Agenda Item Title: Amendments to rules concerning the control of rabies

Agenda Number: 5.f

Recommended Council Action:

_____ For Discussion Only

__X__ For Discussion and Action by the Council

Background: The Zoonosis Control Branch, located in the Infectious Disease Control Unit/Infectious Disease Prevention Section of Division of Disease Control and Prevention Services (formerly Division for Prevention and Preparedness Services), promotes public health through the prevention and control of zoonotic diseases, which are diseases transmitted to humans from animal reservoirs. Zoonotic diseases encompass many of the most dangerous disease threats to humans and, worldwide, make up two-thirds of emerging diseases. Zoonoses present in Texas include anthrax, hantavirus, Lyme disease, plague, rabies, tularemia, and West Nile virus.

Services provided by the Zoonosis Control Branch include surveillance of diseases, such as rabies (in 2011, there were 1,018 laboratory-confirmed cases of rabies compared with 773 confirmed cases in 2010); the Oral Rabies Vaccination Program; inspection of rabies quarantine facilities (Zoonosis Control personnel inspected 351 rabies quarantine facilities during January-June of 2012); and consultations to the public, animal control professionals, and other groups on disease transmission, handling of potential rabies exposures, and interpretation of animal-related laws.

The program is funded through General Revenue.

Summary: The purpose of the rules is to implement a comprehensive rabies control program that will diminish public exposure to rabies, reduce morbidity and mortality from rabies among humans and animals, and provide for humane treatment of animals suspected of rabies.

The most substantial change to the rules is the addition of skunks to the statewide quarantine to address the rabies epizootic in skunks. It is illegal to transport animals subject to the statewide rabies quarantine from, to, or within the State of Texas, unless specifically exempted in the rules. To minimize the impact on persons needing to transport animals under certain circumstances, the rule amendments add specified professionals authorized by the Texas Parks and Wildlife Department (TP&WD) and the Texas Department of Agriculture (TDA) to the list of entities exempted for transport of animals in quarantine.

Additionally, the proposed changes provide clarity on:

- determining the frequency of feeding an animal in a shelter setting;
- using pesticides in a shelter setting according to the manufacturer’s label instructions;
- monitoring an animal’s behavior and health status by an animal’s custodian if it is in home confinement versus being housed in a quarantine facility or veterinary clinic after a bite incident;
- determining rabies vaccination schedules and information needed on rabies documentation for animals of interstate and international travelers;
- describing certain definitions; and
- modifying the DSHS laboratory’s rabies specimen submission protocol and updating the names of various entities cited in the rules.
The rule revisions comply with the four-year review of agency rules required by Government Code, Section 2001.039.

The rules primarily impact animal control and shelter personnel, veterinarians, and pet owners.

**Key Health Measures:**

The rule changes are intended to clarify requirements and decrease confusion about how to comply with minimum standards. Forms that Regional Zoonosis Control personnel use when inspecting rabies quarantine facilities and that for-hire veterinarians use when inspecting certain impoundment and shelter facilities will be revised based on the new clearer rules. Zoonosis Control inspectors will collect information from quarantine facility personnel on their understanding of and compliance with minimum standards provided in the rules, including whether or not any of the language changes was an improvement.

It is anticipated that the addition of skunks to the statewide rabies quarantine will aid the program in controlling the skunk variant of rabies virus by limiting its geographic spread. The following table summarizes the incidence of rabies in skunks and other animals over the past three years.

<table>
<thead>
<tr>
<th></th>
<th>Skunk</th>
<th>Fox</th>
<th>Bat</th>
<th>Coyote</th>
<th>Raccoon</th>
<th>Dog</th>
<th>Cat</th>
<th>Bovine</th>
<th>Equine</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>566</td>
<td>31</td>
<td>304</td>
<td>1</td>
<td>37</td>
<td>9</td>
<td>30</td>
<td>10</td>
<td>22</td>
<td>8</td>
<td>1018</td>
</tr>
<tr>
<td>2010</td>
<td>322</td>
<td>10</td>
<td>373</td>
<td>0</td>
<td>18</td>
<td>15</td>
<td>20</td>
<td>5</td>
<td>8</td>
<td>2</td>
<td>773</td>
</tr>
<tr>
<td>2009</td>
<td>313</td>
<td>2</td>
<td>443</td>
<td>3</td>
<td>20</td>
<td>14</td>
<td>15</td>
<td>9</td>
<td>7</td>
<td>4</td>
<td>830</td>
</tr>
</tbody>
</table>

**Summary of Input from Stakeholder Groups:** Stakeholder input for the rule began September 2011, and input was received from the Texas Veterinary Medical Association (TVMA), Texas State Board of Veterinary Medical Examiners (TSBVME), TDA, DSHS Laboratory staff, TP&WD, and statewide DSHS Zoonosis Control (ZC) staff.

Changes incorporated from stakeholder input were:
- adjusting the rabies vaccination record retention to agree with those in the rule of the TSBVME (TVMA concurred with this revision);
- delineating rabies vaccination schedules based on problems noted by ZC staff;
- adjusting the rabies specimen submission protocol to meet the needs of the DSHS Laboratory;
- incorporating name changes in the statewide quarantine section to comply with TDA and adding exempted entities at the request of the TP&WD; and
- clarifying definitions and descriptions of minimal standards for animal shelters and impoundment and quarantine facilities to address concerns that had been encountered by ZC staff during their inspections.

**Proposed Motion:**

Motion to recommend HHSC approval for publication of rules contained in agenda item #5.f.

---

**Approved by Assistant Commissioner/Director:** Lucina Suarez, Ph.D., Acting Assistant Commissioner Date: 8/23/2012 for Prevention and Preparedness Services Division

**Presenter:** Tom Sidwa, DVM, MPH **Program:** Zoonosis Control Branch **Phone No.:** 512-776-6628

**Approved by CCEA:** Carolyn Bivens Date: 8/21/2012

Revised by CCEA 3/1/12
Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission, on behalf of the Department of State Health Services (department), proposes amendments to §§169.21 - 169.34, concerning the control of rabies.

BACKGROUND AND PURPOSE

These rules are necessary to comply with Health and Safety Code, Chapter 826, “Rabies,” §826.011, which provides the Executive Commissioner of the Health and Human Services Commission with the authority to administer the rabies control program and adopt rules necessary to effectively administer the program.

Government Code, §2001.039, requires that each state agency review and consider for re-adoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 169.21 - 169.34 have been reviewed and the department has determined that reasons for adopting the sections continue to exist because rules on this subject are needed.

Specifically, the sections cover purpose, definitions, information relating to the control of rabies, preexposure rabies vaccination, reports of human exposure to rabies, facilities for the quarantining or impounding of animals, quarantine method and testing, requirements of a quarantine facility, vaccination requirement, disposition of domestic animals exposed to rabies, interstate movement of dogs and cats into Texas, international movement of dogs and cats into Texas, submission of specimens for laboratory examination, and statewide quarantine.

The proposed revisions to the sections update and clarify language to enable those subject to the sections to more readily comply. The amendments enhance implementation of a comprehensive rabies control program that will diminish public exposure to rabies, reduce morbidity and mortality from rabies among humans and animals, and provide for humane treatment of animals suspected of rabies. After carefully considering the alternatives, the department believes the rules as amended are the best method of implementing the statute to protect the public health with rules for the control and eradication of rabies in the State of Texas.

SECTION-BY-SECTION SUMMARY

The amendments to §§169.21, 169.23 and 169.24 modify language to make the sections more concise and remove superfluous language.
The amendment to §169.22 updates and adds definitions to maintain the sections technically correct.

The amendment to §169.25 clarifies the type of exposure and adds a legal citation.

The amendment to §169.26 clarifies facility and animal care requirements and provides succinct descriptions.

The amendment to §169.27 clarifies language relating to rabies exposure and animal quarantine and disposition, plus reformats current language to establish a smoother reading transition.

The amendment to §169.28 clarifies and updates language relating to the requirements of quarantine facilities, including explaining how appeals are handled.

The amendment to §169.29 clarifies the rabies vaccination requirement and the intent of the rule.

The amendment to §169.30 modifies language pertaining to disposition of domestic animals exposed to rabies to coincide with proposed updates to definitions.

The amendments to §169.31 and §169.32 clarify language pertaining to dogs and cats coming into Texas from other states and other countries and required rabies vaccination documentation.

The amendment to §169.33 modifies language pertaining to the submission of rabies specimens for laboratory examination to meet recent changes in the needs of the department’s laboratory.

The amendment to §169.34 clarifies language pertaining to the statewide quarantine and the animals subject to the statewide quarantine, including updating information on associated agencies.

FISCAL NOTE

Janna Zumbrun, Director, Infectious Disease Prevention Section, has determined that for each year of the first five years that the sections will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the sections as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Zumbrun has also determined that there will be no effect on small businesses or micro-businesses required to comply with the sections as proposed. This was determined by interpretation of the rule that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the sections.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the sections as proposed. The Texas Veterinary Medical Association and the Texas State Board of
Veterinary Medical Examiners were contacted about proposed changes to rabies vaccination certificate requirements; there is not an anticipated fiscal impact for veterinarians who will need to comply with these amendments. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Ms. Zumbrun has determined that for each year of the first five years the sections are in effect, the public will benefit from adoption of the sections. The public benefit anticipated as a result of enforcing or administering the sections will be enhancing public health and safety by advising preexposure rabies vaccination of persons at high risk for rabies exposure; requiring reporting of potential exposure of humans to rabies; imposing quarantine or testing of animals that potentially exposed a human to rabies; setting standards for the humane and effective quarantine of these animals; establishing minimum standards for vaccination of dogs and cats against rabies with associated recordkeeping and records retention; establishing requirements for the disposition of domestic animals exposed to a rabid animal; establishing rabies vaccination requirements for interstate and international movement of dogs and cats into Texas; establishing standards for the submission of specimens to the department's laboratory for rabies testing; and establishing statewide rabies quarantine for particular wildlife species. After careful consideration of alternatives, the department concludes that the rules, as revised, provide a clear, concise, comprehensive policy of rabies control that will diminish public exposure to rabies, reduce morbidity and mortality from rabies control that will diminish public exposure to rabies, reduce morbidity and mortality from rabies among humans and animals, and provide for humane treatment of animals suspected of rabies. This policy is the most efficient use of public and private resources to achieve these goals.

REGULATORY ANALYSIS

The department has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The department has determined that the proposed amendments do not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Tom Sidwa, DVM, MPH, Department of State Health Services, Infectious Disease Prevention Section, Zoonosis Control Branch, Mail Code 1956, P. O. Box 149347, Austin, Texas 78714-9347, or by email to
Tom.Sidwa@dshs.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Lisa Hernandez, certifies that the proposed rules have been reviewed by legal counsel and found to be within the state agencies’ authority to adopt.

STATUTORY AUTHORITY

The amendments are authorized by Health and Safety Code, §81.004, which provides the department with the authority to adopt rules necessary for the implementation of the Communicable Disease Prevention and Control Act; §826.011, which provides the department with the authority to administer the rabies control program and adopt rules necessary to effectively administer this program; §826.012, which provides that rules adopted by the department are minimum standards for rabies control; §826.042, which provides that the department shall adopt rules governing the testing of quarantined animals and the procedure for and method of quarantine; §826.045, which requires the department to adopt rules to enforce an area rabies quarantine; §826.051, which requires the department to adopt rules governing the types of facilities that may be used to quarantine or impound animals; and Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001. Review of the rules implements Government Code, §2001.039.

The amendments affect Health and Safety Code, Chapters 81, 826, and 1001; and Government Code, Chapters 531 and 2001.
$169.21$. Purpose.

The purpose of this subchapter [these sections] is to protect public health by establishing standardized [uniform] rules for the control and eradication of rabies in the State of Texas, in accordance with [Chapter 826 of] the Texas Health and Safety Code, Chapter 826.

§169.22. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Unless defined below, all words have definitions as provided in the Texas Health and Safety Code, §826.002.

(1) - (4) (No change.)

(5) Currently vaccinated--Vaccinated and satisfying all the following criteria.

(A) The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that [animal] species at or after the minimum age requirement and using the recommended route of administration for the vaccine.

(B) - (C) (No change.)

(6) - (10) (No change.)

(11) Euthanatize--To cause the death of an animal implementing a technique that is in accordance with the methods, recommendations, and procedures prepared by the American Veterinary Medical Association (AVMA) and set forth in the AVMA Guidelines on Euthanasia (June 2007) and:

(A) rapidly produces unconsciousness and death with minimal pain or distress; or

(B) utilizes anesthesia produced by an agent that causes painless loss of consciousness and death following such loss of consciousness.

(12) [(11)] Health service region--A contiguous group of Texas counties, so designated by the Executive Commissioner of the Health and Human Services Commission.

(13) [(12)] High-risk animals--Those animals which have a high probability of transmitting rabies; they include skunks, bats, foxes, coyotes, and raccoons.
(14) [(13)] Housing facility--Any room, building, or area used to contain a primary enclosure or enclosures.

[(14) Humanely killed--To cause the death of an animal by a method which:

[(A) rapidly produces unconsciousness and death without pain or distress;

or]

[(B) utilizes anesthesia produced by an agent that causes painless loss of consciousness, and death following such loss of consciousness.]

(15) - (25) (No change.)

(26) Sanitize--To make visibly [physically] clean followed by the use of a disinfectant [and] to destroy disease-producing agents.

(27) Suitable Specimen--For rabies testing, a head with brain and brain stem intact or a complete transverse cross section of the brain stem and tissue from at least one of the following: cerebellum and/or hippocampus.

(28) [(27)] Unowned animal--Any animal for which a custodian has not been identified.

(29) [(28)] Vaccinated--Properly administered by or under the direct supervision of a veterinarian with a rabies vaccine licensed for use in that species by the USDA.

(30) [(29)] Veterinarian--A person licensed to practice veterinary medicine in the United States.

(31) [(30)] Zoonosis Control Branch--The branch within the department to which the responsibility for administering these rules is assigned.

§169.23. Information Relating to the Control of Rabies.

The department's Zoonosis Control Branch will assume the responsibility of collecting, analyzing, and preparing monthly and annual summaries [summations] of rabies activity in the state. These reports will be forwarded to national, state, and municipal agencies as requested [required], and selected statistics will be sent to veterinary medical and animal control organizations throughout the state.


Preexposure rabies vaccinations should be administered to [all] individuals whose activities place them at a significant risk of exposure to rabies, in accordance with the recommendations of the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP).
§169.25. Reports of Human Exposure to Rabies.

(a) - (b) (No change.)

(c) The local rabies control authority will investigate each potential rabies exposure and assure appropriate resolution, in accordance with §169.27 of this title.

§169.26. Facilities for the Quarantining or Impounding of Animals.

(a) Generally.

(1) (No change.)

(2) Water and electric power. Reliable and adequate electric power, if required to comply with other provisions of these sections, and adequate fresh, clean [potable] water shall be available.

(3) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food. Non-perishable foods, such as dry food, do not require refrigeration. Open [For example, open] bags of non-perishable dry food should [may] be sealed or stored in sealed cans, and unopened bags should [may] be stacked on pallets or shelves with at least 12 inches of clearance between the floor and the first level to enable effective inspection and cleaning practices.

(4) - (5) (No change.)

(6) Management. The manager of a facility should be either an individual who has satisfactorily completed an appropriate [department] training course or a veterinarian.

(7) (No change.)

(8) Heating. Adequate shelter shall be provided to protect animals from any form of cold or inclement weather and direct effects of wind, rain, or snow. Auxiliary heat or clean, dry bedding material shall be provided any time the ambient temperature falls below 50 degrees Fahrenheit (10 degrees Celsius) [for more than four consecutive hours] when animals are present. If supplemental bedding material is used during cold weather, [larger] quantities should be adequate to prevent hypothermia [used] as temperatures drop.

(9) Cooling and Ventilation. Adequate shelter shall be provided to protect animals from any form of overheating and direct rays of the sun. Facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as fans or air conditioning, shall be provided in indoor facilities when the ambient temperature is 85 degrees Fahrenheit (29.5 degrees Celsius) or higher when animals are present.
(10) - (11) (No change.)

(12) Primary enclosures. Primary enclosures should be designed based upon enclosure guidelines prepared by The Association of Shelter Veterinarians and set forth in Guidelines for Standards of Care in Animal Shelters (2010). Primary enclosures shall:

(A) - (E) (No change.)

(F) provide sufficient space to allow each animal to make normal postural adjustments without touching the top of the enclosure, including turning freely, standing easily, sitting, stretching, moving its head, lying in a comfortable position with limbs extended, and moving and assuming a comfortable posture for feeding, drinking, urinating, and defecating [turn around fully, stand, sit, and lie in a comfortable position].

(b) Feeding.

(1) (No change.)

(2) Dogs and cats shall be fed at least once a day or more often as appropriate for the age and condition of the animal, except as directed by a veterinarian.

(3) (No change.)

(4) All other animals shall be fed appropriately as described on the packaging of a commercial, species-specific food, except [or] as directed by a veterinarian.

(5) (No change.)

(c) Watering. If fresh, clean [potable] water is not accessible to all animals at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a veterinarian. Drinking bottles may be used for animals acclimated to their use.
Domestic ferrets shall have fresh, clean [potable] water accessible at all times, provided in drinking bottles of appropriate size to maintain a fresh supply. Water receptacles shall be kept clean and sanitary.

(d) (No change.)

(e) Pest Control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained. The facility shall be free of visible signs of [insects,] rodents[,] and keep other vermin infestations to a minimum at all times. Each pesticide must be used in accordance with its manufacturer’s label instructions.

(f) - (g) (No change.)

§169.27 Quarantine Method and Testing.
(a) When a dog, cat, or domestic ferret which has bitten a human has been identified, the custodian will place the animal (regardless of its vaccination status) in quarantine as defined in the Texas Health and Safety Code, §826.002, until the end of the 10-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative to quarantine at a department-licensed facility or a veterinary clinic, the local rabies control authority may allow home confinement. [If the potential rabies exposure occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides. The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret is to have the animal humanely killed in such a manner that the brain is not damaged and a suitable specimen (head with brain intact or brain) submitted to a department-designated laboratory for rabies testing as specified in subsection (h) of this section.] To allow home confinement, the following criteria must be met.

(1) - (2) (No change.)

(3) During the confinement period, the animal’s custodian must monitor the animal’s behavior and health status and immediately notify the local rabies control authority if any change is noted.

(4) [(3)] The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.

(5) [(4)] The animal was not a stray as defined in the Texas Health and Safety Code, §826.002, at the time of the potential exposure.

(b) If the potential rabies exposure described in subsection (a) of this section occurs in a city or county other than where the animal’s custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides.

(c) The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret that has bitten or otherwise potentially exposed a person to rabies as described in subsection (a) of this section is to have the animal euthanatized in such a manner that the brain is not damaged and a suitable specimen submitted to a department-designated laboratory for rabies testing. A list of department-designated laboratories may be found on the department’s website or may be obtained from any of the department’s regional Zoonosis Control offices.
(d) [(b)] A domestic animal which has potentially exposed a human to rabies and has been designated by the local rabies control authority as unowned may be euthanized [humanely killed]. If the animal is euthanized, a [A] suitable specimen shall be submitted for rabies testing [as specified in subsection (h) of this section].

(e) [(c)] If the animal implicated in the potential exposure is a high-risk animal, it shall be euthanized [humanely killed] and a suitable specimen submitted for rabies testing [as specified in subsection (h) of this section].

(f) [(d)] If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be euthanized [humanely killed] and a suitable specimen submitted for rabies testing [as specified in subsection (h) of this section].

(g) [(e)] The local rabies control authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to a person to be euthanized [humanely killed]. If the animal is euthanized, [and] a suitable specimen shall be submitted for rabies testing [as specified in subsection (h) of this section].

(h) [(f)] If the animal implicated in the potential exposure is not included in subsections (a) - (g) [subsection (a), (b), (c), (d), or (e)] of this section, the animal either will be euthanized [humanely killed] and a suitable specimen submitted for rabies testing [as specified in subsection (h) of this section] or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic, or confined elsewhere as deemed appropriate by the local rabies control authority for the 30-day observation period as an alternative to euthanizing [killing] and testing. If the potential rabies exposure occurs in a city or county other than where the animal’s custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian’s residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides. During the observation period, the animal’s custodian must monitor the animal’s behavior and health status and immediately notify the local rabies control authority if any change is noted.

(i) [(g)] Any animal required to be quarantined under this section that [which] cannot be maintained in secure quarantine[,] shall be euthanized [humanely killed] and a suitable specimen submitted for rabies testing [as specified in subsection (h) of this section].

(j) [(h)] All laboratory specimens referred to in subsections (c) - (i) [(a) - (g)] of this section shall be submitted in accordance with §169.33 of this title (relating to Submission of Specimens for Laboratory Examination).

(k) [(i)] At the discretion of the local rabies control authority, assistance animals may not be required to be placed in quarantine (to include confinement) during the observation period. During the applicable observation period, the animal’s custodian must monitor the animal’s
behavior and health status and immediately notify the local rabies control authority if any change is noted.

(l) [(j)] Police service animals are exempted from quarantine per the Texas Health and Safety Code, §826.048, including confinement. During the applicable observation period, the animal’s custodian must monitor the animal’s behavior and health status and immediately notify the local rabies control authority if any change is noted.

(m) [(k)] Animals should not be vaccinated against rabies during the observation period; however, animals may be treated for [unrelated] medical problems that are diagnosed by a veterinarian and are not related to rabies. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.

§169.28. Requirements of a Quarantine Facility.

(a) Quarantine procedures.

(1) (No change.)

(2) An animal that is [being] quarantined because it may have exposed a human to rabies must be maintained in a primary enclosure, separated from all other animals by a solid partition so that there is no possibility of physical contact between animals. An empty chamber between animals is not an acceptable alternative. To prevent rabies transmission, handling of quarantined animals shall be minimized and carried out in a manner that avoids physical contact of other animals and people with the saliva of quarantined animals. Individuals handling quarantined animals should utilize appropriate personal protective equipment. To prevent escape, the primary enclosure must be enclosed on all sides, including the top. Quarantine cages, runs, or rooms must have "Rabies Quarantine" signs posted.

(b) Facilities planning. Any entity desiring to construct a quarantine facility shall submit plans to the department for review prior to beginning construction of a new facility or significant renovation to an existing facility.

(c) Inspection requirements of quarantine facilities.

(1) It will be the responsibility of the department to inspect all quarantine facilities, including those operated by government contractors. The inspection of the premises will be accomplished during ordinary business hours. All deficiencies will be documented in writing. Those that are of sufficient significance to affect the humane care or security of any animal housed within the facility must be corrected within a reasonable period of time.

(2) The inspections will be accomplished annually and [or] more frequently when significant discrepancies have been identified. Any facility that does not achieve acceptable standards will not be licensed for rabies quarantine operations.
(3) The quarantine facility manager has the right to appeal the results of the inspection. If the opinion of management of the quarantine facility is in conflict with the inspection, he or she may request a review of the inspection by the manager of the department's Zoonosis Control Branch, who will then notify [The appeal listed in this paragraph will be made in writing through] the regional director's office of the health service region in which the quarantine facility is located that an appeal has been submitted. The appeal listed in this paragraph will be made in writing and submitted within 30 days of the inspection. After receipt of the appeal, the department will have 60 days to respond.

§169.29. Vaccination Requirement.

(a) The custodian (excluding animal shelters as defined in the Texas Health and Safety Code, §823.001) of each dog or cat shall have the animal vaccinated against rabies by 16 weeks of age. The animal must be vaccinated by or under the direct supervision of a veterinarian with rabies vaccine licensed by the United States Department of Agriculture for that [animal] species at or after the minimum age requirement and using the recommended route of administration for the vaccine. If a previously vaccinated animal is overdue for a booster, once revaccinated, the animal will be considered currently vaccinated; the animal should be placed on a vaccination schedule according to the maximum labeled duration of immunity for the most recently administered vaccine. The attending veterinarian has discretion as to when the subsequent vaccination will be scheduled as long as the revaccination due date does not exceed the recommended interval for booster vaccination as established by the manufacturer or vaccination requirements instituted by local ordinance. [The custodian shall retain each vaccination certificate until the animal receives a subsequent booster.] Livestock [(especially those that have frequent contact with humans)], domestic ferrets, and wolf-dog hybrids should be vaccinated against rabies. Among livestock species, vaccination of equines and others that have frequent contact with humans is strongly advised. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

(b) (No change.)

(c) Each veterinarian who issues a rabies vaccination certificate, or the veterinary practice where the certificate was issued, shall retain a readily retrievable copy of the certificate for a period of not less than five [two] years [after the revaccination due date].

(d) (No change.)

(e) The custodian shall retain each rabies vaccination certificate until the animal receives a subsequent booster and shall produce the certificate upon request by any local rabies control authority, public health official, or animal control, law enforcement, or peace officer when the request is part of the requester's official duty.

(a) Not currently vaccinated animals which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:

1) **euthanatized** [humanely killed]; or

2) immediately vaccinated against rabies, placed in confinement for 90 days, and given booster vaccinations during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.

(b) Currently vaccinated animals which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:

1) **euthanatized** [humanely killed]; or

2) immediately given a booster rabies vaccination and placed in confinement for 45 days.

(c) - (d) (No change.)

§169.31. Interstate Movement of Dogs and Cats into Texas.

Each dog and cat 12 weeks of age or older to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an initial vaccination was administered less than 30 days prior to arrival, the custodian should confine the dog or cat for the balance of the 30 days. Additionally, documentation must be provided by a vaccination certificate showing the date of vaccination, vaccine used, revaccination due date, identification information for the vaccinated animal, contact information of the animal’s custodian, and signature, signature stamp, or computerized signature and contact information of the veterinarian responsible for administration of the vaccine. If the dog or cat is less than 12 weeks of age, the custodian should confine the animal until 30 days subsequent to its initial vaccination.

§169.32. International Movement of Dogs and Cats into Texas.

The federal government regulates the entry of pets into the United States; requirements set forth in this section are in addition to meeting federal requirements. If the department receives a federal importation notice, the department may request the local rabies control authority in the area where the animal will be located to monitor the notice for compliance. Contingent upon the department receiving notification of an importation-compliance failure, the department may report the failure to the appropriate authority. Each dog and cat 12 weeks of age or older to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an initial vaccination was administered less than 30 days
prior to arrival in the United States, the custodian must confine the dog or cat for the balance of the 30 days. Additionally, documentation must be provided by a vaccination certificate or passport showing the date of vaccination, vaccine used, revaccination due date, identification information for the vaccinated animal, contact information of the animal’s custodian, and signature, signature stamp, or computerized signature and contact information of the veterinarian responsible for administration of the vaccine. If the dog or cat is less than 12 weeks of age, the custodian shall [must] confine the animal until 30 days subsequent to its initial vaccination.

§169.33. Submission of Specimens for Laboratory Examination.

Preparation of specimens either for shipment or for personal delivery for rabies diagnosis shall include the following.

(1) (No change.)

(2) The head of the suspect animal shall be separated from the body by a qualified person wearing appropriate personal protective equipment as soon as possible after the death of the animal. Only the head shall be submitted with the exception that whole bats and small rodents may be submitted. If only the brain is submitted rather than the entire head, the minimum tissue requirements for rabies testing are a complete transverse cross section of the brain stem and tissue from at least one of the following: cerebellum and/or [or] hippocampus. Submissions that do not meet these tissue requirements will be considered unsatisfactory due to a lack of sufficient material.

(3) - (6) (No change.)

(7) The following procedures are required for shipment:

(A) shipment shall be by bus or other reliable carrier; the department does not recommend the United States Postal Service. If an overnight carrier (other than bus) is used, [such as United Parcel Service (UPS) or Federal Express,] ship the specimen such that it will arrive by Friday or delay shipment until Monday. Do not ship via overnight carrier on Friday or the day before a holiday. These services do not deliver to the department on the weekend;

(B) (No change.)

(C) at the time of the shipment, the shipper shall [telephone the laboratory and] notify laboratory personnel of the shipment via telephone or laboratory-approved electronic format; and

(D) (No change.)

(8) (No change.)

§169.34. Statewide Quarantine.
(a) Declaration. The Executive Commissioner of the Health and Human Services Commission (HHSC) declares a statewide rabies quarantine.

(1) - (2) (No change.)

(3) Animals subject to the statewide rabies quarantine include any live species of fox, skunk, coyote, or raccoon indigenous or naturalized to North America, coyote (Canis latrans), or raccoon (Procyon lotor).

(4) Transport exceptions. Animals subject to the statewide rabies quarantine may be transported by peace officers and individuals hired or contracted by local, state, or federal government agencies to deal with stray animals when such transport is a part of their official duty. These animals may also be transported by employees of zoos or other institutions accredited by the Association of Zoos and Aquariums [American Association of Zoological Parks and Aquariums] when such transport is part of their official duty; educators permitted by the Texas Parks and Wildlife Department for educational display; rehabilitators permitted by the Texas Parks and Wildlife Department; an entity issued authorization for nuisance fur-bearing animal relocation from the Texas Parks and Wildlife Department; and pest management professionals licensed by the Texas Department of Agriculture. If an exempt individual transports such animals for release, the animals must be released within a ten-mile radius or within ten miles of the city limits of where they were originally captured and the release must be within the county in which they were originally captured.

(b) (No change.)

[(c) Special provisions for raccoons. In addition to the transport exceptions listed in subsection (a)(4) of this section, the following individuals may transport raccoons:]

[(1) rehabilitators permitted by the Texas Parks and Wildlife Department may transport raccoons within a ten-mile radius or within ten miles of the city limits of where they were originally captured;]

[(2) pest control operators licensed by the Structural Pest Control Board may transport raccoons within a ten-mile radius or within ten miles of the city limits of where they were originally captured; and]

[(3) educators permitted by the Texas Parks and Wildlife Department for educational display.]

[(d) Rehabilitation of animals. Except for raccoons, rehabilitation of animals listed in subsection (a)(3) of this section is prohibited.]