

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 898

SPONSOR: Health Care Committee and Senator Rich

SUBJECT: Rabies Vaccination

DATE: April 16, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mayfield</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
2.	<u>Munroe</u>	<u>Wilson</u>	<u>HE</u>	<u>Fav/CS</u>
3.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute (CS) revises the requirements for dogs, cats, and ferrets 4 months of age or older to be vaccinated by a licensed veterinarian against rabies to specify that the vaccine must be licensed by the United States Department of Agriculture for use in dogs, cats, and ferrets. The CS requires the owner of each dog, cat, and ferret to have the animal vaccinated 12 months after the initial vaccination and, thereafter, the interval between vaccinations must conform to the vaccine manufacturer's directions.

The CS requires each animal control authority and veterinarian to use Form 51, "Rabies Vaccination Certificate," of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government, which contains all the information required by NASPHV Form 51. The veterinarian who administers a vaccination as required under s. 828.30, F.S., may affix his or her signature stamp in lieu of an actual signature on the rabies vaccination certificate. The CS deletes the statutory requirements for the information that must be contained on the rabies vaccination certificate to conform to the use of the NASPHV Form 51.

The CS prohibits a local government from establishing requirements that would mandate revaccination of currently vaccinated animals, except for instances involving postexposure treatment of rabies.

The CS provides legislative findings regarding rabies vaccination.

This CS amends s. 828.30, Florida Statutes, and creates one unnumbered section of law.

II. Present Situation:

Rabies Control and Prevention in Florida

Rabies is a fatal viral zoonosis, a disease that can be transmitted from animals to man, and is a serious public health problem.¹ Rabies is transmitted when the virus is introduced into bite wounds, open cuts in skin, or onto mucous membranes from saliva. Rabies in humans may be prevented by eliminating exposures to rabid animals or providing exposed persons with prompt local treatment. A total of 73 human cases of rabies have been reported as acquired in Florida. The last case of rabies acquired in Florida occurred in 1948.²

Chapter 381, F.S., authorizes the Department of Health to administer and enforce laws and rules relating to sanitation, control of communicable diseases, illness and hazards to health among humans and from animals to humans, and the general health of the people of Florida. Under administrative rules, the Department of Health requires animal bites to humans by a potentially rabid animal to be reported to the county health officer; establishes authority for quarantine, and specifies conditions for the transportation and removal of quarantined persons and animals; and outlines procedures for preventing rabies in humans, managing animals involved in bite incidents and declaring area-wide quarantines.

Chapter 474, F.S., provides for the regulation of the practice of veterinary medicine. Section 474.203(5), F.S., provides that only a veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance.

Section 828.30(1), F.S., requires all dogs, cats, and ferrets to be vaccinated by a Florida-licensed veterinarian against rabies with a United States Government-approved vaccine. The cost of the vaccination must be borne by the animal's owner. Section 828.30, F.S., provides that a dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits. Upon vaccination against rabies, the licensed veterinarian must provide the animal's owner and the animal control authority with a rabies vaccination certificate which must contain at least the following information:

- The license number of the administering veterinarian;
- The name, address, and phone number of the veterinarian and owner;
- The date of vaccination;
- The expiration date of the vaccination;
- The species, age, sex, color, breed, weight, and name of the animal vaccinated;
- The rabies vaccine manufacturer;
- The vaccine lot number and expiration date;
- The type and brand of vaccine used;

¹ See Rabies. In: Chin J, ed. Control of Communicable Diseases Manual, 17th ed. Washington, D.C.: American Public Health Association, 2000:411-419 as cited in *Compendium of Animal Rabies Prevention and Control*, 2005.

² See Rabies Prevention and Control in Florida, 2003, Florida Department of Health.

- The route of administration of the vaccine; and
- The signature or signature stamp of the licensed veterinarian.

Beginning March 1, 1999, each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

Under s. 828.30, F.S., an animal owner's name, street address, phone number, and animal tag number contained in a rabies vaccination certificate provided to the animal control authority is exempt from the Public Records Law. However, any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease or the physician of such person; a veterinarian who is treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or the owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease must be provided with any information contained in a rabies vaccination certificate, but only with respect to the particular animal biting, scratching, or otherwise causing exposure. Any person with an animal tag number may receive vaccination certificate information with regard to that animal. Law enforcement and prosecutorial agencies, other animal control authorities, emergency and medical response and disease control agencies, or other governmental health agencies must be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies, however, the receiving agencies and authorities must not release the exempt information.

A violation of s. 828.30, F.S., is a civil infraction, punishable as provided in s. 828.27(2) F.S. Section 828.30, F.S., does not prohibit or limit municipalities or counties from enacting requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies-control ordinances.

Under ch. 585, F.S., the Division of Animal Industry is authorized to establish, maintain, and enforce quarantine areas within Florida, or the entire state to protect animals in Florida.

In Florida, local animal control includes: coordination of licensure programs; enforcement of vaccination requirements; initiation of home quarantine; and provision of quarantine of animals for which home quarantine is not suitable. Local animal control authorities may share responsibilities with the county health department.

National Association of State Public Health Veterinarians

The NASPHV began in 1953 as the Association of State and Territorial Public Health Veterinarians (ASTPHV). It was organized as an independent affiliate of the Association of State and Territorial Health Officers (ASTHO), which is the national organization of the State Directors of Health. The primary function of ASTPHV was to help direct and develop uniform public health procedures involving zoonotic disease in the United State and its territories.³ The ASTPHV promoted veterinarians in public health positions by influencing the Centers for Disease Control to accept more veterinarians as Epidemic Intelligence Service officers, and encouraging state health departments to maintain public health veterinarians on staff. Epidemiologic research on rabies at that time was very active and population control of foxes

³ See NASPHV's website <<http://www.nasphv.org>>.

was being tested. During this period, ASTPHV adopted a National Standard Rabies Vaccination Certificate for animals that is still used today.

The NASPHV has adopted a “Rabies Vaccination Certificate,” NASPHV Form 51, which may be obtained from vaccine manufacturers or the NASPHV website.⁴ The NASPHV encourages the use of the form by agencies and veterinarians. The information on NASPHV Form 51 includes:

- The owner’s name and address and telephone number;
- The rabies tag number;
- The species (dog, cat, other);
- The sex of the animal and an indication of whether the animal is neutered;
- The age of the animal (3 to 12 months or 12 months or older);
- The predominant breed of the animal vaccinated;
- The size of the animal vaccinated (under 20 pounds, 20-50 pounds, over 50 pounds);
- The colors of the animal vaccinated;
- The date of vaccination;
- The date that the vaccination expires;
- An indication of the producer of the vaccine and an annotation as to whether the vaccine is a 1 year or 3 year vaccine;
- The vaccine serial lot number; and
- The administering veterinarian’s signature, address, and license number.

A number of rabies vaccines have been licensed and are marketed in the United States. The manufacturers for some of the rabies vaccines recommend a booster dose annually and some recommend a booster 1 year later and then every 3 years.⁵ In 2001, NASPHV recommended that vaccines used in state local rabies control programs should have 3-year duration of immunity because it constitutes the most effective method of increasing the proportion of immunized dogs and cats in any population. In Florida, the Rabies Advisory Committee adopted the recommendation of the NASPHV’s Compendium of Animal Rabies Control, 2001 in regard to 3-year rabies vaccines for dogs and cats.

III. Effect of Proposed Changes:

Section 1 amends s. 828.30, F.S., to revise the requirements for dogs, cats, and ferrets 4 months of age or older to be vaccinated by a licensed veterinarian against rabies to specify that the vaccine must be licensed by the United States Department of Agriculture for use in dogs, cats, and ferrets. The CS requires the owner of each dog, cat, and ferret to have the animal vaccinated 12 months after the initial vaccination and, thereafter, the interval between vaccinations must conform to the vaccine manufacturer’s directions.

The CS specifies that evidence of circulating rabies-virus-neutralizing antibodies may not be used as a substitute for a current rabies vaccination or determining the need for booster vaccinations. The CS requires each animal control authority and veterinarian to use Form 51,

⁴ *Id.*

⁵ See NASPHV’s *Compendium of Animal Rabies Prevention and Control*, 2005.

“Rabies Vaccination Certificate,” of the NASPHV or an equivalent form approved by the local government, which contains all the information required by NASPHV Form 51. The veterinarian who administers a vaccination as required under s. 828.30, F.S., may affix his or her signature stamp in lieu of an actual signature on the rabies vaccination certificate. The CS deletes the statutory requirements for the information that must be contained on the rabies vaccination certificate to conform to the use of the NASPHV Form 51.

The CS prohibits a local government from establishing requirements that would mandate revaccination of currently vaccinated animals, except for instances involving postexposure treatment of rabies.

Section 2 provides legislative findings regarding the vaccination of dogs, cats, and ferrets in order to protect the public from rabies. The legislative findings note that the present law does not clearly specify requirements to revaccinate these animals, which has led to unnecessary revaccination of currently vaccinated animals in local jurisdictions that enact requirements that are more stringent. The Legislature finds that in order to maximize protections and minimize risks to the animals, revaccination guidelines outlined in the Department of Health’s “Florida Rabies Prevention and Control” guidebook must be incorporated in the law. The approach does not interfere with the veterinarian’s discretion to use a rabies vaccine of 1 year or 3 years’ duration of immunity. The Legislature also determines a need to standardize the rabies certificate form in order to permit easier use by veterinarians and public health officials by using the NASPHV Form 51 or an equivalent form approved by the local government. Legislative findings are specified that since rabies-vaccination programs are administered on a calendar-year basis, an implementation date of January 1, 2006, will provide for an orderly transition.

Section 3 provides an effective date of January 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this CS have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this CS have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this CS have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Some consumers may benefit by not having to revaccinate their animal annually if their local government requires annual revaccination and this local requirement is inconsistent with the duration of immunity for the rabies vaccine administered to the consumer's animal.

C. Government Sector Impact:

It is unknown whether local governments receive any revenue and the amount of such revenue from their current requirements for animal vaccination and revaccination.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
