

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 599. ZOO NOTIC DISEASE CONTROL**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 1. General Provisions

310:599-1-2. Definitions [AMENDED]

310:599-1-5. Verifiable rabies vaccination [NEW]

Subchapter 3. Rabies Control

310:599-3-1. Management of dogs, cats, or ferrets that bite a person [AMENDED]

310:599-3-2. Supervising veterinarian's responsibility [AMENDED]

310:599-3-4. Management of other animals that bite a human [AMENDED]

310:599-3-6. Unvaccinated domestic animals exposed to a rabid animal [AMENDED]

310:599-3-8. Record of recognized rabies vaccination [AMENDED]

310:599-3-9.1. Required immunization of dogs, cats, and ferrets [AMENDED]

**SUMMARY:**

These amendments and additions clarify language to better support county health departments, local law enforcement, animal control, veterinarians and OSDH when making decisions regarding quarantine and/or euthanasia of animals exposed to rabies or in animals involved in a bite to a human. These changes also clarify alternatives for animal owners after exposure to rabies. This amendment defines "booster vaccine" and adds a new section to define "verifiable rabies vaccine" for dogs, cats, and ferrets. The amendment removes specific language referencing the Public Health Laboratory Rabies contact information, and references only a designated rabies laboratory testing facility. This amendment clarifies the circumstances in which prospective serologic monitoring may occur in animals exposed to rabies. The amendment updates time frames veterinarians must keep record of rabies vaccination in accordance with other states and vaccinations. It also clarifies and creates consistent wording with time frames.

**AUTHORITY:**

Commissioner of Health, Title 63 O.S. §§ 1-104, 1-106, 1-502, 1-503.

**COMMENT PERIOD:**

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and

indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through January 2, 2024, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

**CONTACT PERSON:**

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail [AudreyT@health.ok.gov](mailto:AudreyT@health.ok.gov).

**INITIAL RULE IMPACT STATEMENT**

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 599. ZONOTIC DISEASE CONTROL**

**1. DESCRIPTION:**

These amendments and modifications clarify language to better support local and state authorities when making decisions regarding quarantine and/or euthanasia of animals exposed to rabies or in animals involved in a bite to a human. These changes also clarify alternatives for animal owners after exposures to rabies.

**2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**

These modifications will affect local/county law enforcement, local/county animal control, veterinarians, county health department sanitarians, and other state/local partners. There is no anticipated increased cost or burden on any of these individuals.

**3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

Local and state entities that handle animal bites or are involved in rabies control will benefit from these changes, as these changes clarify actions for individuals to take when handling animal bites or rabies exposures. It will also benefit animal owners by clarifying alternatives to euthanasia/quarantine in certain circumstances.

**4. ECONOMIC IMPACT, COST OF COMPLIANCE, AND FEE CHANGES: COST OF COMPLIANCE AND FEE CHANGES:**

This should have limited impact on economy, and may, in certain instances decrease costs related to animal (dog, cat, ferret) quarantine/euthanasia for rabies risk.

**5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:**

These amendments should clarify situations, leading to less litigation due to ambiguity within the rule.

**6. IMPACT ON POLITICAL SUBDIVISIONS:**

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

**7. ADVERSE EFFECT ON SMALL BUSINESS:**

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. **EFFORTS TO MINIMIZE COSTS OF THE RULE:**

There are no less costly means currently identified.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**

These modifications will provide better guidance and support to individuals involved in rabies control.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

Without implementation, there will continue to be ambiguity within rule impacting state and local individuals involved in rabies control.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on October 16, 2023.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 599. ZONOTIC DISEASE CONTROL**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**310:599-1-2. Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**"10 day"** means a minimum of 240 hours.

**"30 day"** means a minimum of 720 hours.

**"Animal"** means any warm-blooded mammal.

**"Booster Vaccination"** means for the purposes of rabies control, a booster vaccine is a United States Department of Agriculture (USDA)-licensed rabies vaccine for a designated species that follows a primary dose of a USDA-licensed rabies vaccine given by or under the supervision of a licensed veterinarian.

**"Cat"** means any *Felis catus*.

**"Currently vaccinated"** means properly immunized by or under the supervision of a licensed veterinarian with an antirabies vaccine licensed and approved by the ~~United States Department of Agriculture~~ USDA for use in that animal species, or meeting conditions specified in OAC 310:599-3-8. Vaccine must have been given at appropriate time interval(s) for the age of the animal and type of vaccine administered. Within 28 days after initial vaccination, a peak rabies antibody titer is expected, and the animal is considered immunized. Regardless of the age of the animal at initial vaccination, a booster vaccination should be administered one year later, then at appropriate time intervals based on the type of vaccine administered.

**"Department"** means the Oklahoma State Department of Health.

**"Department designee"** means an employee of the Oklahoma State Department of Health, or a county health department, who is acting within their scope of rabies control authority designated through the Commissioner of Health.

**"Dog"** means any *Canis familiaris*, excluding hybrids.

**"Domestic animal"** means a companion animal including dogs, cats, and ferrets; an equine animal; or a livestock animal.

**"Euthanize"** means the humane killing of an animal generally performed by a veterinarian, or personnel at an animal control facility under the indirect supervision of a veterinarian.

**"Exposure to rabies"** means a bite or introduction of saliva or neural tissue into open cuts in skin, or onto mucous membranes by an animal confirmed or suspected of being infected with rabies.

**"Ferret"** means any *Mustela putorius furo*.

**"First party ownership"** means a situation where the owner of a biting animal is directly related to the bite victim, that is parent-child, sibling-sibling, grandparent-child; or when the legal residence of the animal owner and the bite victim are the same.

**"Home quarantine"** means confinement and observation of an animal allowed at the animal owner's property for a specified time period, where one of the following acceptable methods of confinement for a dog are used: (a) complete indoor housing, (b) caging or kenneling in an enclosure with a securely latched door, or (c) yard confinement with perimeter fencing that the dog is unable to climb over or dig under. Acceptable methods of confinement for a cat or ferret are: (a) complete indoor housing, or (b) caging in an enclosure that prevents escape. The animal's needs for ambient temperature control, water, nutrition, elimination, and space to comfortably stand up and lie down must be adequately provided by the selected confinement method. Should the animal exhibit neurologic signs, die, or disappear during the specified period, an Oklahoma licensed veterinarian and the Department shall be immediately notified.

**"Hybrid"** means an offspring of wild animals crossbred to domestic dogs or cats; considered to be wild animals in the enforcement of OAC 310:599.

"**Quarantine**" means physical confinement of an animal during a specified time period when the animal is monitored for the development of disease. During this time period, the animal is prevented from having contact with other animals, and human contact is limited to as few caretakers as possible.

"**Rabies**" means an acute disease of humans and warm-blooded mammals caused by the rabies virus (genus *Lyssavirus*) that affects the central nervous system and is almost always fatal.

"**Recognized animal control facility**" means any facility operating for the purpose of stray animal control and/or animal welfare that is under contract or letter of agreement which identifies a licensed veterinarian responsible for animal quarantines.

"**Recognized zoological park**" means any member of the American Association of Zoological Parks.

"**Severe injury**" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery. [4 O.S. Supp. 1991, § 44 (3)]

"**Wild animal**" means an animal considered as wildlife; any animal not normally adapted to live in intimate association with humans nor raised for consumption by humans.

"**Zoonotic disease**" means a disease that is transmissible from animals to humans under natural conditions.

### **310:599-1-5. Verifiable rabies vaccination**

The following are methods of confirmation for verifiable rabies vaccination. A verifiable rabies vaccination means that the custodian has one of the following to confirm that the animal(s) in question has been administered a rabies vaccination as specified in OAC 310:599-3-8.

(1) Provide a NASPHV Form 51 or equivalent issued for each animal rabies vaccine by the veterinarian responsible for administration of the vaccine and which contains the following information:

(A) Animal custodian's name, address and telephone number;

(B) Animal identification: species, sex (including neutered status, if applicable), approximate age, size (pounds), predominate breed and colors;

(C) Vaccine used-product name, manufacturer, and serial number;

(D) Date vaccinated;

(E) Revaccination due date;

(F) Rabies tag number (if a tag is issued);

(G) Veterinarian's signature, signature stamp or computerized signature, including address, contact number, and license number.

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

(2) Animal custodian provides direct contact information for the licensed veterinarian administering the rabies vaccination including, but not limited to, veterinarian's telephone contact information. The licensed veterinarian must be able to provide the NASPHV Form 51 or equivalent for each animal in question.

## **SUBCHAPTER 3. RABIES CONTROL**

### **310:599-3-1. Management of dogs, cats, or ferrets that bite a person**

(a) Any person or entity owning, harboring, or keeping a dog, cat or ferret which in the preceding ten (10) days has bitten any person, shall upon receipt of written notice by the local animal control authority or Department designee, place such animal in quarantine under the supervision of a licensed veterinarian for a period of ten (10) days from the date the person was bitten. The impoundment and observation of the dog, cat, or ferret shall be conducted at the veterinarian's facility, or a recognized animal control facility. Unvaccinated animals shall be vaccinated against rabies on the final day of the ten (10) day observation period prior to discharge from the veterinarian's supervision.

(b) Exceptions to this rule include the following circumstances:

- (1) Dogs, cats, or ferrets involved in a first party ownership may be allowed to be placed in a home quarantine for a ten (10) day period immediately following the bite.
- (2) Dogs, cats, and ferrets meeting the criteria of currently vaccinated against rabies, and not inflicting a severe injury, shall be placed in a home quarantine until the end of a ten (10) day period from the bite. In some instances, a certification of animal health obtained after examination by a licensed veterinarian on the tenth day may be required by the Department or local animal control authority.
- (3) Animals in service to the blind or hearing-impaired, and search and rescue dogs or other animals used for police enforcement duties shall be exempt from the quarantine when a bite exposure occurs and ~~proper verifiable rabies vaccination is record of immunization against rabies is~~ presented. A certification of animal health obtained after examination by a licensed veterinarian at the end of ten (10) days may be required by the Department.
- (4) Stray or unwanted dogs, cats, or ferrets that have bitten any person may either be quarantined for ten (10) days at a veterinary facility or a recognized animal control facility; or immediately euthanized and the brain, including brainstem, tissue submitted to the Oklahoma State Department of Health designated rabies testing facility ~~Oklahoma State Department of Health Public Health Laboratory~~ for rabies testing. If the animal is quarantined and not euthanized, Upon upon successful completion of the ten (10) day period a stray animal may be placed for adoption at the discretion of the animal control authority.
- (5) Dogs, cats, and ferrets that bite a veterinarian or staff member under their supervision during a routine examination or elective procedure may be considered eligible for home quarantine if the bite victim and owner agree the animal will be examined by a licensed veterinarian at the end of the ten (10) day period from the bite to confirm the animal's health status.
- (6) In rare instances, other good and valid health reasons of the owner or animal may be considered for justification to home quarantine (e.g., a bitch with a litter of very young puppies, an animal with a contagious disease, etc.). Approval for home quarantine will be determined by the Department or its designee.

### **310:599-3-2. Supervising veterinarian's responsibility**

It shall be the duty of the veterinarian in whose supervision the dog, cat, or ferret is placed to keep the animal isolated and secured in a separate cage or kennel and under observation for any symptoms of rabies. The veterinarian shall report immediately to the Department designee any changes occurring in the condition of the dog, cat, or ferret. In the event the animal being observed dies, or develops rabies-like symptoms within the specified period of confinement, the head of the animal shall be removed immediately to preserve the brain, including brainstem, for rabies testing and packed in a shipping container in accordance with instructions published on the rabies laboratory form and submitted to the Oklahoma State Department of Health designated rabies testing facility. ODH Form 460, and sent to the Oklahoma State Department of Health Public Health Laboratory, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1299, for rabies testing.

### **310:599-3-4. Management of other animals that bite a human**

- (a) The final decision for animal destruction, quarantine, or other disposition of any animal other than a dog, cat, or ferret that bites a person, or otherwise potentially exposes a person to rabies shall be determined through the Department. The decision will consider, but not be limited to:
  - (1) The epidemiology and risk of rabies in the species of animal in question;
  - (2) Possible prior exposure to a rabies vector;
  - (3) Behavior of the animal at the time of the bite;
  - (4) Prior rabies vaccinations; and
  - (5) Other circumstances that may exist.

(b) In some situations, the Department will consider the initiative and willingness of the individual so exposed to submit to postexposure anti-rabies immunization after being adequately informed of all potential risks.

(c) Any biting animal determined to be at significant risk for the transmission of rabies shall upon written order by the Commissioner of Health, or a specifically designated representative, be humanely killed and the brain, including brainstem, tissue submitted to the Oklahoma State Department of Health designated rabies testing facility. ~~State Department of Health Laboratory for rabies testing.~~

(d) ~~If the animal is a not known to be a rabies reservoir in Oklahoma, the~~ The Department may order the quarantine of an animal, determined to be at very low risk for the transmission of rabies, for a thirty (30) day observation period as an alternate method to euthanasia and testing.

### **310:599-3-6. Unvaccinated domestic animals exposed to a rabid animal**

(a) Any dog, cat, or ferret that has never been vaccinated against rabies and is exposed to a rabid animal shall be:

(1) Euthanized immediately either by a veterinarian of the owner's choice, or the local animal control officer; or

(2) Placed in strict quarantine and observed for a period of four (4) months for dogs and cats or six (6) months for ferrets under the supervision of a licensed veterinarian, either at a veterinary facility or a recognized animal control facility. The exposed animal shall be immediately vaccinated against rabies upon entry into quarantine and then given booster vaccinations at the third and eighth week of the quarantine period. For animals less than 16 weeks of age at the time of entry into rabies exposure quarantine, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the USDA for the vaccine administered, may be required to receive a booster vaccine in addition to the above protocol.

(b) Any dog or cat that is overdue for a booster vaccination, and has verifiable rabies vaccination ~~has~~ documentation of receiving a USDA-licensed rabies vaccine at least once previously by or under the supervision of a licensed veterinarian, shall be re-vaccinated and isolated, by leashing or confinement under the owner's supervision, for a period of at least 45 days from exposure date. Ferrets that are overdue for rabies booster vaccination shall be evaluated on a case-by-case basis by the Department, taking into consideration factors such as the severity of exposure, time elapsed since last vaccination, number of previous vaccinations, and current health status to determine the need for euthanasia or immediate booster vaccination and isolation for a period of at least 45 days from exposure date.

(c) Any dog or cat that is overdue for a booster vaccination and without appropriate verifiable rabies vaccination documentation of having received a USDA-licensed rabies vaccine at least once by or under the supervision of a licensed veterinarian shall be:

(1) Treated as unvaccinated by the Department and either euthanized as described in (a) of this section; or

(2) Immediately given a booster vaccination and placed in strict quarantine for a period of four (4) months under the supervision of a licensed veterinarian and follow the vaccine scheduled described in (a) this section; or

(3) Alternatively, prior to rabies booster vaccination, the attending veterinarian may request guidance from the state public health authority in the possible use of prospective serologic monitoring. Such monitoring would entail collecting paired blood samples to document prior vaccination by providing evidence of an anamnestic response to booster vaccination. If an adequate anamnestic response is documented the animal can be considered to be overdue for booster vaccination and observed for forty-five (45) days from the time from exposure. If there is inadequate evidence of an anamnestic response the animal is considered unvaccinated and should be placed in strict quarantine and follow 310:599-3-6 for unvaccinated domestic animals.



(A) Dogs or cats eligible for serologic confirmation must remain in quarantine at the attending veterinarian's facility until results of the prospective serologic monitoring protocol have been verified and approved by the state public health authority.

(B) Dogs or cats eligible for serologic confirmation should receive a booster vaccination in accordance with the prospective serologic monitoring protocol.

~~Prior to booster vaccination, the owner may work with the licensed veterinarian to conduct prospective serologic monitoring. Serologic monitoring shall include collecting paired blood samples to document prior vaccination by providing evidence of an anamnestic response to booster vaccination. If an adequate anamnestic response is documented, the animal can be considered to be overdue for booster vaccination as described in (b) of this section. If there is inadequate anamnestic response, the animal is considered to have never been vaccinated and managed as described in (a) of this section.~~

(d) Any livestock or equine animal which is not currently vaccinated and is exposed to a rabid animal will be managed according to the most current Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc. and any State Department of Agriculture guidelines that may apply.

### **310:599-3-8. Record of recognized rabies vaccination**

(a) Record of vaccination by a veterinarian must be provided to determine the animal to be currently vaccinated against rabies. Veterinarians shall be required to keep a record of a rabies vaccination for a minimum period of ~~three (3)~~ five (5) years. This record must include: name, address, and telephone number of the owner of the animal; date of vaccination; animal identification; brand name of vaccine used, vaccine expiration date, and producer of vaccine.

(b) Three year immunity conferred by the second or subsequent boosters with a three year rabies vaccine will be recognized in the enforcement of OAC 310:599.

### **310:599-3-9.1. Required immunization of dogs, cats, and ferrets**

(a) The owner or custodian of a domestic dog, cat, or ferret shall cause the animal to be vaccinated against rabies by the time the animal is four (4) months of age and at regular intervals thereafter according to the label directions of an approved rabies vaccine for use in that species, or as prescribed by ordinances or rules adopted by a municipality within whose jurisdiction the animal owner resides.

(b) A veterinarian who administers or supervises the rabies vaccination of a dog, cat, or ferret shall issue to the animal's owner/custodian a vaccination certificate that meets the minimum standards set forth in ~~OAC 310:599-3-7~~ OAC 310:599-1-5. Animal identification including, but not limited to species, gender, age, and predominant breed and coloring must be indicated on the vaccination certificate.