

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3330

By: Steidley

AS INTRODUCED

An Act relating to animals and public health;

amending 4 O.S. 1991, Section 43, which relates to dogs running at large; amending 63 O.S. 1991, Section 1-508, as amended by Section 1, Chapter 124, O.S.L. 1996 (63 O.S. Supp. 1997, Section 1-508), which relates to zoonotic diseases; authorizing counties of any size to regulate dogs running at large; requiring rabies vaccinations yearly or every three years depending on the rules of the State Board of Health; requiring owners to keep certain records and make such records available under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 4 O.S. 1991, Section 43, is amended to read as follows:

Section 43. The board of county commissioners of any county ~~with a population of two hundred thousand (200,000) or more according to the last Federal Decennial Census~~ may regulate or prohibit the running at large of dogs within said county, and cause such dogs as may be running at large to be impounded and disposed of as otherwise provided for by law or sold to discharge the costs and

penalties provided for the violation of such prohibition and the expense of impounding and keeping the same for such sale; and may also provide for the erection of all needful pens, pounds and buildings for the use of said county at any place within said county. It shall be the duty of the board of county commissioners of any county undertaking the regulation and taxation of dogs in said county under this act to establish and enforce rules governing the same, and they shall enter into a definite cooperative agreement with the sheriff of said county prescribing said rules and regulations and the manner and terms of enforcement thereof, and for the financing and compensation therefor. The board of county commissioners may also regulate and provide for taxing the owners and harborers of dogs, and authorize the humane killing or disposal of dogs, found at large, contrary to any ordinance regulating the same. Any person, firm or corporation who violates any rule or regulation made by ~~such~~ the board of county commissioners ~~under the authority of this act~~ shall be guilty of a misdemeanor and shall be punished as provided by the laws of this state in any court of competent jurisdiction; provided, that in the case of continuing offenses, each day on which the offense occurs shall constitute a separate offense.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-508, as amended by Section 1, Chapter 124, O.S.L. 1996 (63 O.S. Supp. 1997, Section 1-508), is amended to read as follows:

Section 1-508. A. 1. The State Board of Health may adopt such rules as it deems necessary for the quarantine, isolation, impounding, immunization and disposal of an animal to prevent and control any zoonotic disease. Rules of the Board shall consider, but not be limited to:

- a. prior rabies vaccinations,
- b. the degree of exposure to rabies,

- c. the history and ~~prior~~ behavior of the animal prior to exposure, and
- d. the willingness of the individual so exposed to submit to postexposure antirabies immunization.

2. 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 are promulgated by the State Board of Health.

B. 1. Whenever the State Commissioner of Health or a designee determines that any zoonotic disease exists in any area or that a person has suffered an exposure to any such disease, the Commissioner shall have authority to issue an order declaring a quarantine, isolation, impounding, immunization or disposal of any animal determined to be the source of such disease or exposure according to rules promulgated by the State Board of Health. The Commissioner shall, assisted by the State Board of Agriculture and the Director of Wildlife Conservation, cause such quarantine, isolation, impounding, immunization or disposal to be enforced.

2. Public officers and employees acting within the scope of their authority in implementing or enforcing any such order, or rules promulgated for the control of zoonotic disease, 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, isolation, impounding, immunization or disposal. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and may be punished by a fine of not more than One Hundred Dollars (\$100.00), 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, isolation, impounding, immunization or disposal order issued by the Commissioner pursuant to this section.

E. The State Board of Health shall require each owner of a dog to have the dog vaccinated for rabies either each year or each three (3) years, depending on the rules promulgated by the Board. Every owner of a dog shall keep the record of the vaccination available for inspection in the event the dog has bitten or otherwise injured a person and that person may be given the rabies shots without the record provided by the owner of the dog.

SECTION 3. This act shall become effective November 1, 1998.

46-2-9333

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