

SENATE BILL No. 384

DIGEST OF SB 384 (Updated January 28, 1998 1:37 pm - DI 88)

Citations Affected: IC 15-2.1.

Synopsis: Rabies control. Provides that when the state veterinarian orders a quarantine for rabies, the owners of animals within the quarantine area must confine their animals, and the state veterinarian may order any animal vaccinated for rabies. Removes a requirement that when a veterinarian vaccinates an animal for rabies, the veterinarian provide a copy of the vaccination record to the county health officer. Provides that the board of animal health may adopt rules for documenting rabies vaccinations and identifying vaccinated animals. Provides that the owner of an animal must document that the animal was vaccinated for rabies during the previous 12 months as a condition to obtain the release of the animal. (Under current law, the owner must document that the animal was vaccinated during the previous nine months.) Eliminates the \$1 ceiling on the impoundment fee that a board of county commissioners may impose for impounded
(Continued next page)

Effective: July 1, 1998.

Jackman

January 12, 1998, read first time and referred to Committee on Health and Environmental Affairs.
January 29, 1998, amended, reported favorably — Do Pass.

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animals. Provides that an animal may be confined under the supervision of a person designated by any person who exercises authority under the rabies control statute.

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January 30, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 384



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-2.1-6-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. ~~Quarantine:~~ (a) The
 3 state veterinarian may declare a quarantine against rabies in any
 4 county, township, city or town, or designated part of any county,
 5 township, city or town whenever he finds that rabies exist in such area
 6 to the extent that the health or lives of persons or domestic animals are
 7 endangered.
 8 (b) Whenever a quarantine has been declared, ~~all dogs the owner~~
 9 ~~or caretaker of an animal~~ in the quarantine area shall ~~be confined~~
 10 **confine the animal:**
 11 (1) on the premises of the owner; or
 12 (2) in a suitable place for the impounding and care of ~~dogs~~
 13 **animals** as provided in this chapter, which place shall be subject
 14 to approval of the state veterinarian. ~~however, a dog may be~~
 15 ~~permitted to leave the premises of the owner or custodian if the~~

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1 owner or custodian keeps the dog under such reasonable restraint,
 2 so as to prevent it from coming into contact with any person or
 3 animal.

4 **(c) A quarantine order may specify the circumstances and**
 5 **conditions under which owners may remove animals from the**
 6 **owner's premises or an impoundment facility.**

7 SECTION 2. IC 15-2.1-6-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. ~~Vaccination:~~ (a)
 9 When a quarantine has been declared, the state veterinarian may order
 10 ~~all dogs~~ **any animal, species of animal, or group of animals** in the
 11 quarantined area vaccinated within a period stipulated in the order and
 12 the cost of the antirabies immunization shall be borne by the owner of
 13 the ~~dog or dogs;~~ **animal**. However, local health departments or political
 14 subdivisions of government may furnish antirabies immunization
 15 without charge to owners who are unable to pay ~~therefor.~~ **for the**
 16 **immunization.**

17 **(b)** When an order for a rabies vaccination is made, any ~~dog~~ **animal**
 18 within the quarantined area whose owner refuses to have ~~his dog~~ **the**
 19 **owner's animal** vaccinated shall be seized and disposed of by the state
 20 veterinarian, ~~his the state veterinarian's~~ representative, or any person
 21 having police power within the quarantined area.

22 SECTION 3. IC 15-2.1-6-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. ~~Notice of Order to~~
 24 ~~Vaccinate:~~ (a) Whenever the state veterinarian has ~~ordered the~~
 25 ~~vaccination of all dogs within the quarantined area,~~ **he issued an order**
 26 **under section 2 of this chapter:**

27 **(1) the state veterinarian** shall give notice of the order to the
 28 county health officer of the county within which the quarantined
 29 area is located; and

30 **(2)** the county health officer shall:

31 **(A)** publish notice of the order as provided in IC 5-3-1; and
 32 ~~shall~~

33 **(B)** deliver a copy of the order to the sheriff of the county.

34 **(b)** The sheriff shall assist in the enforcement of ~~the provisions of~~
 35 ~~this chapter.~~

36 SECTION 4. IC 15-2.1-6-4 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~Area for Impounding~~
 38 ~~Dogs:~~ The county board of commissioners of each county in which the
 39 quarantined area is located shall furnish a suitable area or quarters:

40 **(1)** for the impounding and care of ~~dogs which~~ **animals that** may
 41 be impounded under ~~the provisions of~~ this chapter; ~~which quarters~~
 42 ~~shall be in accordance and~~



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1 **(2) that must comply with the regulations promulgated rules**
 2 **adopted by the board.**

3 SECTION 5. IC 15-2.1-6-5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. ~~Immunization~~
 5 ~~Certificates. A certificate of rabies vaccination shall be issued at least~~
 6 ~~in triplicate and, upon the dog being vaccinated for rabies; (a)~~
 7 **Whenever an animal is vaccinated for rabies in Indiana, the**
 8 **veterinarian vaccinating the animal shall:**

9 **(1) make and keep a record of the vaccination; and**

10 **(2) give one (1) copy shall be given of the record to the owner of**
 11 **the dog; animal.**

12 ~~one (1) copy forwarded to the county health officer and one (1)~~
 13 ~~copy retained by the veterinarian vaccinating such dog. A metal~~
 14 ~~vaccination tag shall be worn by the dog during the quarantine~~
 15 ~~period.~~

16 **(b) The vaccinated animal must be identified as vaccinated**
 17 **according to rules adopted by the board. The board may adopt**
 18 **additional rules for documenting rabies vaccinations and for the**
 19 **identification of animals that have been vaccinated for rabies.**

20 SECTION 6. IC 15-2.1-6-7 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. ~~Impoundment;~~
 22 ~~Release and Disposition of Dogs: (a) Any dog animal found running~~
 23 ~~at large in violation of the a quarantine must declared under section~~
 24 ~~1 of this chapter may be impounded for a period of at least three (3)~~
 25 ~~days as provided in the quarantine order, in the area or quarters~~
 26 ~~provided by the board of county commissioners. During such period of~~
 27 ~~time the owner may obtain possession of such dog the animal by doing~~
 28 ~~all of the following:~~

29 **(1) Paying the expenses of his the animal's board, any and all tax**
 30 **or license fees which may be due and unpaid on such dog; by the**
 31 **animal.**

32 **(2) Having the dog animal vaccinated and paying therefor; for**
 33 **the vaccination or furnishing evidence that such dog has been**
 34 **the animal was vaccinated within a period of nine (9) during the**
 35 **previous twelve (12) months. immediately prior thereto; and by**

36 **(3) Paying such the impounding fee as may be fixed by the county**
 37 **board of commissioners. not to exceed the sum of one dollar**
 38 **(\$1.00). Any dog which has**

39 **(b) An animal not been so redeemed and its release obtained from**
 40 **such pound by its owner under subsection (a) shall be disposed of in**
 41 **a manner prescribed by the local health officer having jurisdiction.**

42 SECTION 7. IC 15-2.1-6-8 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. ~~Expense of~~
 2 ~~Impoundment~~. Whenever a quarantine has been declared by the state
 3 veterinarian under ~~the provisions~~ **section 1** of this chapter, the expense
 4 of operating ~~such the~~ pound, including food for ~~dogs~~ **animals**
 5 impounded and expense of personnel, shall be paid out of the general
 6 fund of the county without appropriation unless there be funds
 7 regularly appropriated for such purpose in which event it shall be paid
 8 out of such appropriated funds.

9 SECTION 8. IC 15-2.1-6-9 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. ~~Non-local Dogs~~.
 11 **When a quarantine is declared under section 1 of this chapter**, all
 12 ~~dogs~~ **animals** brought into a quarantined area, except for exhibition
 13 purposes where ~~dogs~~ **animals** are confined and not permitted to run at
 14 large, shall be subject to the same provisions and restrictions as ~~dogs~~
 15 **animals** already located within the quarantined area.

16 SECTION 9. IC 15-2.1-6-10 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. (a) It is the duty of
 18 all police officers to impound or destroy an animal found running at
 19 large:

- 20 (1) during a quarantine **ordered under section 1 of this chapter**;
 21 or
 22 (2) that is the subject of an order of confinement under section 11
 23 of this chapter.

24 (b) A police officer or other authorized individual shall impound an
 25 animal that is subject to quarantine or confinement under ~~subsection (a)~~
 26 **this chapter** if a statement is provided to the officer or authorized
 27 individual that states that the animal has broken quarantine or
 28 confinement. The statement must be:

- 29 (1) in writing;
 30 (2) given under oath;
 31 (3) signed by at least two (2) individuals; and
 32 (4) must include the name and address of the owner or suspected
 33 owner of the animal if known.

34 (c) When possible, the authorized individual or agency contacted
 35 under this section shall give written notice to the owner or suspected
 36 owner of the animal before destroying and upon impounding that
 37 animal.

38 (d) All costs incurred by a local government relating to the
 39 impoundment of an animal under subsection (b) shall be paid by the
 40 owner of the animal.

41 SECTION 10. IC 15-2.1-6-11, AS AMENDED BY P.L.26-1997,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 1998]: Sec. 11. (a) **Even if an order has not been issued**
 2 **under section 1 of this chapter**, the state veterinarian, the local health
 3 officer having jurisdiction, or an individual designated by the state
 4 veterinarian or the local health officer having jurisdiction may do the
 5 following:

6 (1) Order the confinement and destruction of any animal showing
 7 clinical symptoms of rabies for laboratory diagnosis.

8 (2) Order the confinement of any animal suspected of having
 9 rabies.

10 (3) Order the confinement of any animal that has bitten or
 11 otherwise exposed a person.

12 (4) Order the confinement and destruction of any animal that has
 13 bitten or otherwise potentially exposed a person to rabies.

14 (b) When possible, the state veterinarian or local health officer
 15 exercising authority under this section shall give written notice to the
 16 owner or suspected owner of the animal:

17 (1) upon impounding; and

18 (2) before destroying;

19 that animal.

20 (c) The period of confinement ordered under subsection (a) must be:

21 (1) of at least ten (10) days duration;

22 (2) under the supervision of:

23 (A) the state veterinarian; or

24 (B) a licensed, accredited veterinarian, **or a person** designated

25 by the official exercising authority under this ~~section~~; **chapter**;

26 and

27 (3) at the expense of the owner.

28 (d) Any animal that has been bitten by a domestic or feral animal
 29 suspected or known to have rabies may be:

30 (1) confined for not more than twelve (12) months at the owner's
 31 expense; or

32 (2) destroyed.

33 (e) Whenever informed that an animal subject to an order of
 34 quarantine or an order of destruction or confinement under subsection
 35 (a) is running at large, the official who issued the order, or the official's
 36 designee, shall investigate the status of the animal. If the investigating
 37 official is given a statement that complies with section 10(b) of this
 38 chapter, the investigating official may order the animal impounded and,
 39 if necessary, provide the statement to a law enforcement officer for
 40 action under section 10 of this chapter.



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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 3, line 9, after "vaccination;" insert "**and**".
- Page 3, line 11, delete "animal; and" and insert "**animal.**".
- Page 3, line 12, delete "(3) send".
- Page 3, line 12, strike "one (1) copy".
- Page 3, line 12, delete "of the record".
- Page 3, line 12, strike "to the county.".
- Page 3, line 13, strike "health officer".
- Page 3, line 13, delete ".".

and when so amended that said bill do pass.

(Reference is to Senate Bill 384 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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