

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

NOTICE OF PROPOSED ADOPTION OF NEW RABIES CONTROL RULES  
AND REGULATIONS AND PUBLIC HEARING

The Director of the Department of Environmental Management (DEM) is proposing adoption 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 ***March 4<sup>th</sup>, 2010*** at ***9:00 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).

The proposed regulations provide updates and clarification to existing regulations as described below. Most significantly these regulations allow for dogs and cats to be required to be vaccinated no more frequently than the stated duration of immunity on the vaccine product label. These regulations will replace “***Rules and Regulations Governing Rabies Control Within the State of Rhode Island (1994)***” and “***Rules and Regulations Governing the Suppression of Rabies (1996)***.” Replacement of these regulations with the proposed regulations will alleviate the redundancy and inconsistencies found in those two documents.

An electronic copy of the proposed regulations is available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/agricult/rabiespn.htm>. Printed copies may be requested by calling (401) 222-2781. Printed copies may also be obtained at the Division of Agriculture office, Room 370, 235 Promenade Street, Providence, RI, 02908.

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 Department of Environmental Management, 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 **12:00 PM** on **March 18<sup>th</sup>, 2010**.

Signed this sixteenth day of February 2010

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Ken Ayars, Chief

RIDEM/Division of Agriculture

Section	Description of Change
<b>Adoption of new regulations that will replace existing regulations</b>	
Entire	Adoption of “ <i>Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies within the State of Rhode Island</i> ” intended to replace existing regulations “ <i>Rules and Regulations Governing Rabies Control Within the State of Rhode Island (1994)</i> ” and “ <i>Rules and Regulations Governing the Suppression of Rabies (1996)</i> .”
4.00(d)	The definition of a currently vaccinated animal will change to allow for a duration of immunity for as long as the product manufacturer claims it has been proven to be effective for.
<b>Other significant changes from current regulations</b>	
5.02	Removes the exemption that allowed dogs and cats exhibiting within RI, and animals being imported into RI for breeding purposes to be exempt from the requirement to be currently vaccinated. Removal of this exemption will better ensure public health and will make this document consistent with our domestic animal importation regulations which require all dogs and cats to be currently vaccinated prior to importation for any purpose.
6.03	This section defines the components of a valid rabies certificate. This definition will require vaccine certificates issued for large animals to be consistent with the information recorded on certificates issued for small animals.

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



**Department of Environmental Management  
Division of Agriculture**

**EFFECTIVE: March 2010**

**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.

**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.

(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**

### **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.

### **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, 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 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 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.
  - (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 notwithstanding.

### **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 animals 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, 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 \_\_\_\_\_, 2010 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.

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



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

The proposed regulations provide updates and clarification to existing regulations as described below. Most significantly these regulations allow for dogs and cats to be required to be vaccinated no more frequently than the stated duration of immunity on the vaccine product label. These regulations will replace **“Rules and Regulations Governing Rabies Control Within the State of Rhode Island (1994)”** and **“Rules and Regulations Governing the Suppression of Rabies (1996).”** Replacement of these regulations with the proposed regulations will alleviate the redundancy and inconsistencies found in those two documents.

An electronic copy of the proposed regulations is available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/agricult/rabiespn.htm>. Printed copies may be requested by calling (401) 222-2781. Printed copies may also be obtained at the Division of Agriculture office, Room 370, 235 Promenade Street, Providence, RI, 02908.

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.

Section	Description of Change
<b>Adoption of new regulations that will replace existing regulations</b>	
Entire	Adoption of <b>“Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies within the State of Rhode Island”</b> intended to replace existing regulations <b>“Rules and Regulations Governing Rabies Control Within the State of Rhode Island (1994)”</b> and <b>“Rules and Regulations Governing the Suppression of Rabies (1996).”</b>
4.00(d)	The definition of a currently vaccinated animal will change to allow for a duration of immunity for as long as the product manufacturer claims it has been proven to be effective for.

**Other significant changes from current regulations**

5.02	Removes the exemption that allowed dogs and cats exhibiting within RI, and animals being imported into RI for breeding purposes to be exempt from the requirement to be currently vaccinated. Removal of this exemption will better ensure public health and will make this document consistent with our domestic animal importation regulations which require all dogs and cats to be currently vaccinated prior to importation for any purpose.
6.03	This section defines the components of a valid rabies certificate. This definition will require vaccine certificates issued for large animals to be consistent with the information recorded on certificates issued for small animals.

*State of Rhode Island and Providence Plantations  
Department of Administration  
Budget Office*

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

**Name of Administrative Rule:** Rules and Regulations Governing the Control, Prevention, and Suppression of Rabies within the State of Rhode Island.

**Date of Notice:** February 16, 2010

**Date of Hearing:** March 4, 2010

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

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**FISCAL IMPACT**

<i>Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2010	\$ 0	FY 2010	\$ 0	FY 2010	\$ 0
FY 2011	\$ 0	FY 2011	\$ 0	FY 2011	\$ 0
FY 2012	\$ 0	FY 2012	\$ 0	FY 2012	\$ 0

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**Summary of Policy Change:** These regulations will replace existing regulations. The current regulations limit the vaccine status as “current” to a maximum of two years, even when a product with a longer duration of immunity is used. This practice is not consistent with current vaccination guidelines, is not based in science, and is in conflict with the current recommendations of the National Association of State and Public Health Veterinarians, Compendium on Rabies Control, as adopted by the CDC. As a result of these regulations, dogs and cats will now be required to be vaccinated less frequently than they were required to be under existing regulations.

**Summary of Fiscal Impact:** These regulations will not result in any significant impact to the State of Rhode Island. The majority of rabies control is handled at the municipal level. Animal Control Officers and City/Town personnel are responsible for enforcing animal control statutes and regulations as well as issuance of dog licenses. It will therefore not result in any fiscal impact to the state.

**City or Town Impact:** These regulations will predictably have a very minor impact on the municipal level. Current regulations limiting the duration of a rabies vaccine to two years, even when a product with a longer duration of immunity was used, created a situation where animals that were vaccinated more than two years previously, but still less than the duration of the product that was used were in a buffer or grace period so to speak. This means that if an animal in that stage of vaccine status had a rabies exposure, it would have been dealt with as a currently vaccinated animal. For example, a dog that had been bitten by a raccoon would have been required to get a booster shot, then it would have been held at home for observation. By extending the duration of immunity to reflect the exact duration as the product is labeled, the buffer or grace period is eliminated. Once an animal is overdue, it is truly overdue and will be dealt with accordingly. For example, an overdue dog that gets bitten by a raccoon is held in quarantine at the municipal pound for a minimum of six months. The cost of quarantine is the responsibility of the animal owner, as is maintaining the animal as a currently vaccinated animal. Nevertheless, the town will need to provide the resources to care for what is expected to be an increase in the number of animals for which a rabies quarantine is imposed.

Approved:

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Rosemary Booth Gallogly  
Executive Director/State Budget Officer

Date



February 2, 2010

**Economic Impact & Regulatory Flexibility Memo:**

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

To: Peter Dennehy, RI Department of Administration  
Sherri Lynn Carrera, RI Economic Development Corporation  
Kerry King, Office of the Governor

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

These regulations are necessary to ensure public health and animal health through the establishment of consistent rules regarding rabies. They represent adoption of new regulations that will supersede existing “*Rules and Regulations Governing Rabies Control Within the State of Rhode Island (1994)*” and “*Rules and Regulations Governing the Suppression of Rabies (1996)*.” Existing regulations had considerable overlap as well as several discrepancies. In addition to addressing those concerns, and perhaps the most significant reason for adopting these regulations, is to allow for rabies vaccination of dogs and cats to be required no more frequently than is stated on the rabies vaccine product label. Current regulations require that all dogs and cats be vaccinated a minimum of every two years. This requirement is inconsistent with many product labels that offer a proven longer duration of immunity. It is also not based in science and is inconsistent with CDC published guidelines for rabies vaccination. As written they should have a negligible effect on small business.

**Economic Impact:**

Per RIGL 42-35.1-4:

1. It is estimated that approximately 110 veterinary practices will experience a minor negative economic impact by requiring that dogs and cats be vaccinated less frequently than is required by current regulations. Rabies vaccination as a stand-alone procedure is not considered a significant profit center by most veterinary practices.
2. Compliance with these regulations will actually result in some relief to small businesses in regard to record keeping since vaccination is required less frequently, therefore records of vaccination will be generated at a slower pace.
3. These regulations should have a negligible effect on small business overall. Rabies vaccination will be required less frequently than is currently required. This change in requirement is consistent with public health standards. The effect of this change will be less profit associated with that procedure, but rabies

vaccination is not a high profit procedure. In fact, many animal owners do not have their animals vaccinated at private veterinary clinics but choose town sponsored discount rabies clinics. The decrease in revenue will be partially, if not completely, offset by the decrease in administrative costs associated with record keeping.

4. These regulations are designed to be less onerous on the public than current regulations. By being less onerous on the public, they have the consequence of having a small impact on veterinarian's gross income since they result in a decrease in the required frequency of rabies vaccination for their pets. However, this should have a negligible negative impact on veterinarian's net income.

### **Regulatory Flexibility:**

Per RIGL 42-35.1-4:

1. Less stringent compliance requirements for small businesses have been considered but would not be effective in achieving the goal of these regulations. These regulations are actually less stringent than the regulations that they will supersede. They will have the net effect of requiring dogs and cats to be less frequently vaccinated than current regulations, which, to the majority of the public will be less of a burden. Due to the fact that this compulsory procedure will be required less frequently, the providers of that service will necessarily perform them less frequently.
2. There are no deadlines for compliance or reporting associated with these regulations.
3. There is no consolidation necessary since there are no compliance or reporting requirements associated with these regulations.
4. There is no need to establish performance standards since these regulations will not result in modification of design standards, and potentially will have only minimal influence on operational standards of small businesses.
5. Very few small businesses will be affected by these regulations and those that are will only have minimal negative effects. The majority of citizens in the state that own dogs and cats will feel economic relief as a result of these regulations. It is impossible to exempt small businesses from the effects of these regulations since licensed veterinarians are the only entity legally capable of "officially" vaccinating dogs and cats in the state, and, these regulations will require less frequent vaccinations be administered. Licensed veterinarians will be the only small business within the state that will be affected by these regulations, but predictably, those effects will be minimal.

Ken Ayars

Chief, Division of Agriculture  
RI Department of Environmental Management