

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1274

5 By: Representatives Adcock, Pyle, Greenberg, L. Smith, Webb, House, Powers
6 By: Senator Bledsoe
7

For An Act To Be Entitled

10 AN ACT TO MODERNIZE ARKANSAS'S RABIES CONTROL
11 ACT; TO EMPOWER THE STATE BOARD OF HEALTH TO
12 ESTABLISH REASONABLE VACCINATION REQUIREMENTS
13 AGAINST RABIES; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO MODERNIZE ARKANSAS'S RABIES CONTROL
16 ACT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 20, Chapter 19, Subchapter 2 is
23 repealed.

24 ~~20-19-201. Municipal ordinances unaffected.~~

25 ~~This subchapter shall not displace any municipal ordinance in effect in~~
26 ~~any city which requires the vaccination of dogs and cats against rabies as~~
27 ~~frequently as one (1) time a year and which prescribes a penalty equal to the~~
28 ~~penalties prescribed in § 20-19-202(c) and (d) for failure to have dogs~~
29 ~~within the city vaccinated.~~

30
31 ~~20-19-202. Vaccination required.~~

32 ~~(a) All dogs and cats within the State of Arkansas shall be vaccinated~~
33 ~~at least one (1) time a year against rabies, and it is made the duty of all~~
34 ~~owners of dogs or cats or persons having the possession or control of dogs or~~
35 ~~eats within this state to have the animals vaccinated with vaccine against~~
36 ~~rabies in an amount, quantity, and quality to be approved by the State~~



1 Veterinarian.

2 (b) ~~However, this section shall not apply within cities or~~
3 ~~incorporated towns through which a state line runs when the adjoining state~~
4 ~~has no comparable law.~~

5 (c) ~~Any owner of any dog or cat or any person having the care and~~
6 ~~control of any dog or cat who fails to have the dog or cat vaccinated~~
7 ~~according to the terms of this subchapter shall be guilty of a violation and~~
8 ~~upon conviction shall be fined in any sum not less than five dollars (\$5.00)~~
9 ~~nor more than twenty five dollars (\$25.00) for each offense.~~

10 (d) ~~Any dog or cat termed a stray that is not vaccinated is subject to~~
11 ~~destruction.~~

12
13 20-19-203. ~~Administration.~~

14 (a) ~~For the purpose of carrying this subchapter into effect, the~~
15 ~~Arkansas Livestock and Poultry Commission is charged with the responsibility~~
16 ~~of making the rules and regulations and administering this subchapter with~~
17 ~~the approval of the Governor.~~

18 (b) ~~The charge for furnishing the vaccine and for the vaccination~~
19 ~~shall not exceed seventy five cents (75¢) per dog or cat, and without further~~
20 ~~charge for each vaccination, there shall be issued to the owner or person in~~
21 ~~charge of the dog or cat a certificate and metal tag showing the ownership of~~
22 ~~the dog or cat, the date of vaccination, and the general description of the~~
23 ~~animal.~~

24
25 SECTION 2. Arkansas Code § 20-19-302 is amended to read as follows:

26 20-19-302. Definitions.

27 As used in this subchapter:

28 (1) "Animal" means any animal other than dogs or cats which may
29 be affected by rabies;

30 (2) "Cats" includes all members of the feline family;

31 (3) "Dogs" includes all members of the canine family;

32 (4) "Has been bitten" means ~~has been seized with teeth or jaws,~~
33 ~~so that the skin of the person or thing seized has been nipped or gripped, or~~
34 ~~has been wounded or pierced, the skin has been penetrated by an animal's~~
35 ~~teeth and the term includes contact of saliva has contacted with any a break~~
36 or abrasion of the skin;

1 (5) "Owner" means any person who:
 2 (A) ~~having~~ Has a right of property in a dog or cat or other
 3 animal; ~~or~~
 4 (B) ~~who keeps~~ Keeps, ~~or harbors,~~ cares for, or acts as the
 5 custodian of a dog or cat or other animal, ~~or has it in his or her care, or~~
 6 ~~acts as its custodian;~~ or
 7 (C) ~~knowingly~~ Knowingly permits a dog or cat or other
 8 animal to remain on or about any premises occupied by him or her; and

9 (6) "Vaccination against rabies" means the injection,
 10 subcutaneously or otherwise, of canine antirabic vaccine, as approved by the
 11 United States Department of Agriculture or ~~State Veterinarian~~ the State Board
 12 of Health and administered by a licensed veterinarian or agent of the
 13 ~~Division of Health of the Department of Health and Human Services or the~~
 14 ~~State Veterinarian.~~

15
 16 SECTION 3. Arkansas Code § 20-19-304 is amended to read as follows:

17 20-19-303. Power of political subdivisions not limited –
 18 Applicability.

19 (a)~~(1)~~ ~~Nothing in this subchapter shall be held to~~ This subchapter
 20 does not limit in any manner the power of any municipality or political
 21 subdivision to prohibit dogs or cats or other animals from running at large
 22 whether or not they have been vaccinated against rabies as provided in this
 23 subchapter.

24 ~~(2)(b) Nothing in this subchapter shall be construed to~~ This
 25 subchapter does not limit in any manner the power of any municipality or
 26 other political subdivision to further control and regulate dogs or cats or
 27 other animals in such municipality or political subdivision.

28 ~~(b) The provisions of this subchapter will apply in all situations~~
 29 ~~where a municipality or political subdivision does not have an effective~~
 30 ~~rabies control act.~~

31
 32 SECTION 4. Arkansas Code § 20-19-305 is amended to read as follows:

33 20-19-305. Vaccination for dogs and cats required.

34 All dogs and cats shall be vaccinated against rabies annually ~~in~~
 35 ~~accordance with § 20-19-201 et seq.~~ or as required by the State Board of
 36 Health.

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SECTION 5. Arkansas Code § 20-19-307 is amended to read as follows:
20-19-307. Confinement of animal when person bitten.

(a)(1) Whenever the health authorities, county sheriff's office, or municipal police officers in cooperation with health authorities receive information that any person has been bitten by a dog or cat or other animal, these local public officials acting in cooperation shall have the dog or other animal confined and observed ~~by a licensed veterinarian.~~

(2) If there is no local facility available for confining the dog or cat or other animal, it shall be the owner's responsibility to make satisfactory arrangements or to prepare a facility for the purpose of confinement.

(b)(1) The offending dog or cat shall be confined for a period of ten (10) days by a veterinarian or owner or public pound.

(2)(A) All other species of animals are to be confined and observed for rabies in the same manner, except the time element will vary so as to compensate for the difference in the incubation period of the disease.

(B) This adjusted time element is to be determined by consultation with ~~the Division of Health of the Department of Health and Human Services~~ authorities.

(C) If there is no known incubation period, the animal may be euthanized and tested at the discretion of the Department of Health.

(3) The veterinarian, owner, or public pound management personnel shall notify the local public health authorities of the disposition of the dog or animal at the termination of the confinement.

(c)(1) Any confinement and observation expense incurred in the handling of any dog or cat or other animal under this subchapter shall be borne by the owner.

(2) If the dog or cat or other animal is a stray and has no owner, the confinement and observation expense shall be borne by the person bitten or, if a minor, by the head of the family.

SECTION 6. Arkansas Code § 20-19-308 is amended to read as follows:
20-19-308. Shipment to laboratory of head of animal suspected of being rabid.

~~(a)(1)~~ Any person causing the death of an animal, either wild or

1 domesticated, suspected of being rabid shall cause the head of the animal,
2 together with an affidavit stating that he or she has reasonable grounds to
3 believe that the animal was rabid, to be presented to the a county court
4 health unit of the county in which the animal was killed.

5 ~~(b)(1)(A) Whenever health and other public officials request~~
6 ~~commercial bus lines operating in the State of Arkansas to receive properly~~
7 ~~packaged small animal heads for transporting to the laboratory for~~
8 ~~examination for rabies and when a human life is in danger, it shall be~~
9 ~~unlawful for bus lines to refuse to transport these properly packaged small~~
10 ~~animal heads to the laboratory for examination.~~

11 ~~(B) Commercial bus lines failing, refusing, or neglecting~~
12 ~~to carry out the applicable provisions of this section shall be guilty of a~~
13 ~~violation and upon conviction shall be fined not less than five dollars~~
14 ~~(\$5.00) nor more than twenty five dollars (\$25.00) for each offense.~~

15 ~~(2)(A) The accepted method of packaging these severed animal~~
16 ~~heads shall be formulated and distributed by the Division of Health of the~~
17 ~~Department of Health and Human Services.~~

18 ~~(B) The division shall make arrangements to pick up these~~
19 ~~specimens at the bus terminal without delay.~~

20 ~~(C) The division shall develop a method of packaging that~~
21 ~~protects the patrons and bus company employees.~~

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