

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Epidemiology and Health Planning**  
**(Amended After Comments)**

**902 KAR 2:070. Rabies control.**

RELATES TO: KRS 258.005, 258.015, 258.035, 258.043,[-] 258.085, 258.990(1), (2)

STATUTORY AUTHORITY: KRS 194A.050(1), 211.180 [194.050(1)], 258.015, 258.043[211.090, 258.035], 258.075[,-EO-2004-726]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 258.075 authorizes the secretary to administer the provisions of KRS 258.005 to 258.087 through the local health departments and to promulgate administrative regulations necessary to effectuate[EO-2004-726, effective July 9, 2004, reorganized the Cabinet for Health and Family Services and placed the Department for Public Health under the Cabinet for Health and Family Services. KRS 258.005 to 258.085 and 258.990(1) and (2) authorize the cabinet to administer] a statewide rabies control program. **KRS 258.015 requires the cabinet to approve a vaccination certificate form.** KRS 258.043 authorizes a local health department to sponsor a mass rabies immunization clinic and to establish a reasonable fee to be charged to the owner of each dog, cat, or ferret vaccinated to help defray the cost of the clinic. This administrative regulation establishes uniform procedures for the diagnosis, prevention, and control of rabies, and for operating a mass rabies clinic.

Section 1. Brands and Types of Approved Vaccine. ~~[The Cabinet for Health and Family Services hereby approves]~~ All brands and types of antirabies vaccine approved by the United States Department of Agriculture and administered in accordance with the manufacturers' instructions shall be approved vaccines for the purpose of this administrative regulation[-; except only vaccines certified to induce at least three (3) year immunity shall be used in mass immunization clinics sponsored by local health departments].

Section 2. Vaccination Schedule. The vaccination schedule for all dogs, cats, and ferrets shall be as established in this section.~~[follows:]~~ (1)(a) Except as provided by paragraph (b) of this subsection, all dogs, cats, and ferrets shall be vaccinated against rabies by a veterinarian holding a valid Kentucky license.

(b) An individual permitted under Section 7 of this administrative regulation may vaccinate a dog[dogs] owned by that individual~~[four (4) months of age and older shall be vaccinated against rabies]~~.

(2) A dog, cat, or ferret~~[Dogs, cats, and ferrets]~~ initially vaccinated shall be revaccinated one (1) year after the initial vaccination regardless of the type of vaccine used or age of the animal at the time of vaccination.

(3) After the vaccination required by subsection (2) of this section,~~[Thereafter]~~ the period of time required for revaccination shall be dependent upon the type of vaccine administered and the next vaccination due by~~[expiration]~~ date as documented on the vaccination certificate.

~~(4)[The date of expiration shall be indicated on the vaccination certificate.]~~ The current revaccination recommendations of the National Association of State Public Health Veterinarians, Inc. may be utilized in determining expiration dates of vaccines.

Section 3. Vaccination Certificates. A vaccination certificate~~[certificates]~~ shall provide the information found on the National Association of State Public Health Veterinarians NASPHV Form ~~Form~~ Form ~~51, Rabies Vaccination Certificate.~~ Certificate information shall either~~[may]~~ be:

- (1) Handwritten on a reproduction of the NASPHV Form~~[#]51; or~~
- (2)~~[it may be]~~ Computer generated.

Section 4. Dogs, Cats, and Ferrets Brought into State. (1) Each dog, cat, or ferret~~[All dogs, cats, and ferrets]~~ brought into Kentucky shall be vaccinated in accordance with KRS 258.035.

(2)~~[against rabies and have a currently valid rabies vaccination certificate.]~~ Reciprocity with other states shall be~~[is]~~ granted if the vaccine is **approved by the** U.S. Department of Agriculture **[approved]** and administered by a veterinarian licensed in that state.

Section 5. Animals Suspected of Being Infected by Rabies. (1) An animal suspected of being infected by rabies shall be quarantined in accordance with KRS 258.085.

(2)~~[Except as provided by subsection (3) of this section,]~~ An animal ordered for quarantine in accordance with KRS 258.085(1)(a) shall be quarantined in a manner that limits the animal's exposure to humans or other animals.

(3)~~[The owner of an animal ordered for quarantine in accordance with KRS 258.085(1)(a)1. or 2. may choose to isolate the animal in his or her home unless it is not feasible to do so.~~

(4) An owner refusing to submit an animal suspected of being rabid for quarantine or agreeing to isolate the animal in his or her home shall be notified of the liability for any rabies post exposure treatment that may be necessary.

(6)~~[Destroying an Animal Exhibiting Positive Signs of Rabies.]~~ If a dog, cat, or ferret is ordered to be destroyed and tested for rabies pursuant to KRS 258.085(1)(b), it shall be killed in a manner as to preserve the brain intact. The animal shall not be shot or clubbed in the head. A wild animal~~[animals]~~ suspected of rabies shall be sacrificed and its head~~[their heads]~~ submitted to the laboratory immediately.

Section 6. Sending Heads of Ownerless Animals to the Laboratory. If the ownership of a rabies suspect animal is unknown, the expense of forwarding the head of the animal to the laboratory shall be borne by the local health department.

Section 7. Rabies Vaccination Permits for Owners of Dogs ~~[, Cats, or Ferrets]~~. (1) The Cabinet for Health and Family Services shall issue a permit to an owner of a dog~~[permits to owners of dogs]~~ to vaccinate a dog~~[dogs]~~ owned by that individual~~[them]~~ upon satisfactory passage of an examination prescribed by the cabinet.

(2) An individual seeking an initial permit to vaccinate a dog owned by that individual shall:

(a) Register with the state public health veterinarian by September 30;

(b) Attend the instructional course on rabies, epidemiology, laws, and vaccine administration; and

(c) Pass the written examination with a score of seventy (70) percent or higher.~~[Current permit holders may renew their permit annually if initially renewed by December 31, 2004.]~~

(3) The course required by subsection (2)(b) of this section shall~~[New permit holders shall pass a written examination that shall be administered immediately following an instructional course on rabies laws and vaccine administration. This course and examination will]~~ be provided annually in Frankfort at no charge to the participant.

(4) The Cabinet for Health and Family Services shall **[forthwith]** revoke any permit issued

under this administrative regulation upon finding that the permittee had vaccinated a dog~~[dogs]~~ not owned by the permittee~~[him]~~.

(5)(a) A permit holder shall renew the permit between January 1 and February 28~~[Permits issued under this administrative regulation may be renewed]~~ each year unless the permit has been suspended, revoked, or cancelled.

(b) A permit shall be renewed by:

1. Returning the Renew Qualified Person Form provided with the certificate of approval to administer a rabies vaccination; or

2. Contacting the state public health veterinarian by phone or email to request renewal.

(c) Failure to renew between January 1 and February 28 of each year shall result in permit cancellation.

**(6) Upon transfer of ownership, a dog vaccinated for rabies by a qualified person shall be revaccinated by:**

**(a) A licensed veterinarian; or**

**(b) The new owner if that individual is also a qualified person.**

Section 8. Local Health Department Operating a Mass Rabies Vaccination Clinic.

(1) A local health department may sponsor a countywide rabies vaccination clinic per year for the purpose of vaccinating dogs, cats, and ferrets.

(2) At least one (1) Kentucky licensed veterinarian shall be available on-site during the rabies clinic to:

(a) Provide the initial vaccine to a dog, cat, or ferret in accordance with Section 2 of this administrative regulation;

(b)1. Provide a three (3) year vaccine booster to a **dog or cat**~~[an animal]~~ with proof of previous rabies vaccination; and

**2. Provide a one (1) year vaccine booster to a ferret with proof of previous rabies vaccination; and**

(c) Be available to provide medical care if an adverse vaccine event occurs.

**(3)[Only vaccines certified to induce at least three (3) year immunity shall be used in a mass immunization clinic sponsored by a local health department.**

~~(4)~~ An owner shall not be charged more than ten (10) dollars for each vaccination given.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference.

(a) ["]National Association of State Public Health Veterinarians, NASPHV Form[#]51, "Rabies Vaccination Certificate," 2007; and

(b) "Renew Qualified Person Form" 3/2019[, (2004)] is incorporated by reference].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8:00 a.m. to 4:30 p.m., and is available from the Centers for Disease Control and Prevention at <https://www.cdc.gov/rabies/resources/publications/>.

JEFFREY D. HOWARD, Jr., M.D., Commissioner

ADAM M. MEIER, Secretary

APPROVED BY AGENCY: July 12, 2019

FILED WITH LRC: July 15, 2019 at 10 a.m.

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## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov, or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a statewide rabies control program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary for the prevention and control of the spread of rabies throughout the state.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 258.015 requires every owner of a dog, cat, or ferret to have the animal vaccinated against rabies and to receive a certificate of the vaccination. KRS 258.043 allows local health departments (LHD) to sponsor mass rabies immunization clinics and to charge the owner of the animal being vaccinated a reasonable fee to help defray the cost of the clinic.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation helps to ensure all domestic animals are properly vaccinated against rabies, and helps to ensure the safe handling of an animal carcass when the animal is suspected of being infected with rabies.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment establishes the operating procedures for an LHD to operate a countywide mass rabies vaccination program, and sets a reasonable fee to be charged each owner of a dog, cat, or ferret for each vaccination provided. This amendment clarifies the quarantine procedures when a dog, cat, or ferret is suspected of having rabies and updates the vaccination certificate incorporated by reference to the current version of the certificate form being used by all veterinarians at this time. The Amended After Comments version of this administrative regulation corrects the statutory authority, adds the authority requiring the cabinet to approve the vaccination certificate form, clarifies which rabies vaccinations are approved for use and for reciprocity, clarifies the expiration date to be used in determining when the next rabies vaccination is due, ensures the quarantine of an animal suspected of being rabid is done in a safe manner that limits the animals exposure to humans and other animals, adds the provision for revaccination when there is a change in ownership of a dog vaccinated by a qualified person, and makes additional formatting changes to comply with KRS Chapter 13A drafting rules.

(b) The necessity of the amendment to this administrative regulation: House Bill 327, enacted during the 2018 legislative session, amended KRS 258.043 to remove the fee associated with a rabies vaccination given during an LHD sponsored immunization clinic. This amendment is necessary to set a standard fee to be charged an owner who chooses to have their dog, cat, or ferret vaccinated through an LHD sponsored mass immunization clinic. The National Association of State Public Health Veterinarians, NASPHV Form #51, is the most current certification form used by veterinarians and this amendment is necessary to update the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment assists in administering a state rabies law as authorized by KRS 258.075.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in preventing and controlling the spread of rabies throughout the state by: allowing an LHD to offer a low cost rabies vaccination clinic; ensuring the proper quarantine of an animal suspected of having rabies; clarifying the procedures to be followed for submitting the brain of an animal who is suspected of having rabies upon the death of the animal; and al-

lowing an individual to be permitted to administer a rabies vaccination to animals they own.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment has the potential to impact sixty-one (61) district health departments, 120 local health departments, as well as all dog, cat, and ferret owners in the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Local or district health departments not currently offering or participating in a mass rabies vaccination clinic would need to secure the services of a licensed veterinarian in their area to provide oversight of the vaccination process. Veterinarians participating in the mass immunization clinic will need to establish if the animal has previously been vaccinated and provide an appropriate vaccination according to recommendations by the National Association of State Public Health Veterinarians. Individuals assuming ownership of a dog that has been vaccinated by a qualified person will need to be aware of the requirement for revaccination upon the change ownership.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): The estimated cost to a local health department would be fifty-nine (59) dollars per hour. This cost was established by considering the average salary rate for a veterinarian at forty-four (44) dollars per hour, the cost of fifteen (15) dollars for ten (10) vials of vaccination, and the cost of eighty-three (83) dollars for 100 rabies tags. The fifty-nine (59) dollar per hour costs will be offset by the maximum ten (10) dollar fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Expanding the availability of low cost rabies vaccination can help to reduce the prevalence of rabies occurring in dogs, cats, and ferrets throughout the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: An average rabies clinic is six (6) hours in length. At the rate of fifty-nine (59) dollars an hour, a local health department would spend \$354 per clinic. If each local health department sponsored one (1) clinic per year, the total costs would be approximately \$42,480 per year.

(b) On a continuing basis: The continuing costs would be approximately \$42,480.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds as well as funds generated from the nominal fee associated with the rabies vaccination will be used to implement this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: The fee associated with this administrative regulation is being raised from not exceeding five (5) dollars to not exceeding ten (10) dollars. The actual amount of the fee for the rabies vaccination will be set by the local health department. Some local health departments may choose to not increase the fee amount.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation establishes the maximum fee to be charged to each owner of a dog, cat, or ferret receiving a vaccination through a local health department sponsored mass rabies vaccination clinic. The cost shall not exceed ten (10) dollars per vaccination given. By contrast, a rabies vaccination costs nineteen (19) dollars through Petco® and can cost between fifteen (15) and twenty-eight (28) dollars through a private veterinarian. In addition to the cost of the vaccine, a private veterinarian will likely also charge be-

tween thirty (30) to fifty (50) dollars per examination.

(9) TIERING: Is tiering applied? Tiering is applied. A local health department can charge up to the maximum fee of ten (10) dollars. Some local health departments may choose to offer the rabies vaccination for a lower fee amount.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Division of Epidemiology and Health Planning within the Department for Public Health.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 211.180, 258.015, 258.043, 258.075.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? While this administrative regulation does increase the maximum fee associated with an LHD sponsored mass vaccination clinic, the total amount of revenue generated by this increase cannot be determined. Not all LHDs will sponsor a mass rabies vaccination clinic and those that do sponsor a clinic may elect to charge a fee that is lower than the maximum of ten (10) dollars. In addition, there is no way of knowing how many individuals will have their animal vaccinated through an LHD sponsored clinic.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The total amount of revenue generated cannot be determined.

(c) How much will it cost to administer this program for the first year? The costs for all LHDs to sponsor one (1) mass rabies vaccination clinic is approximately \$42,480 per year.

(d) How much will it cost to administer this program for subsequent years? It will cost approximately \$42,480 in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: