

SUBJECT: Quarantines, penalties for rabies control

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Berlanga, Hirschi, Coleman, Glaze, Janek, Maxey, McDonald, Rodriguez

0 nays

1 absent — Delisi

WITNESSES: For — Dr. Omar Garza, Hidalgo County

Against — None

On — Quirino Munoz and Pete Rodriguez, City of Edinburg; Jim Allison, County Judges and Commissioners Association of Texas; Dr. Keith Clark, Texas Department of Health; John Herron, Texas Parks and Wildlife Department.

BACKGROUND: Rabies is an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite. In July 1994 Gov. Ann Richards declared a state health emergency to combat rabies, and in January 1995 the Texas Board of Health declared a rabies quarantine throughout the state in response to an outbreak of canine rabies in South Texas. The Hidalgo County Health Department reported eight confirmed cases from November 1994 to January 1995.

The state quarantine forbids the transportation of a high risk animal across a county or state line. Animals considered high risk for rabies include wild animals such as coyotes, skunks, bats, foxes and raccoons; hybrid animals such as domestic dog-wolf crosses, and dogs and cats over three months old without a current rabies vaccination certificate.

In addition to the quarantine, two tractor-trailer loads of rabies vaccine-laced bait were dropped over a 19-county, 12,000-mile area from Maverick County between Eagle Pass and Laredo up to a line between San Antonio and Corpus Christi.

DIGEST: CSHB 721 would create new penalties for failure to vaccinate a dog or cat, for transporting dogs and cats without vaccination certificates and for transportation or sale of high-risk animals; require veterinarians to quarantine certain animals and limit the liability of veterinarians who impound animals suspected of having rabies. It would require counties to name a local rabies control authority instead of a local health authority. The bill would take effect immediately if approved by a two-thirds vote of the membership of each house.

An owner's failure to vaccinate a dog or cat under state law or city ordinance would be raised from a Class C misdemeanor (maximum penalty a \$500 fine) to a Class A misdemeanor (maximum penalty one year in jail and a \$4,000 fine). Transporting a dog or cat three months old or older without a vaccination certificate would be Class C. misdemeanor, unless the person was a veterinarian, a peace officer or animal control officer. Transportation or sale of high-risk animals across state or county lines would be a Class A misdemeanor, even if authorized by a state or federal agency.

Veterinarians and local rabies control authorities would be required to quarantine any animal in their possession that is known or suspected of being rabid or having exposed an individual to rabies. Veterinarians would be required to humanely destroy animals with clinical signs of rabies. Counties would be allowed to reimburse veterinarians for costs of quarantine and disposition.

SUPPORTERS SAY: The threat of rabies, a highly contagious, potentially fatal disease, warrants taking stringent control measures, including new penalties for persons who fail to take rabies control seriously. Rabies has killed four people in Texas since 1990, while 1,600 more have undergone rabies inoculations. Since 1988 about 600 animals ranging from coyotes to cows have been diagnosed with rabies.

CSHB 721 would designate a local rabies control official to serve as coordinator for local control measures to combat the spread of rabies. Creating a clear central authority would increase coordination and

communication for local efforts to arrest the spread of this infectious disease.

Pet owners who refuse to inoculate their animals against rabies pose an immediate and imminent health danger and should be held responsible for any harm to humans or animals that occur as a result of an animal not being vaccinated. Raising the penalty for not vaccinating an animal to a Class A misdemeanor, with a maximum penalty of one year in jail and a \$4,000 fine, would provide an additional incentive to pet owners to act responsibly.

Veterinarians and local health authorities need greater authority to quarantine an animal suspected of carrying rabies. Recently an Edinburg veterinarian who suspected an animal of having rabies was forced to surrender the animal to its owners. The owners, who insisted on taking the animal home with them, both were eventually infected with rabies. CSHB 721 would require veterinarians to quarantine animals suspected of carrying the disease and would give veterinarians and local health authorities the power to do so.

CSHB 721 would help contain the spread of rabies by outlawing the transport or sale of any high-risk animal across county, state or national boundaries. This bill would supersede any permit from the Texas Parks and Wildlife Department, United States Department of Agriculture or any other state or federal agency permit.

**OPPONENTS
SAY:**

The designation of a local rabies control authority is unnecessary as the law already requires counties to have a county or municipal health officer or a local animal control officer.

Raising the penalty for not vaccinating an animal would allow judges to sentence violators to up to one year in jail and a \$4,000 fine. Jails were not made for pet owners who fail to inoculate their pets. The state should save the jail space for real criminals and impose more appropriate penalties on pet owners, such as the current maximum penalty of a \$500 fine.

The bill might discourage some owners from taking uninoculated pets to their veterinarians for medical treatment, out of fear of having the animal

kept for a quarantine or destroyed. At the very least the term of these quarantines should be limited.

The provision relating to the sale and transport of high-risk animals would be impossible to enforce. Families taking their pets on vacation across county lines could be subject to criminal penalties.

OTHER
OPPONENTS
SAY:

The section relating to the sale and transport of high risk animals should be limited only to the areas that are under the greatest threat for the spread of rabies, not the entire state.

NOTES:

The committee substitute designates the local rabies control authority, and not the local health authority, as the entity responsible for carrying out rabies-control provisions.

The substitute also eliminated a requirement that an owner carry a vaccination certificate in the transporting vehicle. Instead, the substitute would require only that the owner be able to prove, with a valid certificate, that the animal has been vaccinated. In addition, the substitute requires all owners who transport animals to be able to provide such proof, not just those transporting animals across county lines, as the original bill stipulated. Persons who handle strays as part of their jobs are exempted from this requirement under the substitute. The minimum age of the animals affected by the transport provision is lowered from four months in the original bill to three months in the substitute.

Also on today's calendar is HB 669 by Gutierrez, which, like HB 721, would require veterinarians to submit for quarantine an animal the veterinarian knows or suspects is rabid or that has exposed an individual to rabies.