

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 599. ZONOTIC DISEASE CONTROL**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:599-1-2. Definitions [AMENDED]
- Subchapter 3. Rabies Control
- 310:599-3-1. Management of dogs, cats, or ferrets that bite a person [AMENDED]
- 310:599-3-2. Supervising veterinarian's responsibility [AMENDED]
- 310:599-3-5. Vaccinated domestic animals exposed to a rabid animal [AMENDED]
- 310:599-3-6. Unvaccinated domestic animals exposed to a rabid animal [AMENDED]
- 310:599-3-9. Administration of rabies vaccine [AMENDED]

SUMMARY:

The proposal updates the existing rules in accordance with recommendations from the National Association of State Public Health Veterinarians, the Centers for Disease Control and Prevention, and the American Veterinary Medical Association pertaining to animal rabies prevention and control.

The proposal will primarily update Subchapter 3, Rabies Control, to align with new scientific findings which indicate that dogs and cats with an out-of-date rabies vaccination status that are exposed to a rabid animal can be effectively managed by immediate vaccination booster and observation for 45 days similar to the method currently in place for management of currently vaccinated dogs, cats and ferrets that are exposed to a rabid animal (JAVMA, Vol 246, No. 2, January 15, 2015). It has been fifteen years since these rules were implemented; therefore, minor revisions to the regulations are also needed to update sections for alignment with current national guidance on animal rabies control and changes in animal rabies vaccine products.

With these changes, the Oklahoma State Department of Health anticipates minor cost savings for animal control departments and other persons who are charged with enforcement of the rules due to the reduced time period of observation and degree of follow up needed for dogs and cats with an overdue rabies vaccination status that are exposed to a rabid animal. Some Oklahoma pet owners will benefit from the proposal due to a reduction of emotional and financial costs because fewer dogs and cats exposed to a rabid animal will be required to be euthanized or undergo a six (6) month veterinary supervised quarantine.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; Title 63 O.S. Section 1-508

COMMENT PERIOD:

October 17, 2016, through November 17, 2016. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through November 17, 2016, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 17, 2016, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through November 17, 2016, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kristy Bradley, State Epidemiologist, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-7637, e-mail KristyB@health.ok.gov

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 599. ZOONOTIC DISEASE CONTROL [AMENDED]

1. **DESCRIPTION:** *(a brief description of the purpose of the proposed rule [75 O.S. §303.D.2(a)]):*

The proposal updates the existing rules in accordance with recommendations from the National Association of State Public Health Veterinarians, the Centers for Disease Control and Prevention, and the American Veterinary Medical Association pertaining to animal rabies prevention and control.

The proposal will primarily update Subchapter 3, Rabies Control, to align with new scientific findings which indicate that dogs and cats with an out-of-date rabies vaccination status that are exposed to a rabid animal can be effectively managed by immediate vaccination booster and observation for 45 days similar to the method currently in place for management of currently vaccinated dogs, cats and ferrets that are exposed to a rabid animal (JAVMA, Vol 246, No. 2, January 15, 2015). It has been fifteen years since these rules were implemented; therefore, minor revisions to the regulations are also needed to update sections for alignment with current national guidance on animal rabies control and changes in animal rabies vaccine products.

With these changes, the Oklahoma State Department of Health anticipates minor cost savings for animal control departments and other persons who are charged with enforcement of the rules due to the reduced time period of observation and degree of follow up needed for dogs and cats with an overdue rabies vaccination status that are exposed to a rabid animal. Some Oklahoma pet owners will benefit from the proposal due to a reduction of emotional and financial costs because fewer dogs and cats exposed to a rabid animal will be required to be euthanized or undergo a six (6) month veterinary supervised quarantine.

2. **DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:** *(a description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities [75 O.S. §303.D.2(b)]):*

Classes of persons affected by the proposed rule include pet owners, animal control officers, veterinarians, and public health employees charged with implementation and enforcement of the state's rabies control regulations. No increased costs associated with the proposed rule changes are anticipated. The Oklahoma State Department of Health (Department) does not receive any revenues related to animal bite management or rabies control. The public is requested to report any unanticipated costs during the comment period.

3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:** *(a description of the classes of persons who will benefit from the proposed rule [75 O.S. §303.D.2(c)]):*

Some Oklahoma pet owners will benefit from the proposed changes to the rule due to a reduction of emotional and financial costs because fewer dogs and cats exposed to a rabid animal will be required to be euthanized or undergo a 6-month veterinary supervised quarantine. Minor cost savings are anticipated for those classes of persons who are charged with enforcement of the regulations due to the reduced time

period of observation and degree of follow up needed for dogs and cats with an overdue rabies vaccination status that are exposed to a rabid animal.

4. **ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:** *(a description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change [75 O.S. §303.D.2(d)]):*

The economic impact, if any, resulting from the proposed rule revisions will be cost savings. The Department does not charge or collect any fees associated with zoonotic disease control. The public is requested to report any unanticipated costs during the comment period.

5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:** *(the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency [75 O.S. §303.D.2(e)]):*

The cost to the Department to implement the amendments will be approximately \$[4,419.63] to cover the costs of rule drafting, adoption, publication, distribution, and education. The proposed rules will be implemented and enforced by existing Department personnel and will have no anticipated effect on state revenues.

6. **IMPACT ON POLITICAL SUBDIVISIONS:** *(a determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule [75 O.S. §303.D.2(f)]):*

The Department anticipates no economic impact on any political subdivisions. The public is requested to report any unanticipated costs during the comment period.

7. **ADVERSE EFFECT ON SMALL BUSINESS:** *(a determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act [75 O.S. §303.D.2(g)]¹²)*

The Department anticipates no economic impact on small businesses. The public is requested to report any unanticipated costs during the comment period.

8. **EFFORTS TO MINIMIZE COSTS OF RULE:** *(an explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule [75 O.S. §303.D.2(h)]):*

¹ **75 O.S. § 502.** As used in the Oklahoma Small Business Regulatory Flexibility Act:

4. "Small business" means a for-profit enterprise consisting of fifty or fewer full-time or part-time employees.

² **75 O.S. § 504(B).** If the proposed rules may have an adverse economic effect upon small business, the agency shall submit a copy of the proposed rules and a rule impact statement to the Small Business Regulatory Review Committee for its review and comment pursuant to the review and comment provisions of paragraph 2 of subsection A and paragraph 6 of subsection B of [Section 303](#) of this title.

The proposed rule changes are anticipated to result in a decrease of compliance costs associated with management of a dog, cat, or ferret exposed to a rabid animal to prevent the further transmission of this zoonotic disease to other animals or people. These proposals are determined to be the least intrusive methods needed by the Department to assure the public is protected from rabies.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:** *(a determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk [75 O.S. §303.D.2(i)]):* There will be no change in the level of risk of rabies transmission to the public resulting from the adoption of the proposed rule.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:** *(a determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented [75 O.S. §303.D.2(j)]):*

The Department will lose an opportunity to align its policies and procedures for rabies control by the least intrusive means necessary, and according to the most current scientific information available, if the proposed rule is not adopted and implemented.

11. This rule impact statement was prepared on January 5, 2016. Modifications made subsequent to the publication of the *Notice of Rulemaking Intent* were made on:_____. *(the date the rule impact statement was prepared and if modified, the date modified [75 O.S. §303.D.2(k)]).*

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 599. ZOO NOTIC DISEASE CONTROL**

SUBCHAPTER 1. GENERAL PROVISIONS

310:599-1-2. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Animal" means any warm-blooded mammal.

"Cat" means any *Felis catus*.

"Currently vaccinated" means properly immunized by or under the supervision of a licensed veterinarian with an antirabies vaccine licensed and approved by the United States Department of Agriculture for use in that animal species, or meeting conditions specified in OAC 310:599-3-8. Vaccine must have been given at appropriate time interval(s) for the age of the animal and type of vaccine administered. Within 28 days after initial vaccination, a peak rabies antibody titer is expected, and the animal is considered immunized. Regardless of the age of the animal at initial vaccination, a booster vaccination should be administered one year later, then at appropriate time intervals based on the type of vaccine administered.

"Department" means the Oklahoma State Department of Health.

"Department designee" means an employee of the Oklahoma State Department of Health, or a county health department, who is acting within their scope of rabies control authority designated through the Commissioner of Health.

"Dog" means any *Canis familiaris*, excluding hybrids.

"Domestic animal" means a companion animal including dogs, cats, and ferrets; an equine animal; or a livestock animal.

"Euthanize" means the humane killing of an animal generally performed by a veterinarian, or personnel at an animal control facility under the indirect supervision of a veterinarian.

"Exposure to rabies" means a bite or introduction of saliva or neural tissue into open cuts in skin, or onto mucous membranes~~physical contact with the saliva or other potentially infectious tissues from~~ by an animal confirmed or suspected of being infected with rabies.

"Ferret" means any *Mustela putorius furo*.

"First party ownership" means a situation where the owner of a biting animal is directly related to the bite victim, that is parent-child, sibling-sibling, grandparent-child; or when the legal residence of the animal owner and the bite victim are the same.

"Home quarantine" means confinement and observation of an animal allowed at the animal owner's property for a specified time period, where one of the following acceptable methods of confinement for a dog are used: (a) complete indoor housing, (b) caging or kenneling in an enclosure with a securely latched door, or (c) yard confinement with perimeter fencing that the dog is unable to climb over or dig under. Acceptable methods of confinement for a cat or ferret are: (a) complete indoor housing, or (b) caging in an enclosure that prevents escape. The animal's needs for ambient temperature control, water, nutrition, elimination, and space to comfortably stand up and lie down must be adequately provided by the selected confinement method. Should the animal exhibit neurologic signs, die, or disappear during the specified period, an Oklahoma licensed veterinarian and the Department shall be immediately notified.

"Hybrid" means an offspring of wild animals crossbred to domestic dogs or cats; considered

to be wild animals in the enforcement of OAC 310:599.

"Quarantine" means physical confinement of an animal during a specified time period when the animal is monitored for the development of disease. During this time period, the animal is prevented from having contact with other animals, and human contact is limited to as few caretakers as possible.

"Rabies" means an acute disease of humans and warm-blooded mammals caused by the rabies virus (genus *Lyssavirus*) that affects the central nervous system and is almost always fatal.

"Recognized animal control facility" means any facility operating for the purpose of stray animal control and/or animal welfare that is under contract or letter of agreement which identifies a licensed veterinarian responsible for animal quarantines.

"Recognized zoological park" means any member of the American Association of Zoological Parks.

"Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery. [4 O.S. Supp. 1991, § 44 (3)]

"Wild animal" means an animal considered as wildlife; any animal not normally adapted to live in intimate association with humans nor raised for consumption by humans.

"Zoonotic disease" means a disease that is transmissible from animals to humans under natural conditions.

SUBCHAPTER 3. RABIES CONTROL

310:599-3-1. Management of dogs, cats, or ferrets that bite a person

(a) Any person or entity owning, harboring, or keeping a dog, cat or ferret which in the preceding ten (10) days has bitten any person, shall upon receipt of written notice by the local animal control authority or Department designee, place such animal in quarantine under the supervision of a licensed veterinarian for a period of ten (10) days from the date the person was bitten. The impoundment and observation of the dog, cat, or ferret shall be conducted at the veterinarian's facility, or a recognized animal control facility. Unvaccinated animals shall be vaccinated against rabies on the final day of the ten (10) day observation period prior to discharge from the veterinarian's supervision.

(b) Exceptions to this rule include the following circumstances:

(1) Dogs, cats, or ferrets involved in a first party ownership may be allowed to be placed in a home quarantine for a ten (10) day period immediately following the bite.

(2) Dogs, cats, and ferrets meeting the criteria of currently vaccinated against rabies, and not inflicting a severe injury, shall be placed in a home quarantine until the end of a 10 day period from the bite. In some instances, a certification of animal health obtained after examination by a licensed veterinarian on the tenth day may be required by the Department or local animal control authority.

(3) Animals in service to the blind or hearing-impaired, and search and rescue dogs or other animals used for police enforcement duties shall be exempt from the quarantine when a bite exposure occurs and proper record of immunization against rabies is presented. A certification of animal health obtained after examination by a licensed veterinarian at the end of 10 days may be required by the Department.

(4) Stray or unwanted dogs, cats, or ferrets that have bitten any person may either be

quarantined for ten (10) days at a veterinary facility or a recognized animal control facility; or immediately euthanized and the brain tissue submitted to the Oklahoma State Department of Health Public Health Laboratory for rabies testing. Upon successful completion of the ten (10) day period, a stray animal may be placed for adoption at the discretion of the animal control authority.

(5) Dogs, cats, and ferrets that bite a veterinarian or staff member under their supervision during a routine examination or elective procedure may be considered eligible for home quarantine if the bite victim and owner agree the animal will be examined by a licensed veterinarian at the end of the ten (10) day period from the bite to confirm the animal's health status.

~~(5)~~ (6) In rare instances, other good and valid health reasons of the owner or animal may be considered for justification to home quarantine (e.g., a bitch with a litter of very young puppies, an animal with a contagious disease, etc.). Approval for home quarantine will be determined by the Department or its designee.

310:599-3-2. Supervising veterinarian's responsibility

It shall be the duty of the veterinarian in whose supervision the dog, cat, or ferret is placed to keep the animal isolated and secured in a separate cage or kennel and under observation for any symptoms of rabies. The veterinarian shall report immediately to the Department designee any changes occurring in the condition of the dog, cat, or ferret. In the event the animal being observed dies, or develops rabies-like symptoms within the specified period of confinement, the head of the animal shall be removed immediately and packed in a shipping container in accordance with instructions published on the rabies laboratory form, ODH Form 460, and sent to the Oklahoma State Department of Health Public Health Laboratory, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1299, for rabies testing.

310:599-3-5. Vaccinated domestic animals exposed to a rabid animal

Any domestic animal which is currently vaccinated against rabies and is exposed to a rabid animal shall be re-vaccinated within three (3) days of notification and isolated, by leashing or confinement under the owner's supervision, for a period of at least forty-five (45) days from exposure date.

310:599-3-6. Unvaccinated domestic animals exposed to a rabid animal

(a) Any dog, cat, or ferret ~~which is not currently~~ that has never been vaccinated against rabies and is exposed to a rabid animal shall be:

(1) Euthanized immediately either by a veterinarian of the owner's choice, or the local animal control officer ~~or his/her agent~~; or

(2) Placed in strict quarantine and observed for a period of four (4) months for dogs and cats or six (6) months for ferrets under the supervision of a licensed veterinarian, either at a veterinary facility or a recognized animal control facility. The exposed animal shall be immediately vaccinated against rabies upon entry into quarantine and then given booster vaccinations at the third and eighth week of the quarantine period. Animals less than 16 weeks of age at the time of entry into quarantine may be required to receive a booster vaccine in addition to the above protocol.

(b) Any dog or cat that is overdue for a booster vaccination, and has documentation of receiving

a USDA-licensed rabies vaccine at least once previously by or under the supervision of a licensed veterinarian, shall be re-vaccinated and isolated, by leashing or confinement under the owner's supervision, for a period of at least 45 days from exposure date. Ferrets that are overdue for rabies booster vaccination shall be evaluated on a case-by-case basis by the Department, taking into consideration factors such as the severity of exposure, time elapsed since last vaccination, number of previous vaccinations, and current health status to determine the need for euthanasia or immediate booster vaccination and isolation for a period of at least 45 days from exposure date.

(c) Any dog or cat that is overdue for a booster vaccination and without appropriate documentation of having received a USDA-licensed rabies vaccine at least once by or under the supervision of a licensed veterinarian shall be:

(1) Treated as unvaccinated by the Department and either euthanized as described in (a) of this section; or

(2) Immediately given a booster vaccination and placed in strict quarantine for a period of four months under the supervision of a licensed veterinarian; or

(3) Prior to booster vaccination, the owner may work with the licensed veterinarian to conduct prospective serologic monitoring. Serologic monitoring shall include collecting paired blood samples to document prior vaccination by providing evidence of an anamnestic response to booster vaccination. If an adequate anamnestic response is documented, the animal can be considered to be overdue for booster vaccination as described in (b) of this section. If there is inadequate anamnestic response, the animal is considered to have never been vaccinated and managed as described in (a) of this section.

(d) Any livestock or equine animal which is not currently vaccinated and is exposed to a rabid animal will be managed according to the most current Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc. and any State Department of Agriculture guidelines that may apply.

310:599-3-9. Administration of rabies vaccine [AMENDED]

(a) It is prohibited for anyone to administer rabies vaccine to any animal unless said vaccine is licensed for use in the particular animal species in question. Exceptions to this include:

(1) The vaccination of wolf-dog hybrids with a rabies vaccine approved for dogs; or

(2) Use at recognized nonprofit zoological parks, or research institutions; or

(3) Special approval by the Commissioner of Health permitting the vaccination in a particular species where the preponderance of scientific literature suggests vaccine efficacy, and vaccine usage is determined to protect public health and safety.

(b) Animals vaccinated per these exceptions will still be considered as a wild animal species if involved in a bite to a person, and will be handled according to OAC 310:599-3-4.

(c) Rabies vaccines presently licensed are listed in the most current Compendium of Animal Rabies Control published annually by the National Association of State Public Health Veterinarians. ~~Copies shall be available from the Communicable Disease Division, Oklahoma State Department of Health, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1299.~~