

STATE RABIES AND ANIMAL CONTROL STATUTES
(effective November 20, 2002)

TITLE IV of the state health law
RABIES

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§ 2140. Definitions.

For the purpose of this title:

1. "Actively immunized" shall mean that the animal has been injected with a rabies vaccine suitable to the species and which meets the standards prescribed by the United States department of agriculture for interstate sale and which was administered according to the manufacturer's instructions under the direction of a duly licensed veterinarian not later than the expiration date on the package. Active immunization shall begin fourteen days following primary vaccination or immediately following a booster vaccination, and continue for the period stated in the manufacturer's instructions.
2. "County" shall mean a county of the state other than those in the city of New York.
3. "County health authority" shall mean the county health agency.
4. "Domestic livestock" includes cattle, goats, horses, donkeys, mules, sheep, and swine.
5. "Certificate of immunization" shall mean a signed statement issued by the veterinarian containing the following information: name and address of the owner, date or dates of vaccination, type of vaccine administered and duration of immunity, amount and manner of administration, name of manufacturer of the vaccine, and the lot number and expiration date of the vaccine. The certificate of immunization for domestic livestock may include multiple animals. The system of identification applicable to the livestock is to be used.
6. "Owner" shall mean any person keeping, harboring, or having charge or control of, or permitting any dog, cat or domesticated ferret to remain on or be lodged or fed within such person's house, yard, or premises. This term shall not apply to veterinarians or other facilities temporarily maintaining on their premises dogs, cats or domesticated ferrets owned by others for periods of no more than four months or to the owner or occupant of property inhabited by a feral animal.
7. "Confinement and observation" refers to the conditions under which apparently healthy dogs, cats, domesticated ferrets, and domestic livestock, which are not exhibiting symptoms of rabies, must be maintained if such an animal has potentially exposed a person to rabies, and the owner wishes to avoid euthanizing and testing the animal. The ten day confinement and observation period must take place, at owner's expense, at an appropriate facility such as an animal shelter, veterinarian's office, kennel or farm for an animal not actively immunized against rabies at the time of the bite. County health departments may allow home confinements and observation for animals actively immunized. Confinement and observation includes verification by the county health authority or their designee both during and at the end of the ten day period that the animal cannot or has not escaped and has remained healthy.

8. "Quarantine" refers to a six month period of restriction for animals which are not actively immunized against rabies and have been exposed to a potentially rabid animal, in accordance with applicable regulations of the department. The quarantine must include provisions to prevent escape of the animal during the quarantine period and to minimize contacts with humans and other animals, and these provisions must be verified by the county health authority during and at the end of the six month period.

9. "Local residence", under the conditions hereinafter specified, shall mean any person who has his or her primary residence, secondary residence, vacation home or school within a county of the state of New York shall be deemed to have local residence in such county.

10. "Qualification on residence." Local residence shall not include residence:

- (a) as an inmate of any state or federal prison, or
- (b) on a military reservation.

11. "Initial treatment after human exposure to rabies" shall mean administration of the first postexposure dose of rabies vaccine and, when necessary, administration of rabies immune globulin.

12. "Animal control officer" shall mean one or more persons designated by the county health authority as having responsibility for animal control issues in the county. This responsibility may be delegated to others such as cities and towns, law enforcement agencies, animal shelters, or private nuisance control officers.

13. "Feral animal" shall mean any cat, dog or ferret that is born in the wild and is not socialized, is the offspring of an owned or feral cat, dog or ferret and is not socialized, or is a formerly owned cat, dog or ferret that has been abandoned and is no longer socialized.

§ 2141. Compulsory vaccination.

1. Every dog, cat and domesticated ferret shall be actively immunized against rabies in accordance with regulations promulgated by the commissioner. Every dog, cat and domesticated ferret shall have all initial vaccinations administered no later than four months after birth. Every dog, cat and domesticated ferret shall have a second vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. The veterinarian immunizing or supervising any person authorized by law to immunize such animal shall provide the owner with a certificate of immunization consistent with the requirements of section one hundred nine of the agriculture and markets law. The veterinarian immunizing or supervising any person authorized by law to immunize such animal shall provide any public health official with the certificate of immunization in any case involving a dog, cat or domesticated ferret which has been or may have been exposed to rabies or in any case of possible exposure of a person or another animal to rabies.

2. Subdivision one of this section shall not apply to any feral animal or any dog, cat or domesticated ferret:

- (a) that is transported through the state and remains in the state fifteen days or fewer;
- (b) confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals;
- (c) for which vaccination against rabies would adversely affect the animal's health, as determined by a licensed veterinarian; or
- (d) confined for the purposes of research to the premises of a college or other educational or research institution.

3. (a) Every veterinarian providing treatment to a dog, cat or domesticated ferret shall verify, in accordance with standards established by the commissioner, if such animal is actively immunized against rabies or is exempt under subdivision two of this section. If active immunization or exemption cannot be verified, the veterinarian shall immunize the animal at the owner's request.

- (b) If the animal is exempt from the provisions of subdivision one of this section, pursuant to paragraph (c) of subdivision two of this section, the veterinarian shall provide the owner of the dog, cat or domesticated ferret with a certified statement verifying that the animal is exempt from immunization because the immunization would adversely affect the health of the animal, and verifying the nature

and duration of such exemption. The certified statement shall be in a form prescribed by the commissioner and shall be consistent with the requirements of section one hundred nine of the agriculture and markets law. Medical exemptions are to be renewed on an annual basis.

4. The owning of a dog, cat or domesticated ferret by any person in violation of subdivision one of this section shall constitute a violation, and shall be subject to a fine not to exceed two hundred dollars for each offense.

§ 2142. Rabies; emergency provisions.

Whenever the commissioner confirms an outbreak of the disease rabies in terrestrial animals in any county or the vicinity thereof, the commissioner shall declare a rabies alert for that area and so certify to the county or local health authorities or any local health district contained therein. It shall be the duty of the health officials to immediately and annually thereafter publish a notice of the existence of the disease, together with a summary of the provisions of this title, in a newspaper generally circulated within the county or local health district, or to post notices in several conspicuous places, or both. Such certification shall remain in force until such time as the commissioner confirms that the outbreak is over.

§ 2143. Rabies; seizure and disposal; reports.

Whenever the commissioner certifies a county to have a rabies alert pursuant to section twenty-one hundred forty-two of this title, any duly appointed dog control officer, animal control officer, peace officer, police officer, or health officer for that area may seize and confine any dog, cat or domesticated ferret found at large and may destroy a dog, cat or domesticated ferret found at large that is exhibiting symptoms of rabies and cannot be seized without placing any person at serious risk of physical injury. Any duly appointed person who seizes, confines, or destroys a dog, cat or domesticated ferret pursuant to this section shall immediately report in writing the facts relating thereto to the county or local health authority.

§ 2144. Rabies; county responsibility.

Each county health authority is required to develop a rabies control protocol that identifies and coordinates all activities within the county to accomplish a comprehensive rabies response. The county health authority shall have responsibility for the implementation of the protocol, including the coordination of the response to rabies issues by other local agencies. This protocol must be approved by the department and revised and updated as directed by the department.

§ 2145. Rabies; services and expenses of suppression.

1. The county health authority is responsible for the services and expenses necessary for the suppression of human rabies. Suppression of human rabies shall include, but not be limited to:

- (a) availability at all times for prompt investigation of reports of possible exposures to rabies of people, pets, or domestic livestock occurring within the county, and to render authorization for human postexposure treatment,
- (b) making arrangements for appropriate disposition of the animals involved, including confinement and observation, quarantines, vaccination boosters, or euthanasia and testing,
- (c) collection, preparation and submission of animal specimens to a laboratory approved by the commissioner for rabies diagnosis,
- (d) verifying terms of confinement, observation and quarantines,
- (e) authorized human postexposure treatment under the conditions hereinafter specified, except that third party coverage or indemnification shall first be applied against the cost of treatment, and
- (f) operation of rabies vaccination clinics free of charge for dogs, cats and domesticated ferrets owned by persons with local residence.

2. Under the conditions specified below, the county health authority is responsible for authorized human postexposure treatment for all persons exposed within the county, regardless of the location of the person's residence; except in any case where the person's county of residence has agreed to be responsible for such

treatment in accordance with the provisions of this title. In addition, for persons with local residence who are exposed to rabies in New York city or out of state, the county health authority is responsible for that portion of treatment that occurs after such persons return to their local residences.

3. Human postexposure treatment specifically authorized by the county health authority shall be rendered by the provider or providers selected by the county health authority, located within the county or the vicinity thereof, and approved by the person's health insurance carrier or managed care plan if pre-approval is required by the health insurance carrier or managed care plan, provided that: (a) any person may, at his or her option, be treated at his or her own expense by the health care provider of his or her choice, (b) the county health authority may, at its option, assume financial responsibility for necessary treatment rendered by other providers, (c) the county shall authorize initial treatment from a provider or providers geographically accessible to the location of the exposed person at the time that treatment is determined to be necessary, and (d) the county shall authorize post-initial treatment from a provider or providers geographically accessible to the exposed person's residence if the person returns to his or her residence during the course of treatment.

4. Consent by any person to human postexposure treatment authorized by the county health authority shall constitute assignment of any third party health benefits to the county health authority and permission for the person's health care and insurance providers to release medical and financial information regarding the treatment to the county health authority.

5. Health care and insurance providers shall comply with any requests by the county health authority for information regarding human postexposure treatment rendered to an enrollee whose treatment was authorized by the county health authority.

6. Under the terms of this title, the county health authority is not responsible for: (a) services and expenses of human postexposure treatment that were not specifically authorized by the county health authority, except for completion of treatment for their residents exposed and started on rabies treatment in New York city or elsewhere outside of New York state, (b) services and expenses of medical treatment unrelated to the prevention of rabies infection such as wound suturing and measures to control bacterial infection of bite wounds, and (c) expenses of preexposure rabies vaccination.

7. A clinic for rabies vaccination for dogs, cats and domesticated ferrets of persons with local residence shall be conducted at least every four months within the county under the direction of the county government, by the health officials of the county and the several local health districts within a county. Donations may be requested but not required at the clinics. Any listing of costs in clinic announcements or advertisements must indicate that vaccinations are available free of charge, and that donations are optional. Counties may at their option provide vaccination clinic services to persons without county residence, and may require a fee based on cost from these persons.

8. Claims for services and expenses, approved by the county shall be paid by the fiscal officer of the county from funds in his or her custody upon presentation of such claim, without further or other audit or may be paid pursuant to the local finance law.

§ 2146. City of New York; exceptions.

The provisions of sections two thousand one hundred forty through two thousand one hundred forty-five of this title, inclusive, shall not apply to the city of New York.

General Business Law and Agriculture and Markets Law
(only those sections added or amended are included below)

A new Section 753(2-a) of the general business law

2-a. Every pet dealer who sells an animal required to be vaccinated against rabies, pursuant to section twenty-one hundred forty-one of the public health law, to a consumer shall provide the consumer at point of sale with a written notice, provided by the department of health, summarizing rabies immunization requirements.

Section 105-d of the agriculture and markets law

§ 105-d. Indemnification for rabies.

Each county shall be liable for damages resulting within the county to domestic animals from the disease known as rabies and indemnification therefor shall be made in the manner provided by this article. The term "domestic animals" as used in this article shall mean domesticated sheep, horses, cattle, swine and goats. Such indemnification shall not exceed the actual damage and shall in no event exceed the sum of five hundred dollars for each animal in the case of damage to horses or cattle, or one hundred fifty dollars for each animal in the case of damage to swine, goats or sheep, provided, however, that in the case of registered purebred bovine animals indemnification may be made in an amount not to exceed seven hundred dollars for each animal. The board of supervisors of each county shall have power to cause to be assessed, levied and collected in the same manner as other charges against the county, such sums of money as shall be necessary to pay indemnification on account of damages resulting from rabies as provided in this article.

Section 109 of the agriculture and markets law

(1)(a) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date, provided that any municipality, authorized to issue licenses pursuant to this article, which has a population not exceeding two thousand five hundred may, upon the approval of and pursuant to rules and regulations promulgated by the commissioner, establish a common renewal date for all such licenses.

(2)(c) The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

3. The clerk, authorized dog control officer or authorized pound or shelter manager, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk, authorized dog control officer or pound or shelter manager shall make or cause to be made from such statement a record of such information as may be required by the commissioner and shall file such record with a copy of the license.

**Revised Section 110(4)(c) and new Section 110(4)(d)
of the agriculture and markets law**

c. In addition to the fee charged pursuant to subdivisions one and two of this section, any person applying for a dog or purebred license shall pay a fee of three dollars for any dog four months of age or older which has not been spayed or neutered unless an owner presents with the license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this paragraph shall be forwarded by the commissioner to the state comptroller for deposit in the animal population control fund, created pursuant to section ninety-seven-xx of the state finance law and section one hundred seventeen-a of this article.

d. In addition to any other applicable fee, any person applying for a dog or purebred license for a dog identified as unlicensed during an enumeration conducted pursuant to subdivision seven of section one hundred fourteen of this article shall pay a fee of five dollars. Such additional fee shall be the property of the licensing municipality and shall be used to pay the expenses incurred by the municipality in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the municipality in conducting an enumeration in any year, such excess fees may be used by the municipality for any other lawful purpose.

Section 114 of the agriculture and markets law

7. The governing body of any municipality in which licenses are issued, may, either individually or in cooperation with other municipal entities, require its dog control officer or animal control officer or any other authorized agent to ascertain and list the names of all persons in the municipality owning or harboring dogs, or in lieu thereof, such municipality may contract to have the same done.

Chapter 115 of the laws of 1894

§ 3-a. In addition to the fee charged pursuant to sections one and two of this chapter, any person applying for a dog license shall pay a fee of three dollars for any dog four months of age or older which has not been spayed or neutered unless an owner presents with the license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reasons, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this section shall be forwarded to the state comptroller for deposit in the animal population control fund created pursuant to section 97-xx of the state finance law and section 117-a of the agriculture and markets law.