

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1292

By: Fields

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-508, which relates to rabies; providing for payment of certain fees and charges; authorizing reimbursement; requiring payment of certain fees; creating the Rabid Animal Control Reimbursement Act; providing for deposits, purposes and expenditures; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-508, is amended to read as follows:

Section 1-508. A. The State Board of Health ~~may adopt such~~ shall promulgate rules ~~and regulations as~~ it deems necessary for the quarantine, isolation, impounding, immunization and disposal of wild animals, livestock and other domesticated animals, dogs, cats or other domestic pets to prevent and control rabies. The President of the State Board of Agriculture and the Director of Wildlife Conservation shall be requested to make recommendations on pertinent phases affecting their official duties before such rules ~~and regulations~~ are ~~adopted~~ promulgated by the State Board of Health.

B. Whenever the ~~State~~ Commissioner of Health ~~or a designee of the Commissioner~~ determines that rabies exists in any area or that a person has suffered a rabies exposure, ~~he~~ the Commissioner shall have authority to issue an order declaring a quarantine according to rules ~~and regulations adopted~~ promulgated by the State Board of Health. ~~He~~ The Commissioner of Health shall, assisted by the President of the State Board of Agriculture and the Director of Wildlife Conservation, cause such quarantine to be enforced. Public officers and employees acting within the scope of their authority in carrying out or enforcing any such order, ~~or rules and regulations adopted~~ promulgated for the control of rabies, shall not be held liable for damages resulting from their official acts.

C. It shall be unlawful for any person to willfully fail or refuse to comply with a lawful order of the ~~State~~ Commissioner of Health declaring a quarantine. Any person convicted of violating the provisions of this subsection, upon conviction thereof, shall be guilty of a misdemeanor and may be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

D. District courts shall be authorized to grant injunctive relief, including temporary injunctions and temporary restraining orders, to compel compliance with a quarantine order issued by the Commissioner of Health pursuant to this section.

E. 1. Payment of any fees, costs or charges incurred as a result of the boarding, examination, testing, or medical or veterinary services for any animal that has exposed a person or another animal to rabies shall be the responsibility of the person owning, keeping, or harboring such animal.

2. In instances where the person owning, keeping or harboring an animal that has exposed a person or another animal to rabies is unknown, the veterinarian or county sheriff boarding the animal for

observation or providing any supplies, testing, examination, or services for such animal may be reimbursed for such supplies, testing, examination, or services from the Rabid Animal Control Reimbursement Fund created pursuant to subsection G of this section.

F. The Department shall charge a fee to any person, other than the county sheriff, submitting a specimen to the rabies laboratory, State Department of Health, for rabies examination in an amount not to exceed Twenty Dollars (\$20.00). Any funds collected pursuant to this section shall be deposited in the Rabid Animal Control Reimbursement Fund.

G. There is hereby created in the State Treasury a revolving fund for the Oklahoma State Department of Health to be designated the "Rabid Animal Control Reimbursement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from the fees required by subsection F of this section and any other sources. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of reimbursing county sheriffs or veterinarians providing supplies, examination, testing or veterinary services for an animal that has exposed a person or another animal to rabies in instances where the person responsible for such animal is unknown. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 2. This act shall become effective November 1, 1995.

45-1-5181

KSM