

FIRST REGULAR SESSION

SENATE BILL NO. 27

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS JOHNSON AND WESTFALL

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0487S.011

AN ACT

To repeal sections 322.010 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 322.010 and 578.023, RSMo 2000, are repealed and four new sections enacted in lieu thereof, to be known as sections 322.010, 322.140, 322.145 and 578.023, to read as follows:

322.010. For the purpose of sections 322.010 to [322.080] **322.145**, the following words and following phrases shall be considered and held to mean the following:

(1) "Affected with rabies" [shall mean], when manifesting the principal characteristic symptoms of rabies as described in the standard textbooks treating upon the diseases of domestic animals;

(2) "Exposed to rabies" [shall mean], when bitten by, or fought with, or has come in close contact with a dog **or other animal** showing symptoms of rabies;

(3) "Immunized" [shall mean], immunized against rabies at the expense of the owner or custodian by the administration of antirabic virus by a licensed veterinarian; [and]

(4) "Rabies" [shall mean], hydrophobia; **and**

(5) "**Zoonotic disease**", **a dangerous disease communicable from animals to humans as determined by the department of health.**

322.140. 1. Should a county fail to adopt rules and regulations pursuant to

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

sections 322.090 to 322.130, whenever an animal has bitten or otherwise exposed a person to the possibility of contracting rabies or any zoonotic disease, the incident shall be immediately reported to the county health department. The county health department shall immediately report the incident to the department of health and shall cooperate fully with the department of health in its investigation.

2. Upon receipt of an incident report where an animal has bitten or otherwise exposed a person to the possibility of contracting rabies or any zoonotic disease, the department of health shall investigate the incident and shall have discretion to order the animal quarantined, isolated, impounded, immunized or disposed of to prevent and control rabies or zoonotic disease.

3. With regard to exposure to rabies or zoonotic disease the department of health shall in its investigation and issuance of its order consider the following:

- (1) Prior vaccinations for rabies or zoonotic disease;
- (2) The degree of exposure to rabies or zoonotic disease;
- (3) The history and prior behavior of the animal prior to exposure;
- (4) The availability and effectiveness of post-exposure immunization for rabies or zoonotic disease;
- (5) The willingness of the individual so exposed to submit to post-exposure immunization for rabies or zoonotic disease; and
- (6) Any other relevant information.

4. In cases where the department of health in consultation with the United States Public Health Service determines reliable epidemiologic data is lacking regarding duration of rabies virus secretion from the salivary glands, the animal shall be humanely destroyed and the head submitted for rabies examination to the state public health laboratory.

5. It shall be unlawful for the owner of an animal that is known to have bitten or otherwise exposed a person to the possibility of contracting rabies or any zoonotic disease to knowingly fail or refuse to comply with a lawful order of the department of health declaring a quarantine, isolation, impounding, immunization or disposal of an animal. It shall also be unlawful for an owner of an animal that is known to have bitten or otherwise exposed a person to the possibility of contracting rabies or any zoonotic disease to sell, give away, transfer, transport to another area or otherwise dispose of an animal until the animal has been released by the department of health. A violation of this subsection shall be a class A misdemeanor.

6. The owner of an animal that is known to have bitten or otherwise exposed a person to the possibility of contracting rabies or any zoonotic disease shall be responsible for all costs associated with the department of health's investigation of the

incident, including but not limited to:

- (1) The cost to quarantine, isolate, impound, immunize or dispose of the animal;**
- (2) The cost to test the animal for rabies or zoonotic disease;**
- (3) The cost to test the exposed person for rabies or zoonotic disease; and**
- (4) The cost to treat the person exposed to rabies or zoonotic disease.**

7. The department of health shall have authority to promulgate rules and regulations concerning the classification of disease as a zoonotic disease pursuant to subdivision (5) of section 322.010. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

322.145. The owner of an animal that is known to have bitten or otherwise exposed a person to the possibility of contracting rabies or any zoonotic disease shall be liable to an injured party for all damages done by the animal, except when the damaged party directly contributed to the injury.

578.023. 1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, **non-human primate**, or coyote, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the local law enforcement agency in the county in which the animal is kept.

2. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.