under the direct supervision of a licensed veterinarian who administered a rabies vaccination must issue a rabies tag to the owner/keeper of any dog or cat that (s)he vaccinates against rabies. Such tags shall clearly identify the veterinary hospital/clinic at which the animal was vaccinated, the telephone number of that clinic, the year of rabies vaccination, and also contain an identification number unique to that animal.

### **6.03 Rabies Certificates**

The licensed veterinarian or person directed by a licensed veterinarian must issue a rabies vaccination certificate to the animal's owner or keeper:

- (a) If the animal vaccinated is a dog, cat, ferret or horse, the rabies vaccination certificate shall include, but not be limited to, the following items:
  - (1) Name of the licensed veterinarian, his/her practice name, practice address, ~~practice phone number,~~ and state veterinary license number.
  - (2) The Animal Owner or Keeper's name and address;
  - (3) The animal's name, species, breed, age, sex and coloration;

- (4) The name of the rabies vaccine manufacturer, the brand name of the product used, the vaccine serial number ~~and the product expiration date~~;
  - (5) The date of rabies inoculation and the date when the next rabies booster shall be administered;
  - (6) If a dog or cat, number of the rabies tag issued; and
  - (7) Signature, or authorized use of a signature stamp or electronic signature, of the licensed veterinarian who administered or supervised the administration of the rabies vaccine.
- (b) If the animal vaccinated is a bovine, sheep or domestic animal other than a dog, cat, horse or ferret for which a species-approved rabies vaccine exists; the rabies vaccination certificate shall include, but not be limited to, the following items:
- (1) Name of licensed veterinarian who gave or directed rabies vaccine administration, his/her practice name, ~~practice address practice telephone number~~, and state veterinary license number;
  - (2) Animal owner/keeper's names and address;
  - (3) The animal's individualized eartag number, breed registration number, microchip number, or individualized tattoo number;
  - (4) The animal's species, breed, age and sex;
  - (5) The name of the rabies vaccine manufacturer, the brand name of the product used, the vaccine serial number ~~and the product expiration date~~;
  - (6) The date of rabies inoculation and the date when the next rabies booster shall be administered;
  - (7) The signature, or authorized use of a signature stamp or electronic signature, of the licensed veterinarian who administered or supervised the administration of the rabies vaccine.
- (c) The owner/keeper of a rabies vaccinated animal shall keep such certificate or a copy thereof stating that such animal has been vaccinated and shall make such certificate or copy available to an ACO or Department of Environmental Management or Department of Health personnel upon request.

**NOTE: A Rabies Vaccination Certificate is the only official proof of vaccination.**

#### **6.04 Failure to Present Rabies Certificate**

Failure or inability by the owner/keeper of an animal to present or make available such rabies certificate or a copy thereof to Animal Control Personnel, police personnel, Department of Environmental Management, or Department of Health personnel upon request shall result in classification of the animal in question as not currently vaccinated against rabies. Such animal may then be seized and placed in quarantine or euthanized at owner's expense for rabies testing according to Rabies Manual recommendations.

#### **6.05 Release of Information**

Veterinarians, shall, upon request from any ACO, Police Department, Department of Environmental Management, or Department of Health personnel investigating a possible rabies exposure, release any and all requested patient information pertinent to such investigation. Such information may include, but is not limited to: Animal's species, name, breed, sex, coloration, age,

date of last rabies vaccination, the date when the next rabies booster is due, eartag, registration, and/or tattoo number, owner/keeper's name, address, and telephone number(s), the rabies tag number, the name of the rabies vaccine manufacturer, and the name of the Veterinarian who administered the most recent rabies vaccination. The release of such information by a veterinarian to said officials investigating a possible rabies exposure shall be considered in the interest of public health.

## **7.00 IMPORTATION OF DOMESTIC ANIMALS: HEALTH CERTIFICATES**

### **7.01 Imported Dogs, Cats, Ferrets**

Any dog, cat or ferret transported into the State of Rhode Island must be accompanied by an official Certificate of Health signed by a duly licensed veterinarian from the State of Origin stating that the animal is not showing signs of infectious, contagious and/or communicable disease, did not originate within an area under quarantine for rabies or any other communicable disease, and has not been exposed to rabies.

- (a) For all dogs, cats, and ferrets three (3) months of age or older, the health certificate must also show proof of rabies vaccination administration in accordance with the most current Compendium of Animal Rabies Control prior to entry into Rhode Island.
- (b) For all dogs, cats, and ferrets over six (6) months of age that have no proof of prior vaccination, a period of thirty (30) days must lapse between vaccination and entry into Rhode Island.

(See also Rules and Regulations Governing the Importation of Animals)

### **7.02 Other Imported Species**

All age appropriate domestic animals other than dogs and cats and ferrets for which species-approved rabies vaccine is available and which are being imported into Rhode Island for exhibition or show purposes must be accompanied by proof of rabies immunization administered in accordance with the most current Compendium of Animal Rabies Control prior to entry into Rhode Island. The certificate must also state that the animal did not originate within an area under quarantine for rabies or any other communicable disease, and has not been exposed to rabies.

### **7.03 Vaccine Administration**

**All rabies vaccines described within this section must be administered by or under the direct supervision of a licensed veterinarian.**

## **8.00 ADOPTIONS AND SALES**

### **8.01 Notice to New Owner of Rabies Vaccination Requirement**

It shall be unlawful for any pound, protection league, animal shelter, kennel, pet store, humane society, or any other duly licensed facility to sell, give away, or adopt out any dog, cat or ferret without providing the new owner with a form indicating that inoculation against rabies is required, under R.I.G.L. § 4-13-4.1, within thirty (30) days of adoption for all such animals three (3) months of age or older.

### 8.02 Signing of Register by New Owner

The pound, protection league, animal shelter, kennel, pet store, humane society or other duly licensed facility shall require the new dog, cat or ferret owner to sign a register indicating that the new owner has received such a form and such register shall also contain the name, address, and signature of the new owner and shall be permanently maintained by the facility.

## 9.00 RABIES EXPOSURE

### 9.01 Exposures from Domestic Animals

In the event that any human being or domestic animal receives an exposure from any domestic animal, the individual exposed or the owner of the domestic animal that was exposed must:

- (a) Immediately contact the ACO in the city or town within whose borders the exposure occurred.
- (b) Upon report of an exposure involving a dog, cat or ferret, the ACO shall make a site visit within twenty-four (24) hours and make a report including but not limited to, facts surrounding the exposure, description of the attacking animal, proof of most recent rabies vaccination for animal that was exposed, proof of most recent rabies vaccination for the attacking animal, the attacking animal owner's name and address, victim's name and address or exposed animal owner's name and address along with the ACO's recommendations and/or order of disposition of the attacking animal.

### 9.02 Investigation

- (a) During the course of the ACO's site visit and investigation, he/she shall make an order concerning:
  - (i) euthanasia,
  - (ii) quarantine,
  - (iii) strict confinement,
  - (iv) close observation and/or
  - (v) rabies immunization of any dog, cat, or ferret involved, either the exposing (attacking) animal or the one exposed (victim).
- (b) Such order shall be in accordance with the guidelines set forth in the **Manual**. The person exposed and/or the owner or keeper of a suspect rabid dog, cat or ferret shall be notified by the ACO within twenty-four (24) hours of the disposition of the exposing/exposed animal.
  - (i) All recommendations and orders shall be consistent with the most recent Manual.
  - (ii) If the exposure occurs during an animal attack and the attacking dog, cat or ferret is killed during the course of the attack, the ACO may, pending specimen approval, require the head of the attacking animal to be submitted for examination and testing to the Department of Health Laboratory.
  - (iii) Canines belonging to State/Municipal police departments that bite during the course of their police duties may not necessarily be placed under quarantine provided such animals are current on their rabies immunization. Such animals, if not quarantined, must be examined by a veterinarian fourteen (14) days following any such exposure incident and be certified in writing to be free from signs of rabies.

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- (iv) If the suspect rabid animal(s) reside in a municipality other than that where the exposure occurred, the responding ACO shall notify the ACO of the city or town where the suspect animal resides. The ACO for the municipality where the animal resides, shall then be responsible for ensuring that the conditions of confinement/quarantine are met.
- (v) If the suspect rabid animal resides in a state other than RI or if the ACO has good cause to believe that the owner of the animal will not comply with any action to protect the health of the victim of an exposure, whether that victim is a person or domestic animal, then the ACO may hold the suspect animal under quarantine in the municipality where the exposure occurred. The conditions of the quarantine will be consistent with the current Manual. Any expense related to quarantine as described will be the financial responsibility of the suspect animal's owner.

### **9.03 Humans Exposed by a Target Species**

In the event that any human being is exposed by a target species for rabies or any other wild mammal, the individual exposed must call an ACO in the city or town within which the exposure occurred within 24 hours of the exposure.

- (a) The target species or other wild mammal may be ordered euthanized by an ACO.
- (b) The euthanized animal's head shall be submitted to DOH Laboratory for rabies testing.
- (c) The ACO must notify the Department of Health of all potential and documented animal exposures to humans.

### **9.04 Domestic Animals Exposed by a Target Species**

In the event that any dog, cat, ferret or other domestic animal is exposed or attacked by a target species for rabies or any other wild mammal, the owner of the dog, cat or ferret shall contact an ACO in the city or town within which the exposure occurred within 24 hours of the exposure.

- (a) The target species or other wild mammal may be ordered euthanized by an ACO and the head may be submitted to the Rhode Island Department of Health Laboratory for rabies testing.
- (b) If the exposed animal is domestic and other than a dog, cat or ferret, the responding ACO shall notify the State Veterinarian.
- (c) If the exposed animal is non-domestic (i.e. wild or exotic animal), the ACO shall contact the State Veterinarian.
- (d) If the exposed animal is a dog or cat, the responding ACO shall make an order concerning euthanasia, quarantine, strict confinement, close observation and/or rabies immunization of the exposed animal.
- (e) If the suspect rabid animal(s) reside in a municipality other than that where the exposure occurred, the responding ACO shall notify the ACO of the city or town where the animal resides. The ACO for the municipality where the animal resides shall then be responsible for ensuring that the conditions of confinement/quarantine are met.
- (f) If the suspect rabid animal resides in a state other than RI or if the ACO has good cause to believe that the owner of the animal will not comply with any action to protect the health of the victim of a exposure, whether that victim is a person or domestic animal, then the ACO may hold the suspect animal under quarantine by the municipality where the exposure occurred. The conditions of the quarantine will be consistent with the current Manual. Any

expense related to quarantine as described will be the financial responsibility of the suspect animal's owner.

## **10.00 RABIES TESTING**

**10.01 Domestic animal testing:** No suspect rabid animal shall be euthanized without being tested for rabies. Any suspect rabid animal that dies during quarantine shall be tested for rabies at a State approved laboratory

**10.02 Wild animal testing:** The decision whether to test wild animals will be made on a case-by-case basis. The **State Veterinarian** or the **Department of Health** will have the authority to authorize testing of wild animals.

## **11.00 QUARANTINE**

An ACO may order euthanasia, quarantine, strict confinement, close observation and/or rabies immunization consistent with the most recent Manual for any dog or cat suspected of rabies incubation or exposure. Any order for strict confinement shall specifically enumerate all conditions of such confinement. A copy of such order shall be sent to the State Veterinarian within seven (7) days of issuance. Off premises quarantine must only occur at a facility approved for that purpose by the State Veterinarian or his/her agent.

### **11.01 Suspect Rabid Animal**

Any suspect rabid animal which cannot safely be maintained in a secure off premise quarantine, and which does not meet the criteria of Section 11.03 for Strict Confinement, may be euthanized and tested for rabies.

### **11.02 Quarantine Not Maintained**

If, in the opinion of the State Veterinarian, the quarantined animal cannot humanely be maintained for the required quarantine period, the animal may be euthanized and tested for rabies prior to the completion of the quarantine period.

### **11.03 Strict Confinement**

An ACO may allow Strict Confinement for any suspect rabid dog, cat or ferret if the following criteria can be met:

- (a) The suspect animal is currently vaccinated against rabies and;
- (b) The ACO or a licensed veterinarian shall, at the owner's expense, observe and certify in writing that the animal is free of signs of rabies on at least the first and last day of the quarantine period. If the animal becomes ill, escapes, exposes a person or other domestic animal, or has an additional rabies exposure during the quarantine or strict confinement period, the local ACO shall immediately be notified by the person having possession of the animal. At the end of the

quarantine period, the release from quarantine must be accomplished in writing by the ACO or licensed veterinarian examining the animal at the close of the quarantine period.

#### **11.04 Refusal of Strict Confinement**

The ACO may refuse Strict Confinement based on but not limited to the following factors:

- (a) The owner's past history of non-compliance with regard to animal control ordinances/regulations/statutes;
- (b) An inspection of the proposed home confinement area which reveals lack of availability of suitable confinement facilities;
- (c) Evidence of probable non-compliance (intentional or otherwise) to an order of quarantine;

If, in the opinion of the State Veterinarian, a suspect rabid animal cannot be safely quarantined off premise, the State Veterinarian may at his/her discretion allow Strict Confinement, the conditions of Section 11.03 not withstanding.

#### **11.05 Owner or Keeper Strict Confinement**

In the event that the suspect rabid dog, cat or ferret with a known owner or keeper is ordered by the ACO to be held in Strict Confinement:

- (a) The owner/keeper must strictly abide by the order of Strict Confinement as issued by the ACO;
- (b) Such order of Strict Confinement must include specific instructions regarding manner of confinement, frequency of observation of the suspect rabid animal, characteristics to be aware of and what to do in the event of illness, behavioral change, escape, the animal exposes a person or other domestic animal, or the animal has an additional rabies exposure.
- (c) Said animal must be examined by a veterinarian or ACO on the last day of Strict Confinement and certified in writing to be free of signs of rabies.
- (d) Failure by the owner to abide by the specific instructions of Strict Confinement will result in seizure of the animal and euthanasia and rabies testing or completion of the quarantine off premise at the owner's expense.

#### **11.06 Off Premises Quarantine**

In the event that the owner/keeper of a suspect rabid dog or cat chooses to quarantine their animal instead of euthanizing said animal for rabies testing, and the conditions of Section 11.03 cannot be met with the result that the animal is quarantined away from the owner/keeper's premises, the owner or keeper shall be responsible for all costs resulting from such ordered quarantine, including, but not limited to, a specified amount per day for the care and feeding of the quarantined animal as specified by the facility, and any and all additional fees required by the quarantining veterinarian, animal hospital, pound and/or kennel arising out of the quarantine. In order to be released from quarantine, any suspect rabid animal quarantined on or off premises must be examined by an ACO or Veterinarian on or after the last day of quarantine and certified in writing to be free from signs of rabies.

### **11.07 Illness or Behavioral Change**

In the event that the suspect rabid dog or cat quarantined off premises becomes ill or displays a behavioral change during the course of the quarantine period, the ACO shall cause said animal to be examined by a licensed veterinarian. If the veterinarian concludes that the animal shows signs compatible with a diagnosis of rabies, the animal shall be euthanized and tested for rabies.

### **11.08 Strays**

In the event that the dog or cat has no apparent owner and the ACO orders quarantine, the dog or cat shall be held a minimum of five (5) days in accordance with R.I.G.L. 4-13-15.

- (a) In order to allow the owner/keeper an opportunity to claim the animal, a reasonable attempt to notify the owner/keeper of the seizure and quarantine of the animal shall be made. Such notice may be limited to posting the animal's description at the place of quarantine and/or the office of the city or town clerk.
- (b) After the five (5) day minimum holding period, the dog or cat may be euthanized by a duly licensed veterinarian.
- (c) If euthanasia of said animal is conducted and if the animal euthanized is known to have exposed an animal or human, the head shall be submitted for examination and rabies testing.
- (d) If the dog or cat with no apparent owner and/or keeper dies at any time during the quarantine and said animal is known to have exposed an animal or a human, the animal shall be decapitated and the head shall be submitted for examination and rabies testing.
- (e) If the dog or cat with no apparent owner/or keeper becomes ill at any time during the quarantine and said animal is known to have exposed an animal or a human, the animal shall be examined by a licensed veterinarian.
- (f) If the veterinarian determines that said animal shows signs compatible with a diagnosis of rabies, the animal shall be euthanized and the head submitted for examination and rabies testing.

### **11.09 Ferrets**

Due to the lack of an established incubation period, if the suspect rabid animal is a ferret, the ACO shall handle the animal according to the recommendations of the most current Compendium. The ACO shall also make an order concerning euthanasia, restraint, quarantine or disposal of a ferret as deemed necessary and consistent with the Manual and/or the most current Compendium. The ACO shall cause a copy of any order he/she issues to be sent to the State Veterinarian.

### **11.10 Livestock and Non-Domestic Animals**

- (a) If the suspect rabid animal is domestic and other than a dog, cat, or ferret, the disposition of said animal will be determined by the State Veterinarian;
- (b) If the suspect rabid animal is a non-domestic species the disposition of said animal will be determined by the State Veterinarian.

## **12.00 RECORD KEEPING**

- (a) All ACO's shall maintain a record of all animals placed under quarantine and the final disposition of the animal following the termination of the quarantine or rabies examination;
- (b) Any order of quarantine shall be made on forms provided by the DEM, Division of Agriculture. A copy of any order of quarantine so issued shall be sent to the State Veterinarian, Animal Health Program, Division of Agriculture, Department of Environmental Management;
- (c) In the event that any ACO orders a dog, cat, or ferret euthanized for the purpose of Rabies Diagnosis, the head shall be examined and tested for rabies by a State approved laboratory;
- (d) The ACO will inform the Center for Epidemiology of the Department of Health of such a submission.

## **13.00 VIOLATIONS**

Any person, who violates any provision of these regulations may be subject to fines not to exceed five hundred dollars (\$500) per offense, and/or, if applicable criminal prosecution under RIGL 4-13-29.3.

## **14.00 ENFORCEMENT**

Any ACO with authority in the jurisdiction where a violation occurred, any officer of a municipal or state police department, [the Rhode Island State Veterinarian](#), or any officer of DEM Environmental Police has the authority to enforce any of the provisions of these regulations.

## **15.00 APPLICABILITY**

These Regulations shall apply to any owner or keeper of a domestic or non-domestic animal kept or housed within the State of Rhode Island.

## **16.00 SEVERABILITY**

If any section or provision of these Regulations is held invalid by a court of competent jurisdiction, the remaining Sections or provisions of the Regulations shall not be affected thereby.

**17.00 CONSISTENCY**

No provision of these Regulations shall be construed to prevent enforcement of any other state, federal or local laws and regulations duly adopted for the purpose of protecting the public health.

**EFFECTIVE DATES**

The foregoing “Rules and Regulations Governing the Prevention, Control and Suppression of Rabies Within the State of Rhode Island,” after due notice and an opportunity for hearing, are hereby adopted and filed with Secretary of State this \_\_\_\_ day of \_\_\_\_\_, 201~~30~~<sup>39</sup> become effective twenty (20) days after filing, in accordance with the provisions of the General Laws of 1956, as amended, specifically Chapters 42-17.1 and 42-35 and 4-13.

~~Janet Coit~~W. Michael Sullivan, PhD. \_\_\_\_\_  
Director of the RI Department of Environmental Management  
Notice given on: \_\_\_\_\_  
Effective: \_\_\_\_\_



**SMALL BUSINESS IMPACT STATEMENT:**

***Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies within the State of Rhode Island***

**Agency Submitting Regulation:** RI Department of Environmental Management/Division of Agriculture

**Subject Matter of Regulation:** Rabies prevention, control, and suppression.

**ERLID No:** 7611

**Statutory Authority:** These rules and regulations are promulgated pursuant to authority provided under Rhode Island General Laws ("R.I.G.L.") Chapters 4-13, and 42-17.1 in accordance with R.I.G.L. Chapter 42-35 for the purpose of carrying out the functions required to prevent, control and/or suppress rabies.

**Other Agencies Affected:** None

**Other Regulations That May Duplicate or Conflict with the Regulation:** These regulations complement the ***Rules and Regulations Governing the Importation of Animals*** which mandates that some animals are required to be vaccinated against rabies prior to importation.

**Describe the Scope and Objectives of the Regulation:** The purpose of these rules and regulations is **to suppress and control rabies found within the state** and to prevent the spread of rabies when rabies appears in any area within the State of Rhode Island and its appearance creates a threat of infection to animals or humans.

**Business Industry (s) Affected by the Regulation:** Animal Industry

**Types of Businesses Included in the Industry (s):** Veterinarians, pet shops, livestock producers.

**Total Number of Small Businesses Included in the Regulated Industry (s)**

**Based on statistics provided by the RIVMA it is estimated that there are 200** licensed veterinarians in the state and DEM currently licenses approximately 20 pet shops. Only a fraction of livestock producers would be encumbered by these regulations since most livestock are exempt from being required to be vaccinated unless the animals have public contact or are placed on exhibition. Exhibition of livestock is generally considered ancillary to the main business of the livestock producers.

**Number of Small Businesses Potentially Subject to the Proposed Regulation:**

**Based upon the above estimate, 220 entities are potentially subject to these regulations.**

**What is the cost to your agency of establishing and enforcing this regulation?**

The entire budget for the Division of Agriculture is \$1,370,000 for FY13. The portion of the budget dedicated to animal health is \$439,000 for FY13. Proper identification and oversight of animal movement is a significant responsibility of the Animal Health Section of the Division of Agriculture with an estimate of 20% of our annual budget being dedicated to this and related activities, therefore approximately \$87,800.

**What would the consequences be if the regulation did not exist?** If these regulations did not exist RI citizens and animals would be at risk for contracting the fatal disease known as rabies.

**Effective Date Used In Cost Estimate:** 2012

**Addendum regarding proposed amendment (Proposed - Fall 2013):** RIDEM is proposing minor amendments to the regulations. The proposed changes come at the request of the RI Veterinary Medical Association in an effort to make the regulations less burdensome on small businesses, i.e. veterinarians. The proposed amendments are; to allow use of a signature stamp or electronic signature in lieu of an actual written signature on rabies vaccination certificates, and to make the regulations regarding the components of an official rabies vaccination certificate consistent with the model rabies vaccination certificate as developed by the National Association of State Public Health Veterinarians (NASPHV). The NASPHV model certificate is incorporated into many veterinary practice management software programs so making the regulations consistent with that form will allow veterinarians to streamline the process of issuance of rabies vaccination certificates when the service is rendered.

For each question below, please answer “yes” or “no” and offer a brief explanation.

Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

|          |         |   |
|----------|---------|---|
| Yes      | No      | <i>*Note: For each question, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.</i>      |
| Yes<br>X | No      | <b>Will small businesses have to create, file, or issue additional reports?</b><br><br>Minimal records related to proof of rabies vaccination are required to be kept by regulated entities and by the animal owner.  |
| Yes<br>X | No      | <b>Will small businesses have to implement additional recordkeeping procedures?</b><br><br>Minimal records related to proof of rabies vaccination are required to be kept by regulated entities and by the animal owner.  |
| Yes      | No<br>X | <b>Will small businesses have to provide additional administrative oversight?</b><br><br>No, the referenced regulations will have negligible administrative burden on businesses other than maintenance of the record of proof of rabies vaccination.                               |
| Yes      | No<br>X | <b>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</b><br><br>No, the referenced regulations will have negligible administrative burden on businesses other than maintenance of the record of proof of rabies vaccination. |
| Yes      | No<br>X | <b>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</b><br><br>No, the regulated businesses are professionals themselves.  |
| Yes      | No      | <b>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the</b>   |

|     |    |   |
|-----|----|---|
|     | X  | <p><b>regulation?</b></p> <p>No, the rabies vaccine must be purchased, but this vaccine is considered a core vaccine and should be administered regardless of a regulation requiring it.</p>        |
| Yes | No | <p><b>Are performance standards more appropriate than design standards?</b></p>   |
|     | X  | <p>No, performance standards are not applicable.</p>  |
| Yes | No | <p><b>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</b></p>   |
| X   |    | <p>The records of proof of vaccination may be requested by state officials from DEM or the Department of Health in order to determine proper management of a potential exposure to rabies.</p>      |
| Yes | No | <p><b>Will the regulation have the effect of creating additional taxes and/or fees for small businesses?</b></p>  |
|     | X  | <p>No, there are no fees associated with compliance with these regulations.</p>   |
| Yes | No | <p><b>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</b></p>   |
|     | X  | <p>No, there are no educational requirements associated with compliance with these regulations</p>  |
| Yes | No | <p><b>Is the regulation likely to <i>deter</i> the formation of small businesses in Rhode Island?</b></p>   |
|     | X  | <p>No, all states have regulations regarding rabies management.</p>   |
| Yes | No | <p><b>Is the regulation likely to <i>encourage</i> the formation of small businesses in Rhode Island?</b></p>   |
|     | X  | <p>No, all states have regulations regarding rabies management.</p>   |
| Yes | No | <p><b>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</b></p>  |
|     | X  | <p>No, all states have regulations regarding rabies management. The required reporting and record keeping is what is considered the minimum to adequately suppress and manage rabies exposures.</p> |
| Yes | No | <p><b>Can the regulation establish less stringent schedules or deadlines for</b></p>  |

|     |         |   |
|-----|---------|---|
|     | X       | <p><b>compliance or reporting requirements for small businesses?</b></p> <p>No, all states have regulations regarding rabies management. The required reporting and record keeping is what is considered the minimum to adequately suppress and manage rabies exposures.</p>  |
| Yes | No<br>X | <p><b>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</b></p> <p>No, all states have regulations regarding rabies management. The required reporting and record keeping is what is considered the minimum to adequately suppress and manage rabies exposures.</p>  |
| Yes | No<br>X | <p><b>Can performance standards for small businesses replace design or operational standards?</b></p> <p>No, performance standards are not applicable.</p>  |
| Yes | No<br>X | <p><b>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</b></p> <p>No, all states have regulations regarding rabies management. The required reporting and record keeping is what is considered the minimum to adequately suppress and manage rabies exposures.</p>  |
| Yes | No<br>X | <p><b>Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe.</b></p> <p>No, however, the entire community was afforded the opportunity to become involved in adoption of these regulations in compliance with the requirements of the Administrative Procedures Act, R.I. Gen. Laws Chap.42-35.</p> |