

Legislative Regulation Review Committee

2009-011a

Department of Agriculture

CONTROL OF RABIES IN PUBLIC SETTINGS

Summary of the revisions to the Connecticut Department of Agriculture's proposed regulation Concerning the Control of Rabies in Public Settings

Note: There is no change in the original fiscal impact estimate as a result of these changes in the agency's submission.

- 1) The agency adopted and integrated the seven technical corrections with deletions outlined by the Legislative Commissioner's Office in the March 12, 2009 memorandum submitted to the Committee.

- 2) In section 22-359-1(7) the definition of "Public setting" was changed from, "... any event, facility or premise at which the public is invited *or* allowed to have direct physical contact with the animals..." to "...any event, facility or premise at which the public is invited *and* allowed to have direct physical contact with the animals..."
This change, suggested by a member of the Committee was accepted to tighten and clarify the definition. In addition, pet stores were removed as an example of a public setting from the definition. It should be noted that the list is not exclusive and while pet stores are not specifically mentioned the Department considers pet stores as being in a public setting.

- 3) Section 22-359-4(1) was reworded after negotiations with representatives of the Pet Industry Joint Advisory Council (PIJAC). The original submission required that animals be documented as being born and raised exclusively indoors in order to be exempt from the regulation. The new language requires that the animals be documented as being born, raised and kept in a manner that prohibits direct physical contact with wildlife to qualify for exemption from sections 22-359-2 and 22-359-3 of the regulation. The Department has been assured that while not always indoors, animals at USDA licensed facilities are prevented from coming into direct physical contact with wildlife by other means.

- 4) Section 22-359-4(3) is a new addition to the regulation arrived at jointly with representatives of PIJAC. In order to qualify for exemption from sections 22-359-2 and 22-359-3 of this regulation the animals must be bred at a United States Department of Agriculture licensed facility, be documented as being raised and kept in a manner that prohibits direct physical contact with wildlife and once in a pet store, not allowed to mingle with animals that may have had direct physical contact with wildlife.

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REGULATION

of

NAME OF AGENCY

DEPARTMENT OF AGRICULTURE

Concerning

SUBJECT MATTER OF REGULATIONS

Control of Rabies in Public Settings

(NEW) Section 22-359-1 Definitions.

As used in Sections 22-359-1 to 22-359-5, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Animal" means any warm blooded creatures, including bats.
- (2) "Commissioner" means the Commissioner of Agriculture or the Commissioner's designated agent.
- (3) "Controlled situation" means a public setting in which an animal is under the control of a handler and persons having direct physical contact with such animal can be readily identified and contacted if a rabies exposure incident occurs.
- (4) "Currently vaccinated" means an animal was vaccinated against rabies and is considered immunized based on administration of the primary vaccination at least 30 days previously or immediately after a booster vaccination and vaccinations have been administered in accordance with licensed rabies vaccine label directions.
- (5) "Licensed rabies vaccine" means a vaccine against rabies for certain species of animals licensed by the United States Department of Agriculture for use in such species and marketed in the United States.
- (6) "Not currently vaccinated" means an animal for which there is no licensed rabies vaccine or an animal for which there is a licensed rabies vaccine but such animal is under the minimum age to be vaccinated against rabies or does not satisfy the requirements of "currently vaccinated" as defined in subdivision (4) of this section.
- (7) "Public setting" means any event, facility or premise at which the public is invited and allowed to have direct physical contact with animals. Public settings include but are not limited to fairs, animal exhibitions, petting zoos, municipal pounds, animal shelters, nature centers, riding stables, pony rides, and educational programs.
- (8) "Rabies" means an infection of the central nervous system of mammals caused by viruses in the Rhabdovirus family that typically results in death.
- (9) "Uncontrolled situation" means a public setting at which persons have direct physical contact with an animal and such persons cannot be readily identified or contacted if a rabies exposure incident occurs.
- (10) "Vaccinated" means an animal was vaccinated against rabies in accordance with licensed rabies vaccine label directions.

(NEW) Section 22-359-2. Animals for which there is a licensed rabies vaccine. Exceptions.

- (1) No animal for which there is a licensed rabies vaccine may be in a public setting without being currently vaccinated for rabies.
- (2) Animals under the minimum age to be vaccinated, vaccinated animals offered for sale or adoption and animals residing in municipal pounds shall be exempt from the provisions of this section.

(NEW) Section 22-359-3. Animals not currently vaccinated.

- (1) Written records shall be kept by the owner, keeper, or handler of any animal not currently vaccinated for rabies that is present in a public setting in a controlled situation. The written records shall include contact information for all persons having direct physical contact with such animal, including the names, addresses and telephone numbers of such persons and the date of contact. Such records shall be maintained for a period of six months and shall be made immediately available to the Commissioner upon request.
- (2) Any animal not currently vaccinated for rabies that is present in a public setting in an uncontrolled situation shall be separated from the public by sufficient means to avoid direct contact between people and animals, such as a double fence, plexiglas, or other device to avoid direct contact between people

STATE OF CONNECTICUT
REGULATION

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and animals as determined by the Commissioner, or a conspicuous sign shall be posted near the animal enclosure stating "CONNECTICUT RABIES ADVISORY NOTICE – DO NOT FEED OR TOUCH ANIMALS".

(NEW) Section 22-359-4. Exemptions.

- (1) Mice, rats, gerbils, hamsters, guinea pigs, and rabbits and any other animal in a public setting considered low risk for rabies transmission by the Commissioner which can be documented as being born and exclusively raised and kept in a manner that prohibits direct physical contact with wildlife are exempt from the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies.
- (2) Birds, reptiles and amphibians shall be exempt from the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies.
- (3) Animals which were bred at facilities licensed by the United States Department of Agriculture, and which can be documented as being born and exclusively raised and kept in a manner that prohibits direct physical contact with wildlife, and have at no time been co-mingled with animals that may have had direct physical contact with wildlife, are exempt from the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies.

(NEW) Section 22-359-5. Penalty.

The Commissioner may impose civil penalties for any violation of the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies in accordance with the provisions of Connecticut General Statutes section 22-7.

Statement of Purpose

The purpose of the proposed regulations is to protect public health by providing the Commissioner with the authority to institute such measures as he deems necessary to prevent the transmission of rabies associated with animals in public settings, including, but not limited to, fairs, shows, exhibitions, petting zoos, riding stables, farm tours, pet shops and educational exhibits.

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section _____ of the General Statutes.

Section 22-359 of the General Statutes, as amended by Public Act No. 105 of the 2006 Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on, April 3, 2007 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on 22nd day of August, 2007

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____, _____.

In Witness Whereof:	DATE 6/23/09	SIGNED (Head of Board, Agency or Commission) <i>F. Philip Ball</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner, Dept. of Agriculture
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Approved by the Attorney General as to legal sufficiency In accordance with Sec. 4-169, as amended, C. G. S. :	SIGNED <i>W. B. ...</i> 6/29/09	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance With Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications
In accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY
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INSTRUCTION

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capitol letters and deleted language in brackets. Section 4-170 of the General Statutes.