

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

NOTICE OF PUBLIC COMMENT PERIOD

Pursuant to A.C.A. § 25-15-201*et seq.*, the Arkansas Department of Health (ADH) is accepting public comments on proposed revisions to the RULES PERTAINING TO RABIES CONTROL in accordance with Acts 161 and 522 of 2023, from August 25, 2024 to September 24, 2024. The comment period is provided to allow interested parties and the public to provide any comments.

The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-280-4136.

Comments on the proposed changes can also be mailed to Arkansas Department of Health, Zoonotics, 4815 West Markham Street, Slot 62, Little Rock Arkansas, 72205, or emailed to adh.zoonotic@arkansas.gov.

RULES PERTAINING TO RABIES CONTROL



PROMULGATED UNDER THE AUTHORITY OF
Ark. Code Ann. § 20-19-301, et seq.

Effective Date: _____

Arkansas State Board of Health

**Arkansas Department of Health
Renee Mallory, RN, BSN,
Secretary of Health**

**Jennifer Dillaha, MD
Director and State Health Officer**

RULES PERTAINING TO RABIES CONTROL

SECTION I. AUTHORITY

The following Rules Pertaining to Rabies Control are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas, including, without limitation, Ark. Code Ann. § 20-7-101 et seq. and Ark. Code Ann. §§ 20-19-301-312.

SECTION II. DEFINITIONS

The following terms are defined for the purpose of these Rules:

- A. Cat: Any domestic feline animal, species *Felis Catus*.
- B. Dog: Any domestic canine animal, species *Canis Lupus Familiaris*.
- C. Has been bitten: The skin has been penetrated by an animal's teeth and saliva has contacted a break or abrasion of the skin.
- D. Owner: Any person who:
 - 1. Has a right of property in a dog, cat, or other animal;
 - 2. Keeps, harbors, cares for, or acts as the custodian of a dog, cat, or other animal; or
 - 3. Knowingly permits a dog, cat, or other animal to remain on or about any premises occupied by him or her.
- E. Other animal: Any warm-blooded animal, dogs and cats excepted, which may be affected by rabies.
- F. Vaccination against rabies: The injection, subcutaneously or otherwise, of antirabic vaccine, as approved by the U.S. Department of Agriculture or Arkansas State Board of Health, and administered by a licensed veterinarian, veterinary technician, veterinary technologist, veterinary technician specialist, or agent of the Health Department.
- G. Quarantine
 - 1. Quarantine of dogs and cats suspected of having rabies. The complete confinement and observation in a secure cage or enclosure free from human contact for a period of ten (10) days.
 - 2. Quarantine of an area. All dogs and cats, vaccinated or unvaccinated, at all times during a specified period will be kept in a cage, pen or enclosure, and exercised on a leash. Stray dogs and cats will be apprehended and humanely destroyed in accordance with local ordinance.
- H. Special circumstances: Bites upon the head, face, neck or upper extremities; deep lacerations; multiple bite wounds inflicted by unvaccinated dogs, cats or other animals.
- I. Confinement, quarantine and observation

1. Dogs and cats: Health authorities of the state, county and city, and law enforcement officers, have the authority to order confinement, quarantine and observation of any dog or cat which has bitten a human that has not received a current vaccination against rabies or it is unknown if the dog, cat, or other animal has received a vaccination against rabies. If the dog, cat, or other animal has received a current vaccination against rabies and the owner provides proof of the current vaccination, the owner may confine and observe the dog, cat, or other animal. Confinement may be in a public pound or a licensed veterinary hospital. When appropriate facilities for confining a dog, cat, or other animal that has not received a current vaccination against rabies or that it is unknown if the dog, cat, or other animal has received a vaccination against rabies are not available, it is the owner's responsibility to prepare and maintain satisfactory confinement facilities. The dog or cat will be quarantined from contact with other animals and humans. Local public officials acting in cooperation shall ensure the dog or cat is confined and observed for a period of ten (10) days from the date the person was bitten. Alternately, the animal may be humanely euthanized and tested for rabies at the Public Health Laboratory. Quarantined animals may be treated by a veterinarian, but rabies vaccine shall not be administered to the animal until the quarantine period is complete. The dog or cat is not to be revaccinated, sold, transferred, destroyed, or otherwise disposed of. If the dog or cat dies or is killed during the 10-day observation period, intentionally or unintentionally, the head shall be shipped immediately to the Public Health Laboratory as outlined in SECTION II.J. The owner is responsible for all costs, including confinement fees, veterinary fees and transportation costs. At the end of the 10-day observation period, if the dog or cat shows no signs of illness compatible with rabies, and if the dog or cat does not have a record of current vaccination status, it will be vaccinated against rabies by a licensed veterinarian prior to release. Dogs or cats having current rabies vaccination need not be revaccinated upon release.
 2. Other animals: The incubation period of rabies in all other animals is variable and a specific period of confinement is not practical. If there is no known incubation period, the animal may be euthanized and tested at the discretion of the Department of Health. Consult health authorities for detailed instructions.
- J. Shipment to the public health laboratory for tests for diagnosis of rabies.
1. For dogs, cats, skunks, foxes, raccoons, opossums, coyotes, wolves and similarly sized animals, ship the head only.
 2. Ship entire carcass of small size animals such as rats, mice, chipmunks, squirrels, bats, etc.
 3. Ship to the Arkansas Department of Health, Public Health Laboratory, 201 So. Monroe, Little Rock, Arkansas 72205, in the special rabies specimen buckets and boxes supplied by the Laboratory and distributed to all local health units. Because a human life may be endangered, and because early diagnosis of rabies is highly advantageous in selecting treatment for the victim, the fastest and most direct transportation is encouraged. This can be accomplished by personally transporting the animal head to the Laboratory. If private transportation is not

available, the specimen may be taken to a local health unit to be transported to the Public Health Laboratory. The specimen must be delivered to the local health unit in a timely fashion. Any veterinary fees, and all transportation costs, are the responsibility of the owner. When ownership is not established, these costs are the victim's responsibility. There may be a charge by the Public Health Laboratory for the examination of an animal brain for rabies.

4. It is essential that all information relative to the possible rabies exposure accompany the rabies specimen.

This includes the complete name, address and phone number of the exposed individual, the owner, the physician and veterinarian attending the case. This information is available when the Rabies Sample Submission Form HL-12 (which is included in each rabies specimen box) is completely and accurately filled out. The Public Health Laboratory will report its findings by the most expeditious means to the submitter.

5. Brain or head only, large animals. Livestock and farm animals present a different situation. Entire carcasses must not be sent to the Public Health Laboratory at Little Rock, Arkansas. The attending licensed veterinarian should remove the brain and ship it in the special rabies specimen container as outlined in SECTION II.J.3 Otherwise, it is the owner's responsibility to transport the head only, packed in wet ice, not dry ice, placed in a plastic bag in a leakproof container, to the Public Health laboratory. The shipment of large animal heads to the Laboratory is very unsatisfactory and dangerous.

SECTION III. VACCINATION

- A. Initial Vaccination: The owner of every dog or cat four (4) months of age or older shall have the animal vaccinated against rabies. Vaccination at a younger age should be in accordance with the labels of USDA licensed rabies vaccines. Unvaccinated dogs or cats more than four (4) months of age, that are acquired or moved into the state must be vaccinated within thirty (30) days of purchase or arrival, unless there is documented evidence of current vaccination.
- B. Revaccination: The owner of every dog or cat shall have the animal revaccinated during the twelfth (12) month after initial vaccination. Thereafter, the interval between revaccinations should conform to the Compendium of Animal Rabies and Control, 2008, Part III: Rabies Vaccines Licensed and Marketed in the U.S., published by the National Association of State Public Health Veterinarians, Inc. (Appendix A).

SECTION IV. COMPLIANCE

- A. Those responsible for complying:
 1. Public health personnel.
 2. Medical and veterinary medical practitioners.
 3. Owners, as defined in SECTION II.D.
 4. Law enforcement personnel.

5. Persons bitten by dogs, cats or other animals, or, in the case of a minor, the parents or guardian of the minor.
- B. Violations considered as non-compliance:
1. Failure to have dogs or cats vaccinated against rabies.
 2. Failure to control and confine dogs, cats or other animals which have been involved in biting incidents and which have not received a current vaccination against rabies or which it is unknown if the dog, cat, or other animal has received a current vaccination against rabies.
 3. Resisting, obstructing or impeding an authorized officer enforcing the law.
 4. Failure, refusal or neglect by an officer to carry out the provisions of the law.
 5. Failure to notify health authorities and failure to comply with written instructions of health authorities regarding animal bites.
- C. Penalty for non-compliance:
1. Every firm, person, or corporation who violates any of the rules issued or promulgated by the State Board of Health may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

SECTION V. PROCEDURES WHEN HUMAN IS BITTEN BY DOG OR CAT

- A. When a dog or cat is a rabies suspect:
1. In "Special circumstances", as defined in SECTION II.H., the Director of the Arkansas Department of Health, or his or her designated representative, may advise the immediate euthanasia of the dog or cat and expeditious shipment of the head to the Public Health Laboratory for diagnosis of rabies. Costs for euthanasia and for transportation are borne by the owner.
 2. When ownership of the dog or cat is established, the dog or cat, vaccinated or unvaccinated, will be confined, quarantined and observed as outlined in SECTION II.G.1 However, with the owner's consent, the dog or cat may be euthanized and the head shipped as outlined in SECTION II.J.
 3. Stray dogs or cats, or where ownership cannot be established, will be euthanized and the head shipped in accordance with SECTION II.J. All veterinary fees, including euthanasia and transportation costs, are the responsibility of the victim or, if a minor, by the victim's parents or guardian.

SECTION VI. PROCEDURES WHEN A HUMAN IS BITTEN BY OTHER ANIMAL

- A. Wild animals.
1. A wild animal should be humanely destroyed and the head or brain shipped as outlined in SECTION II.J. Care should be taken not to damage the head because the brain is used by the Laboratory to perform the examination for rabies.

B. Domesticated wild animals.

1. Since the incubation period in animals other than dogs or cats is variable, euthanasia of such domesticated wild animals may be necessary even when they have been vaccinated against rabies. Immediate shipment of the head to the Public Health laboratory, in accordance with SECTION II.J., should be accomplished.

C. Domestic animals.

1. Human exposure to domestic livestock afflicted with rabies often presents a dangerous situation. Medical attention and treatment are necessary. Consult with health authorities for instructions.

D. Domesticated caged pets

1. A bite from a domestic caged pet does not constitute an exposure to rabies. Animals in this classification are guinea pigs, white rats and mice, hamsters, gerbils and rabbits.

SECTION VII. HUMAN POST-EXPOSURE TREATMENT

- A. The bite of any warm-blooded animal in Arkansas may be a potential source of rabies. An animal bite exposure to a human requires the immediate attention of a physician who must decide whether antirabies treatment is indicated. If so, the most effective treatment for the type of exposure must be administered. The Health Department is available for consultation and risk assessment of animal bites.

SECTION VIII. PROCEDURES WHEN DOMESTIC DOG OR CAT IS EXPOSED TO RABIES

- A. Vaccinated dogs or cats shall be revaccinated immediately and restrained by the owner. This shall be done by complete confinement and observation in a secure cage or enclosure for a period of at least forty-five (45) days, or the animals may be euthanized as a precaution.
- B. Unvaccinated dogs or cats either shall be euthanized immediately OR confined, quarantined and observed as outlined in SECTION II.G. except that the period will be for six (6) months, and animals will be vaccinated against rabies at least thirty (30) days prior to release. The owner is responsible for all costs.

SECTION IX. PROCEDURES WHEN DOMESTIC ANIMAL OTHER THAN DOG OR CAT IS EXPOSED TO RABIES

Report should be made to the Arkansas State Public Health Veterinarian for consultation concerning disposition of the animal.

SECTION X. AREA QUARANTINE

- A. Upon request of the proper local officials, a municipality, township, county or undesignated area may be placed under quarantine by the Director of the Department of Health as outlined in SECTION II.G.2.
- B. In serious situations, the Director of the Department of Health may place an area under quarantine without waiting for local request.

C. The occurrence of three or more cases of positive rabies in animals, confirmed by the official Health Department Laboratory in Little Rock, Arkansas, is sufficient basis for placing an area under quarantine.

D. The proper officials of a government unit may require additional measures to supplement the quarantine of an area in serious situations where there is a possibility that rabies may spread to other animals and constitute a dangerous health hazard for the citizens of the State. These additional measures will be supplied by the Health Department.

SECTION XI. SEVERABILITY

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION XII. REPEAL

All Rules and parts of Rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing revisions to the Rules Pertaining to Rabies Control were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the ____ day of _____, _____.

Jennifer Dillaha, MD
Secretary of Arkansas State Board of Health
Director of the Arkansas Department of Health

APPENDIX A

Part III: Rabies Vaccines Licensed and Marketed in the U.S., 2008

Product Name	Produced by	Marketed by	For Use In	Dosage	Age at Primary Vaccination ^a	Booster Recommended	Route of Inoculation
A) MONOVALENT (Inactivated)							
RABVAC 1	Fort Dodge Animal Health License No. 112	Fort Dodge Animal Health	Dogs Cats	1 ml 1 ml	3 months ^b 3 months	Annually Annually	IM ^c or SC ^d IM or SC
RABVAC 3	Fort Dodge Animal Health License No. 112	Fort Dodge Animal Health	Dogs Cats Horses	1 ml 1 ml 2 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC IM
RABVAC 3 TF	Fort Dodge Animal Health License No. 112	Fort Dodge Animal Health	Dogs Cats Horses	1 ml 1 ml 2 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC IM
DEFENSOR 1	Pfizer, Incorporated License No. 189	Pfizer, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	IM or SC SC
DEFENSOR 3	Pfizer, Incorporated License No. 189	Pfizer, Incorporated	Dogs Cats Sheep Cattle	1 ml 1 ml 2 ml 2 ml	3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually Annually	IM or SC SC IM IM
RABDOMUN	Pfizer, Incorporated License No. 189	Schering-Plough	Dogs Cats Sheep Cattle	1 ml 1 ml 2 ml 2 ml	3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually Annually	IM or SC SC IM IM
RABDOMUN 1	Pfizer, Incorporated License No. 189	Schering-Plough	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	IM or SC SC
CONTINUUM RABIES	Intervet, Incorporated License No. 286	Intervet, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	1 year later & triennially 1 year later & quadrannually	SC SC
PRO-RAB-1	Intervet, Incorporated License No. 286	Intervet, Incorporated	Dogs Cats Sheep	1 ml 1 ml 2 ml	3 months 3 months 3 months	Annually Annually Annually	IM or SC IM or SC IM
DM-RAB 1	Meriel, Incorporated License No. 298	Meriel, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	SC SC
DM-RAB 1 TF	Meriel, Incorporated License No. 298	Meriel, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	SC SC
DM-RAB 3	Meriel, Incorporated License No. 298	Meriel, Incorporated	Dogs Cats Sheep Cattle Horses Ferrets	1 ml 1 ml 2 ml 2 ml 2 ml 1 ml	3 months 3 months 3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially 1 year later & triennially Annually Annually Annually	IM or SC IM or SC IM or SC IM or SC IM or SC SC
DM-RAB 3 TF	Meriel, Incorporated License No. 298	Meriel, Incorporated	Dogs Cats Ferrets	1 ml 1 ml 1 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC SC
DM-RAB Large Animal	Meriel, Incorporated License No. 298	Meriel, Incorporated	Cattle Horses Sheep	2 ml 2 ml 2 ml	3 months 3 months 3 months	Annually Annually 1 year later & triennially	IM or SC IM or SC IM or SC
B) MONOVALENT (Rabies glycoprotein, live canary pox vector)							
PUREVAX Feline Rabies	Meriel, Incorporated License No. 298	Meriel, Incorporated	Cats	1 ml	8 weeks	Annually	SC
C) COMBINATION (Inactivated rabies)							
CONTINUUM DAP-R	Intervet, Incorporated License No. 286	Intervet, Incorporated	Dogs	1 ml	3 months	1 year later & triennially	SC
CONTINUUM Feline HCP-R	Intervet, Incorporated License No. 286	Intervet, Incorporated	Cats	1 ml	3 months	1 year later & quadrannually ^e	SC
Equine POTOMAVAC + DM-RAB	Meriel, Incorporated License No. 298	Meriel, Incorporated	Horses	1 ml	3 months	Annually	IM
D) COMBINATION (Rabies glycoprotein, live canary pox vector)							
PUREVAX Feline 3/ Rabies	Meriel, Incorporated License No. 298	Meriel, Incorporated	Cats	1 ml	8 weeks	Annually	SC
PUREVAX Feline 4/ Rabies	Meriel, Incorporated License No. 298	Meriel, Incorporated	Cats	1 ml	8 weeks	Annually	SC
E) ORAL (Rabies glycoprotein, live vaccinia vector) - RESTRICTED TO USE IN STATE AND FEDERAL RABIES CONTROL PROGRAMS							
RABORAL V-RG	Meriel, Incorporated License No. 298	Meriel, Incorporated	Coyotes Raccoons	N/A	N/A	As determined by local authorities	Oral

- a. Minimum age (or older) and revaccinated one year later
b. One month = 28 days
c. Intramuscularly
d. Subcutaneously
e. Non-rabies fractions have a 3 year duration (see label)

Source: Compendium of Animal Rabies Prevention and Control, 2008, published by the
National Association of State Public Health Veterinarians, Inc.

RULES PERTAINING TO RABIES CONTROL



PROMULGATED UNDER THE AUTHORITY OF
Ark. Code Ann. § 20-19-301, et seq.

Effective Date:

Arkansas State Board of Health

Arkansas Department of Health
Renee Mallory, RN, BSN,
Secretary of Health

Jennifer Dillaha, MD
Director and State Health Officer

Effective January 1, 2010

RULES ~~AND REGULATIONS~~ PERTAINING TO RABIES CONTROL

Commented [SS1]: Revised pursuant to Act 315 of 2019, removing the word “regulations” from Agency rules.

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Commented [SS2]: Removed as unnecessary

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SECTION I. AUTHORITY

The following Rules ~~and Regulations~~ Pertaining to Rabies Control are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas, including, without limitation, Ark. Code Ann. § 20-7-101 et seq. and Ark. Code Ann. §§ 20-19-301-312.

SECTION II. DEFINITIONS

The following terms are defined for the purpose of these ~~Regulations~~ Rules:

~~A. Dog: All members of the canine family.~~

~~B. A.~~ Cat: ~~All members of the feline family~~ Any domestic feline animal, species Felis Catus.

Commented [SS3]: Revised to match Rabies Control Act, Ark. Code §20-19-302

~~B. Dog: All members of the canine family~~ Any domestic canine animal, species Canis Lupus Familiaris.

Commented [SS4]: Revised to match Rabies Control Act, Ark. Code §20-19-302

~~C. Has been bitten: The skin has been penetrated by an animal's teeth and saliva has contacted a break or abrasion of the skin.~~

Commented [SS5]: Moved to alphabetize definitions.

~~C. D.~~ Owner: Any person who:

1. Has a right of property in a dog, cat, or other animal; ~~or~~
2. Keeps, harbors, cares for, or acts as the custodian of a dog, cat, or other animal; ~~or~~
3. Knowingly permits a dog, cat, or other animal to remain on or about any premises occupied by him or her.

~~D.~~E. Other animal: Any warm-blooded animal, dogs and cats excepted, which may be affected by rabies.

~~E. A. Has been bitten: The skin has been penetrated by an animal's teeth and saliva has contacted a break or abrasion of the skin.~~

F. Vaccination against rabies: The injection, ~~intramuscular~~ subcutaneously or otherwise, of ~~canine or feline antirabies~~ antirabic vaccine, as approved by the U.S. Department of Agriculture or Arkansas State Board of Health, and administered by a licensed veterinarian, veterinary technician, veterinary technologist, veterinary technician specialist, or agent of the Health Department.

Commented [SS6]: Revised pursuant to Act 161 of 2023.

G. Quarantine

1. Quarantine of dogs and cats suspected of having rabies. The complete confinement and observation in a secure cage or enclosure free from human contact for a period of ten (10) days.
2. Quarantine of an area. All dogs and cats, vaccinated or unvaccinated, at all times during a specified period will be kept in a cage, pen or enclosure, and exercised on a leash. Stray dogs and cats will be apprehended and humanely destroyed in accordance with local ordinance.

H. Special circumstances: Bites upon the head, face, neck or upper extremities; deep lacerations; multiple bite wounds inflicted by unvaccinated dogs, cats or other animals.

I. Confinement, quarantine and observation

1. Dogs and cats: Health authorities of the state, county and city, and law enforcement officers, have the authority to order confinement, quarantine and observation of any dog or cat which has bitten a human that has not received a current vaccination against rabies or it is unknown if the dog, cat, or other animal has received a vaccination against rabies. If the dog, cat, or other animal has received a current vaccination against rabies and the owner provides proof of the current vaccination, the owner may confine and observe the dog, cat, or other animal. Confinement may be in a public pound or a licensed veterinary hospital. When appropriate facilities for confining a dog, cat, or other animal that has not received a current vaccination against rabies or that it is unknown if the dog, cat, or other animal has received a vaccination against rabies are not available, it is the owner's responsibility to prepare and maintain satisfactory confinement facilities. The dog or cat will be quarantined from contact with other animals and humans. Local public officials acting in cooperation shall ensure the dog or cat is confined and observed for a period of ten (10) days from the date the person was bitten. Alternately, the animal may be humanely euthanized and tested for rabies at the Public Health Laboratory. Quarantined animals may be treated by a veterinarian, but rabies vaccine shall not be administered to the animal until the quarantine period is complete. The dog or cat is not to be revaccinated, sold, transferred, destroyed, or otherwise disposed of. If the dog or cat dies or is killed during the 10-day observation period, intentionally or unintentionally, the head shall be shipped immediately to the Public Health Laboratory as outlined in SECTION II.J. The owner is responsible for all costs, including confinement

Commented [SS7]: Revised pursuant to Act 522 of 2023

fees, veterinary fees and transportation costs. At the end of the 10-day observation period, if the dog or cat shows no signs of illness compatible with rabies, and if the dog or cat does not have a record of current vaccination status, it will be vaccinated against rabies by a licensed veterinarian prior to release. Dogs or cats having current rabies vaccination need not be revaccinated upon release.

2. Other animals: The incubation period of rabies in all other animals is variable and a specific period of confinement is not practical. If there is no known incubation period, the animal may be euthanized and tested at the discretion of the Department of Health. Consult health authorities for detailed instructions.

J. Shipment to the public health laboratory for tests for diagnosis of rabies.

1. For dogs, cats, skunks, foxes, raccoons, opossums, coyotes, wolves and similarly sized animals, ship the head only.
2. Ship entire carcass of small size animals such as rats, mice, chipmunks, squirrels, bats, etc.
3. Ship to the Arkansas Department of Health, Public Health Laboratory, 201 So. Monroe, Little Rock, Arkansas 72205, in the special rabies specimen buckets and boxes supplied by the Laboratory and distributed to all local health units. Because a human life may be endangered, and because early diagnosis of rabies is highly advantageous in selecting treatment for the victim, the fastest and most direct transportation is encouraged. This can be accomplished by personally transporting the animal head to the Laboratory. If private transportation is not available, the specimen may be taken to a local health unit to be transported to the Public Health Laboratory. The specimen must be delivered to the local health unit in a timely fashion. Any veterinary fees, and all transportation costs, are the responsibility of the owner. When ownership is not established, these costs are the victim's responsibility. There may be a charge by the Public Health Laboratory for the examination of an animal brain for rabies.
4. It is essential that all information relative to the possible rabies exposure accompany the rabies specimen.

This includes the complete name, address and phone number of the exposed individual, the owner, the physician and veterinarian attending the case. This information is available when the Rabies Sample Submission Form HL-12 (which is included in each rabies specimen box) is completely and accurately filled out. The Public Health Laboratory will report its findings by the most expeditious means to the submitter.

5. Brain or head only, large animals. Livestock and farm animals present a different situation. Entire carcasses must not be sent to the Public Health Laboratory at Little Rock, Arkansas. The attending licensed veterinarian should remove the brain and ship it in the special rabies specimen container as outlined in SECTION II.J.3 Otherwise, it is the owner's responsibility to transport the head only, packed in wet ice, not dry ice, placed in a plastic bag in a leakproof container, to the Public Health laboratory. The shipment of large animal heads to the Laboratory is very unsatisfactory and dangerous.

SECTION III. VACCINATION

- A. Initial Vaccination: The owner of every dog or cat four (4) months of age or older shall have the animal vaccinated against rabies. Vaccination at a younger age should be in accordance with the labels of USDA licensed rabies vaccines. Unvaccinated dogs or cats more than four (4) months of age, that are acquired or moved into the state must be vaccinated within thirty (30) days of purchase or arrival, unless there is documented evidence of current vaccination.
- B. Revaccination: The owner of every dog or cat shall have the animal revaccinated during the twelfth (12) month after initial vaccination. Thereafter, the interval between revaccinations should conform to the Compendium of Animal Rabies and Control, 2008, Part III: Rabies Vaccines Licensed and Marketed in the U.S., published by the National Association of State Public Health Veterinarians, Inc. (Appendix A).

SECTION IV. COMPLIANCE

- A. Those responsible for complying:
 - 1. Public health personnel.
 - 2. Medical and veterinary medical practitioners.
 - 3. Owners, as defined in SECTION II.D.
 - 4. Law enforcement personnel.
 - 5. Persons bitten by dogs, cats or other animals, or, in the case of a minor, the parents or guardian of the minor.
- B. Violations considered as non-compliance:
 - 1. Failure to have dogs or cats vaccinated against rabies.
 - 2. Failure to control and confine dogs, cats or other animals which have been involved in biting incidents and which have not received a current vaccination against rabies or which it is unknown if the dog, cat, or other animal has received a current vaccination against rabies.
 - 3. Resisting, obstructing or impeding an authorized officer enforcing the law.
 - 4. Failure, refusal or neglect by an officer to carry out the provisions of the law.
 - 5. Failure to notify health authorities and failure to comply with written instructions of health authorities regarding animal bites.
- C. Penalty for non-compliance:
 - 1. Every firm, person, or corporation who violates any of the rules ~~or regulations~~ issued or promulgated by the State Board of Health may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

Commented [S58]: Revised pursuant to Act 522 of 2023 to comply with Ark. Code 20-19-307(a)(1)(A)

SECTION V. PROCEDURES WHEN HUMAN IS BITTEN BY DOG OR CAT

A. When a dog or cat is a rabies suspect:

1. In "Special circumstances", as defined in SECTION II.H., the Director of the Arkansas Department of Health, or his or her designated representative, may advise the immediate euthanasia of the dog or cat and expeditious shipment of the head to the Public Health Laboratory for diagnosis of rabies. Costs for euthanasia and for transportation are borne by the owner.
2. When ownership of the dog or cat is established, the dog or cat, vaccinated or unvaccinated, will be confined, quarantined and observed as outlined in SECTION II.G.1 However, with the owner's consent, the dog or cat may be euthanized and the head shipped as outlined in SECTION II.J.
3. Stray dogs or cats, or where ownership cannot be established, will be euthanized and the head shipped in accordance with SECTION II.J. All veterinary fees, including euthanasia and transportation costs, are the responsibility of the victim or, if a minor, by the victim's parents or guardian.

SECTION VI. PROCEDURES WHEN A HUMAN IS BITTEN BY OTHER ANIMAL

A. Wild animals.

1. A wild animal should be humanely destroyed and the head or brain shipped as outlined in SECTION II.J. Care should be taken not to damage the head because the brain is used by the Laboratory to perform the examination for rabies.

B. Domesticated wild animals.

1. Since the incubation period in animals other than dogs or cats is variable, euthanasia of such domesticated wild animals may be necessary even when they have been vaccinated against rabies. Immediate shipment of the head to the Public Health laboratory, in accordance with SECTION II.J., should be accomplished.

C. Domestic animals.

1. Human exposure to domestic livestock afflicted with rabies often presents a dangerous situation. Medical attention and treatment are necessary. Consult with health authorities for instructions.

D. Domesticated caged pets

1. A bite from a domestic caged pet does not constitute an exposure to rabies. Animals in this classification are guinea pigs, white rats and mice, hamsters, gerbils and rabbits.

SECTION VII. HUMAN POST-EXPOSURE TREATMENT

- ### **A.**
- The bite of any warm-blooded animal in Arkansas may be a potential source of rabies. An animal bite exposure to a human requires the immediate attention of a physician who must decide whether antirabies treatment is indicated. If so, the most effective treatment for the type of exposure must be administered. The Health Department is available for consultation and risk assessment of animal bites.

SECTION VIII. PROCEDURES WHEN DOMESTIC DOG OR CAT IS EXPOSED TO RABIES

- A. Vaccinated dogs or cats shall be revaccinated immediately and restrained by the owner. This shall be done by complete confinement and observation in a secure cage or enclosure for a period of at least forty-five (45) days, or the animals may be euthanized as a precaution.
- B. Unvaccinated dogs or cats either shall be euthanized immediately OR confined, quarantined and observed as outlined in [SECTION II.G](#) ~~Section I. G.~~ except that the period will be for six (6) months, and animals will be vaccinated against rabies at least thirty (30) days prior to release. The owner is responsible for all costs.

SECTION IX. PROCEDURES WHEN DOMESTIC ANIMAL OTHER THAN DOG OR CAT IS EXPOSED TO RABIES

Report should be made to the ~~Zoonotic Disease Section Chief~~ [Arkansas State Public Health Veterinarian](#) for consultation concerning disposition of the animal.

Commented [SS9]: Correction to position title

SECTION X. AREA QUARANTINE

- A. Upon request of the proper local officials, a municipality, township, county or undesignated area may be placed under quarantine by the ~~State Health~~ Director [of the Department of Health](#) as outlined in SECTION II.G.2.
- B. In serious situations, the ~~State Health~~ Director [of the Department of Health](#) may place an area under quarantine without waiting for local request.
- C. The occurrence of three or more cases of positive rabies in animals, confirmed by the official Health Department Laboratory in Little Rock, Arkansas, is sufficient basis for placing an area under quarantine.
- D. The proper officials of a government unit may require additional measures to supplement the quarantine of an area in serious situations where there is a possibility that rabies may spread to other animals and constitute a dangerous health hazard for the citizens of the State. These additional measures will be supplied by the Health Department.

Commented [SS10]: Correction to position title

SECTION XI. SEVERABILITY

If any provision of these Rules ~~and Regulations~~, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules ~~and Regulations~~ which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION XII. REPEAL

All ~~Regulations~~ [Rules](#) and parts of ~~Regulations~~ [Rules](#) in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing revisions to the Rules Pertaining to Rabies Control were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the ____ day of _____, _____.

Jennifer Dillaha, MD
Secretary of Arkansas State Board of Health
Director of the Arkansas Department of Health

APPENDIX A

Part III: Rabies Vaccines Licensed and Marketed in the U.S., 2008

Product Name	Produced by	Marketed by	For Use In	Dosage	Age at Primary Vaccination ^a	Booster Recommended	Route of Inoculation
A) MONOVALENT (Inactivated)							
RABVAC 1	Fort Dodge Animal Health License No. 112	Fort Dodge Animal Health	Dogs Cats	1 ml 1 ml	3 months ^b 3 months	Annually Annually	IM ^c or SC ^d IM or SC
RABVAC 3	Fort Dodge Animal Health License No. 112	Fort Dodge Animal Health	Dogs Cats Horses	1 ml 1 ml 2 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC IM
RABVAC 3 TF	Fort Dodge Animal Health License No. 112	Fort Dodge Animal Health	Dogs Cats Horses	1 ml 1 ml 2 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC IM
DEFENSOR 1	Pfizer, Incorporated License No. 189	Pfizer, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	IM or SC SC
DEFENSOR 3	Pfizer, Incorporated License No. 189	Pfizer, Incorporated	Dogs Cats Sheep Cattle	1 ml 1 ml 2 ml 2 ml	3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually Annually	IM or SC SC IM IM
RABDOMUN	Pfizer, Incorporated License No. 189	Schering-Plough	Dogs Cats Sheep Cattle	1 ml 1 ml 2 ml 2 ml	3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually Annually	IM or SC SC IM IM
RABDOMUN 1	Pfizer, Incorporated License No. 189	Schering-Plough	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	IM or SC SC
CONTINUUM RABIES	Intervet, Incorporated License No. 256	Intervet, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	1 year later & triennially 1 year later & quadrannually ^e	SC SC
PRO-RAB-1	Intervet, Incorporated License No. 256	Intervet, Incorporated	Dogs Cats Sheep	1 ml 1 ml 2 ml	3 months 3 months 3 months	Annually Annually Annually	IM or SC IM or SC IM
IM-RAB 1	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	SC SC
IM-RAB 1 TF	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	SC SC
IM-RAB 3	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats Sheep Cattle Horses Ferrets	1 ml 1 ml 2 ml 2 ml 2 ml 1 ml	3 months 3 months 3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially 1 year later & triennially Annually Annually Annually	IM or SC IM or SC IM or SC IM or SC IM or SC SC
IM-RAB 3 TF	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats Ferrets	1 ml 1 ml 1 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC SC
IM-RAB Large Animal	Merial, Incorporated License No. 298	Merial, Incorporated	Cattle Horses Sheep	2 ml 2 ml 2 ml	3 months 3 months 3 months	Annually Annually 1 year later & triennially	IM or SC IM or SC IM or SC
B) MONOVALENT (Rabies glycoprotein, live canary pox vector)							
PUREVAX Feline Rabies	Merial, Incorporated License No. 298	Merial, Incorporated	Cats	1 ml	8 weeks	Annually	SC
C) COMBINATION (Inactivated rabies)							
CONTINUUM DAP-R	Intervet, Incorporated License No. 256	Intervet, Incorporated	Dogs	1 ml	3 months	1 year later & triennially	SC
CONTINUUM Feline HCP-R	Intervet, Incorporated License No. 256	Intervet, Incorporated	Cats	1 ml	3 months	1 year later & quadrannually ^e	SC
Equine POTOMAVAC + IM-RAB	Merial, Incorporated License No. 298	Merial, Incorporated	Horses	1 ml	3 months	Annually	IM
D) COMBINATION (Rabies glycoprotein, live canary pox vector)							
PUREVAX Feline 3/ Rabies	Merial, Incorporated License No. 298	Merial, Incorporated	Cats	1 ml	8 weeks	Annually	SC
PUREVAX Feline 4/ Rabies	Merial, Incorporated License No. 298	Merial, Incorporated	Cats	1 ml	8 weeks	Annually	SC
E) ORAL (Rabies glycoprotein, live vaccinia vector) - RESTRICTED TO USE IN STATE AND FEDERAL RABIES CONTROL PROGRAMS							
RABORAL V-RG	Merial, Incorporated License No. 298	Merial, Incorporated	Coyotes Raccoons	N/A	N/A	As determined by local authorities	Oral

- a. Minimum age (or older) and revaccinated one year later
b. One month = 28 days
c. Intramuscularly
d. Subcutaneously
e. Non-rabies fractions have a 3 year duration (see label)

Source: Compendium of Animal Rabies Prevention and Control, 2008, published by the National Association of State Public Health Veterinarians, Inc.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN, Secretary of Health

Jennifer Dillaha, MD, Director

PROPOSED REVISIONS TO THE RULES PERTAINING TO RABIES CONTROL

PURPOSE

The Arkansas Department of Health (Department) proposing amendments to the Rules Pertaining to Rabies Control.

BACKGROUND

The Rules Pertaining to Rabies Control provide for the prevention and control of rabies and to protect the public health, welfare, and safety of the citizens of Arkansas.

KEY POINTS

These changes were required to reflect amendments made to the Rabies Control Act (Ark. Code Ann. §§ 20-19-301-312) during the 2023 legislative session in accordance with Acts 161 and 522, which allows persons in addition to licensed veterinarians to administer rabies vaccinations and allows for home quarantines of vaccinated dogs and cats, respectively.

DISCUSSION

It is proposed to modify the Rules Pertaining to Rabies Control as follows:

1. Removed “regulations” throughout Rule to comply with Act 315 of 2019.
2. Section II - Revised definition of “cat” to comply with Rabies Control Act, Ark. Code §20-19-302.
3. Section II - Moved to alphabetize and revised definition of “dog” to comply with Rabies Control Act, Ark. Code §20-19-302.
4. Section II - Moved “has been bitten” to alphabetize definitions.
5. Section II – Revised “vaccination against rabies” pursuant to Act 161 of 2023.
6. Section II – Revised “Confinement, quarantine, and observation” pursuant to Act 522 of 2023.
7. Section IV(B)(2) – Revised pursuant to Act 522 of 2023, to comply with Ark. Code § 20-19-307(a)(1)(A).

8. Section IX – Corrected position title from “Zoonotic Disease Section Chief” to “Arkansas State Public Health Veterinarian”
9. Section X – Corrected position title from “State Health Director” to “Director of Department of Health.”