



BJC Animal Control Services

Policies & Procedures

Operations Manual

Code of Alabama, 1975

Title 3 - Animals

CHAPTER 7A RABIES

Section 3-7A-1 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

- 1) **CANINE CORPS DOGS.** Those members of the canine family maintained by governmental agencies for exclusive use in official duties assigned to those agencies. Seeing eye dogs shall be included within the meaning of this definition.
- 2) **CAT.** All members of the domesticated feline (*Felis catus*) family three months of age or older.
- 3) **DOG.** All members of the domesticated canine (*Canis familiaris*) family three months of age or older.
- 4) **HAS BEEN EXPOSED.** Seized with the teeth or claws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.
- 5) **HEALTH OFFICER.** A county health officer as defined in Section 22-3-2.
- 6) **IMMUNIZATION AGAINST RABIES.** The injection, in a manner approved by the State Health Officer and the State Veterinarian, of antirabies vaccine approved by the State Health Officer and the State Veterinarian. The administration of antirabies vaccine to species other than those for which reliable immunization data is available shall be a violation of this chapter.
- 7) **IMPOUNDING OFFICER.** An agent of a county or municipality vested with impounding authority for animals covered under this chapter.
- 8) **OWNER.** Any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him.
- 9) **PERSON.** Individuals, firms, partnerships, and associations.
- 10) **QUARANTINE FOR RABIES OBSERVATION.** Confinement under the direct care, custody, control, and supervision of a licensed veterinarian for a period of 10 days

subsequent to the date of the exposure, or as otherwise directed by the State Health Officer.

- 11) **RABIES OFFICER.** A licensed veterinarian as defined in Section 34-29-61, duly appointed by the county board of health and approved by the State Health Officer and State Veterinarian. (Acts 1990, No. 90-530, p. 816, §1.)

Section 3-7A-2 Dogs and cats to be immunized; certificate; validity; to whom sale, etc., of vaccine may be made.

- a) Every owner of a dog or cat required to be immunized for rabies as defined in this chapter, shall cause said dog or cat to be immunized by the rabies officer, his authorized representative, or any duly licensed veterinarian, when said animal reaches three months of age and annually thereafter. Evidence of such immunization shall consist of a printed certificate furnished in triplicate by the Alabama Department of Public Health, upon which shall be legibly inscribed: a description of the dog or cat; its age, color, sex, breed, and tattoo identification, if any; the name and address of the owner; the lot number and type of vaccine used (modified live virus, inactivated virus); the name of the manufacturer and amount of vaccine injected; and a serially numbered tag bearing the same number and year as that of the certificate. The certificate shall be dated and signed by the person authorized to administer the vaccine. Certificates not in keeping with the provisions of this section, or certificates issued by those persons unauthorized to administer rabies vaccine, shall not be valid. The original copy of the certificate prescribed herein shall be delivered to the owner of the dog or cat immunized, one copy to the local health department, and one copy to be retained by the rabies officer. The certificate of immunization shall be valid for a period of one year for all dogs and cats required to be immunized under this chapter. Immunization certificates may be destroyed three years after date of issuance.
- b) It shall be unlawful and in violation of the provisions of this chapter for any person to import, receive, sell, offer for sale, barter, or exchange animal antirabies vaccine, other than antirabies vaccine intended for human use, to anyone except a duly licensed veterinarian. (Acts 1990, No. 90-530, p. 816, §2.)

Section 3-7A-4 Issuance of tag.

Coincident with the issuance of the certificate of immunization, the rabies officer, his authorized representative, or any duly licensed veterinarian, who provided the certificate shall furnish a serially numbered tag bearing the same number and year as that of the certificate, which tag shall at all times be attached to a collar or harness worn by the dog or cat for which the certificate and tag have been issued.

(Acts 1990, No. 90-530, p. 816, §4.)

Section 3-7A-5 Replacement of certificate and tag.

In the event of tag loss when the same has been legally issued, every replacement thereof shall be upon such terms as may be agreed upon with the rabies officer or veterinarian by whom the animal has been immunized. In such instance, a new certificate marked "duplicate" may be issued setting forth the number of the new tag and the certificate issued and distributed according to Section 3-7A-2.

(Acts 1990, No. 90-530, p. 816, §5.)

Section 3-7A-6 Penalty for dog or cat without tag or certificate.

The owner of any dog or cat found not wearing the evidence of current immunization as provided herein or for which no certificate of current immunization can be produced, and which is apprehended by an officer or other person charged with the enforcement of this chapter, shall forthwith be subject to a penalty to be imposed by the rabies officer not to exceed an amount equal to twice the state approved charge for immunization, in addition to the fee heretofore prescribed for immunization. When collected, the said penalty shall accrue to the rabies officer or his agent, except in the case of a rabies officer employed full- time on salary, in which case the penalty shall accrue to the employing agency or agencies.

(Acts 1990, No. 90-530, p. 816, §6.)

Section 3-7A-7 Maintenance of pound; notice of impoundment; adoption of animals.

It shall be the duty of each and every county in the state to provide a suitable county pound and impounding officer for the impoundment of dogs and cats found running at large in violation of the provisions of this chapter. Every municipality with a population over 5,000 in which the county pound is not located shall maintain a suitable pound or contribute their pro rata share to the staffing and upkeep of the county pound. When dogs and cats are impounded and if the owner thereof is known, such owner shall be given direct notice of the impoundment of said animal or animals belonging to him; or the impounding officer may make said animal or animals available for adoption after a period of not less than seven days.

(Acts 1990, No. 90-530, p. 816, §7.)

Section 3-7A-8 Destruction of impounded dogs and cats; when authorized; redemption by owner; sale of impounded animals.

All dogs and cats which have been impounded for lack of rabies immunization in accordance with the provisions of this chapter, due notice of which shall have been given to the owner as provided in Section 3-7A-7, may be humanely destroyed and disposed of when not redeemed by the owner within seven days. In case the owner of an impounded dog or cat desires to make redemption thereof, he may do so on the following condition: He shall pay for the immunization of the animal and the penalty as prescribed in Section 3-7A-6 if certificate of current

immunization cannot be produced, and in addition, pay for the board of the animal for the period for which it was impounded. The amount paid for the board of the dog or cat shall accrue to the credit of the city or county, depending upon the jurisdiction of the pound in which the animal was confined. At his discretion, the said impounding officer may sell any dog or cat not redeemed or claimed or otherwise disposed of, to any purchaser desiring the said animal, which said purchaser must comply with all the provisions of this chapter. (Acts 1990, No. 90-530, p. 816, §8.)

Section 3-7A-9 Quarantine of dog or cat which bites human being; destruction of animal and examination of head; certain acts of or omissions by owner unlawful; delivery of quarantine instructions to owner; report of results; canine corps and seeing eye dogs.

- a) Whenever the rabies officer or the health officer shall receive information that a human being has been bitten or exposed by a dog or cat required to be immunized against rabies, the health officer or his authorized agent shall cause said dog or cat to be placed in quarantine under the direct supervision of a duly licensed veterinarian for rabies observation as prescribed in Section 3-7A-1. It shall be unlawful for any person having knowledge that a human being has been bitten or exposed by a dog or cat to fail to notify one or more of the aforementioned officers.
- b) When said dog or cat is unowned, as determined by the rabies officer or the health officer after reasonable investigation, or where the owner of a dog or cat agrees in writing, or when ordered by the health officer, the animal shall be humanely destroyed immediately after the exposure and the head shall be submitted for rabies examination to the state health department laboratory.
- c) The period of quarantine for animals other than domesticated dogs and cats which have bitten or exposed a human being shall be determined by the Alabama Department of Public Health upon consultation with the U.S. Public Health Service. Provided, however, for those animal species where reliable epidemiologic data are lacking regarding duration of rabies virus secretion from the salivary glands, said animals shall be humanely destroyed and the head submitted for rabies examination to the state health department laboratory.
- d) It shall be a violation of this chapter for the owner of such animal to refuse to comply with the lawful order of the health officer in any particular case. It is unlawful for the owner to sell, give away, transfer to another location or otherwise dispose of any such animal that is known to have bitten or exposed a human being until it is released from quarantine by the rabies officer, duly licensed veterinarian or by the appropriate health officer.
- e) Instructions for the quarantine of the offending animal shall be delivered in person or by telephone to the owner by the health officer or his authorized agent. If such instructions cannot be delivered in such manner, they shall be mailed by regular mail, postage prepaid and addressed to the owner of the animal. The affidavit or testimony of the health officer or his authorized agent, who delivers or mails such instructions, shall be prima facie evidence of the receipt of such instructions by the owner of the animal. Any expenses incurred in the

quarantine of the offending animal under this section and Section 3-7A-8 shall be borne by the owner.

- f) The veterinarian under whose care the offending animal has been committed for quarantine shall promptly report the results of his observation of said animal to the attending physician of the human being bitten or exposed and the appropriate health officer.
- g) Canine corps dogs and seeing eye dogs shall be exempt from the quarantine period where such exposure occurs in the line of duty and evidence of proper immunization against rabies is presented, but shall be examined immediately at the end of 10 days by a licensed veterinarian, who shall report the results of his examination to the appropriate health officer as previously authorized.

(Acts 1990, No. 90-530, p. 816, §9.)

Section 3-7A-10 Destruction of domesticated species exposed to rabid animal; quarantine as option on recommendation of Department of Public Health.

Those domesticated species, for which antirabies vaccine is recognized and recommended, upon exposure or potential exposure to a known rabid animal, shall be humanely destroyed or slaughtered immediately. Provided, however, the owner may have the option of quarantining said animals based on the recommendations of the Alabama Department of Public Health upon consultation with the U.S. Public Health Service.

(Acts 1990, No. 90-530, p. 816, §10.)

Section 3-7A-11 County rabies officer; application; appointment; term; powers and duties; authority of county board of health.

- a) It shall be the responsibility of the county board of health to nominate annually one duly licensed veterinarian from each county within the state for the position of rabies officer. Applications for this position may be received from any duly licensed veterinarian residing within the county, or in the event that no applications are received, from the Alabama Veterinary Medical Association. Said applications shall be provided to the chairman of each county board of health during the month of November. It shall be the responsibility of the county board of health, within or prior to the month of January of the appointing year, to select and appoint a nominee, subject to the approval of the State Health Officer and the State Veterinarian. The appointee's term of office shall expire on December 31 of the year of appointment; provided, however, that he shall be eligible for reappointment. The rabies officer may be removed from office, for cause, by the county board of health or the State Health Officer.
- b) Appointments not made within the prescribed time limits specified in this section shall become the joint prerogative of the State Health Officer and the State Veterinarian after due

consultation with the appropriate health officer.

- c) For the purpose of providing proper enforcement of this chapter, the county board of health is hereby invested with general supervisory and administrative authority for the implementation of this chapter. It shall be the duty of the rabies officer to immunize for rabies all dogs and cats covered under the provisions of this chapter and he may employ as many licensed veterinarians to serve as deputies to aid him as he may desire. The rabies officer and his deputies in each county are clothed with limited police powers to the extent that they may issue citations for violations of this chapter as an agent of the county board of health, and shall not be subject to the limitations of Section 36- 21-50. The sheriff and his deputies in each county and the police officers in each incorporated municipality shall be aides, and are hereby instructed to cooperate with said rabies officer in carrying out the provisions of this chapter. The compensation of the rabies officer and his deputies shall be limited to the fees collected from enforcement of the provisions of this chapter.

(Acts 1990, No. 90-530, p. 816, §11.)

Section 3-7A-12 Penalty for violations.

Any person violating or aiding or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this chapter or rule promulgated hereunder or except as otherwise provided, or resisting, obstructing, or impeding any authorized officer in enforcing the provisions of this chapter, or refusing to produce for immunization any animal in his possession for which anti-rabies vaccine is recognized and recommended, or for failing to report an animal bite, shall be charged with a Class C misdemeanor, and for the purpose of enforcing this chapter, shall be fined not less than \$25.00 nor more than \$100.00, and for the purpose of enforcing this chapter, resort may be had to any court of competent jurisdiction.

(Acts 1990, No. 90-530, p. 816, §12.)

Section 3-7A-13 Placement of area under quarantine; additional measures.

- a) The State Health Officer, upon request of authorized local officials, may place certain areas of the state under a rabies quarantine to prevent the spread of rabies. In extreme situations, the State Health Officer may place the area under quarantine without waiting for local request.
- b) Whenever the State Health Officer or local health authorities are convinced that the situation is conducive to the spread of rabies, additional measures may be imposed as are deemed necessary to prevent the spread of rabies among dogs, cats, and other animals.

(Acts 1990, No. 90-530, p. 816, §13.)

Section 3-7A-14 Power of municipalities.

Nothing in this chapter shall be held to limit in any manner the power of any municipality to prohibit dogs or cats from running at large, regardless of rabies immunization status as herein provided; nor shall anything in this chapter be construed, in any manner, to limit the power of any municipality to further control and regulate dogs or cats in such municipality.

(Acts 1990, No. 90-530, p. 816, §14.)

Section 3-7A-15 Rules.

The State Board of Health is authorized to adopt and promulgate rules for the enforcement of this chapter, which rules shall have the force and effect of law.

(Acts 1990, No 90-530, p. 816, §15.)

Section 3-8-1 Rabies vaccine required for any canidae or felidae; applicability.

Notwithstanding any provision of law to the contrary, it shall be illegal to own, maintain, sell, or trade any candidate or felidae for which there is no USDA licensed rabies vaccine. Anyone currently owning or maintaining such animal may keep the animal for the length of the animal's life providing the animal is spayed or neutered and is registered with the Department of Agriculture and Industries. This section does not apply to any zoological parks, circuses, colleges, and universities, animal refuges approved by the Department of Agriculture and Industries, county or municipal humane shelters, the Department of Conservation and Natural Resources, or veterinary clinics.

(Acts 1994, No. 94-322, p. 562, §8.)

Section 3-1-29 Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.

- a) It shall be a Class C felony for any person:
 1. To own, possess, keep or train any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog;
 2. For amusement or gain, to cause any dog to fight with another dog, or cause any dogs to injure each other;
 3. To permit any act in violation of subdivisions (1) and (2) of this subsection.
- b) It shall be a Class C felony for any person to be knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or to be knowingly present

at such exhibition or to knowingly aid or abet another in such exhibition. Any dog used to fight other dogs in violation of subsection (a) of this section, shall be confiscated as contraband by the sheriff or other law enforcement officers and shall not be returned to the owner, trainer or possessor of said dog. The court shall award the animals to the humane society or other agency handling stray animals. At its discretion, the humane society or other agency handling stray animals shall humanely dispatch or dispose of any confiscated dog.

- c) Any dog confiscated pursuant to subsection (b) of this section by the sheriff or other law enforcement officers shall be taken to the local humane society or other animal welfare agency.
- d) An appointed veterinarian or officer of the humane society or other animal welfare agency may upon delivery or at any time thereafter destroy the animal that is in his opinion injured, diseased past recovery, or whose continued existence is inhumane and destruction is necessary to relieve pain or suffering.
- e) After confiscation the humane society or other animal welfare agency may make application to the circuit court for a hearing to determine whether any animal seized pursuant to subsection (b) of this section shall be humanely destroyed due to disease, injury or lack of any useful purpose because of training or viciousness. The court shall set a hearing date not more than 30 days from the filing of the application and shall give notice of the same to the owners of the animals. Upon a finding by the court that the seized animals are diseased, injured or lack any useful purpose due to training or viciousness, it shall be within the authority of the humane society or other animal welfare agency to humanely destroy such animal. Any animal found by the court not to be diseased, injured or lacking any useful purpose due to training or viciousness shall be delivered to a court-approved private veterinarian or a private housing facility under the supervision of a veterinarian. Expenses incurred in connection with the housing, care or upkeep of the dogs by any person, firm, partnership, corporation or other entity shall be taxed against the owner.
- f) If any dog owner is convicted under subsection (a) of this section, the animal(s) shall be awarded to the local humane society or other animal welfare agency.

(Acts 1982, No. 82-461, p. 739; Acts 1984, 1st Ex. Sess., No. 84-796, p. 206.)