

Rabies Law:

A Refresher for Health Directors

AIMEE WALL

UNC SCHOOL OF GOVERNMENT

APRIL 23, 2015

Ziggy



Ziggy



Ziggy
bites
Andy



What happens next?



- Mandatory reporting of bites by dogs/cats/ferrets
 - Victim
 - Owner/possessor
- Mandatory reporting if attend a person who is bitten by potential carrier
 - Physician

What happens next?

- Confinement of biting animal
 - Immediately
 - 10 days
 - In a place designated by local health director
 - May be on the owner's property



Confinement



- Do you allow for home confinement?
- Do you have a written policy about home confinement?
- Do you always consider home confinement before making a decision?
 - *"After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property." GS 130A-196(b)*

Owner does not comply

- Director issues seizure order and confines for remainder of 10 day
- May charge owner with a Class 2 misdemeanor



Other remedies

- Class 1 misdemeanor (GS 130A-25)
- Injunction (GS 130A-18)
- Imminent hazard (GS 130A-20)
- Public health nuisance?

New facts: Ziggy is a stray

- Animal control duty to “make a reasonable attempt to locate the owner”
- If not identified within 72 hours of the event, health director “may authorize the animal to be euthanized” and the head sent to the State Lab (+24 hours if bite on a weekend)

Confidentiality



- Andy contacts the media
- A reporter calls you for information about the situation
- What can the department say?

Public record unless... it's not

COMMUNICABLE DISEASE

Information that identifies a person who has or may have a reportable communicable disease must be withheld

- GS 130A-143

LAW ENFORCEMENT

Records of criminal investigations by public law enforcement agency may be withheld, subject to some exceptions

- G.S. 132.4

Raccoon v. Adorable Kittens



Kittens stay under the back steps
with mama

Owners hear a tussle out back

See mama fighting with a
raccoon and kittens scampering

Raccoon runs away



What happens next?



- Was the mama exposed?
- Were the kittens exposed?
- What information do you need to answer these questions?

What is an exposure?

- LHD “reasonably suspects” that a dog/cat/ferret has been exposed to the saliva or nervous tissue of a proven rabid animal” or an unavailable animal. (GS 130A-197)
- “...any penetration of skin by the teeth of a potentially rabid animal or contamination of scratches, abrasions, open wounds or mucous membranes with saliva or other potentially infection material (such as brain or nervous tissue) from a potentially rabid animal” (NC Rabies Control Manual)

Consequences of exposure

If owner does not want to destroy the animal, the health director:

- Approves the quarantine facility
- Designates the period of the quarantine (up to 6 months)
- Imposes any other “reasonable conditions”



Exposure



- Do you allow for home quarantine?
- Do you allow quarantine for less than six months?
- Do you impose additional conditions?
- Do you monitor the quarantine?

Non-Dogs/Cats/Ferrets



- Limited authority
- Receives reports from physicians
- CD investigation
- Confine animals suspected of having rabies
- Exercise vicious animal authority (GS 130A-200)



The Times (UK) (3/1/2013)

Are local laws an option?

EXOTIC ANIMALS

- Ordinance may be better option than a BOH rule
- Health, safety, and welfare
- Dangerous animals

RABIES

- Rule or ordinance
- Rule may only address health
- Must not repeat or conflict with state law
- Preemption?

Can someone else please do this?



- ❑ Duties assigned by statute to the health director
- ❑ May be delegated pursuant to GS 130A-6, but...
 - Retain connection to policy decisions requiring exercise of LHD discretion
 - Delegation outside of the county problematic

Questions?



Aimee Wall

wall@sog.unc.edu

919.843.4957

www.ncanimalcontrol.unc.edu