TITLE 7 HEALTH

CHAPTER 4 DISEASE CONTROL (EPIDEMIOLOGY)
PART 2 ANIMAL CONTROL REQUIREMENTS

7.4.2.1 ISSUING AGENCY: New Mexico Department of Health.

[8/27/79; 10/31/96; 7.4.2.1 NMAC - Rn, 7 NMAC 4.2.1, 5/30/2003]

- **7.4.2.2 SCOPE:** Together with a network of mandatory and discretionary municipal and county ordinances prescribed at Section 5 and 7, to provide for the control of animals by mandatory rabies vaccination of dogs and cats, confinement of rabies suspect animals, laboratory rabies testing, rabies quarantine, confinement or destruction of animals exposed to rabies, confinement or destruction of vicious dogs, confinement or destruction of animals with symptoms of rabies, control of animals running at large, regulations of the possession of skunks, licensure of dogs and providing for regulations of the animal control officers and impounding facilities. [8/27/79; 10/31/96; 7.4.2.2 NMAC Rn, 7 NMAC 4.2.2, 5/30/2003]
- **7.4.2.3 STATUTORY AUTHORITY:** These regulations are promulgated by the secretary of the department of health pursuant to sections 77-1-3 and 9-7-6 (E) NMSA 1978. [8/27/79; 10/31/96; 7.4.2.3 NMAC Rn & A, 7 NMAC 4.2.3, 5/30/2003]
- **7.4.2.4 DURATION:** Permanent.

[8/27/79; 10/31/96; 7.4.2.4 NMAC - Rn, 7 NMAC 4.2.4, 5/30/2003]

- **7.4.2.5 EFFECTIVE DATE:** October 31, 1996, unless a later date is cited at the end of a section. [8/27/79; 10/31/96; 7.4.2.5 NMAC Rn & A, 7 NMAC 4.2.5, 5/30/2003]
- **7.4.2.6 OBJECTIVE:** To protect humans and animals from rabies by vaccination of dogs and cats and the confinement, destruction and testing of rabies suspect animals. To protect humans and livestock from dog bites by controlling animals running at large and by providing for the licensure of dogs, impoundment of animals and confinement or destruction of vicious dogs.

[8/27/79; 10/31/96; 7.4.2.6 NMAC - Rn, 7 NMAC 4.2.6, 5/30/2003]

7.4.2.7 **DEFINITIONS:**

- A. "Animal" means any vertebrate member of the animal kingdom excluding man.
- B. "Animal destroyed" means the administration of an agent which shall cause the death of an animal. Such method shall not destroy brain tissue necessary for laboratory examination for rabies.
 - C. "Bite" means the puncture or tear of the skin inflicted by the teeth of an animal.
- D. "Confined" means restriction of an animal at all times by an owner or keeper to an escape proof building or other enclosure away from other animals and the public.
 - E. "Department" means the department of health of the state of New Mexico.
- F. "District health officer" means the person designated by the director of the public health division to be responsible for district health operations in a district organized by the public health division.
- G. "Division" means the office of epidemiology of the department of health of the state of New Mexico.
- H. "Exposure to rabies" means the exposure resulting from a bite by an animal susceptible to rabies or from contact of the saliva of such animal with any break or abrasion of the skin.
- I. "Field health office" means the health office(s) located in each county and administered by the public health division of the department of health.
- J. "Impounding facilities" means any animal control center, pound, animal shelter, kennel, veterinary hospital, lot premise or building maintained or contracted by a municipality or county for the care and custody of animals.
- K. "Isolation" means the confinement of an animal in an escape proof run or cage so that there is no possibility of direct contact with other animals or humans.
- L. "Laboratory" means the scientific laboratory division (SLD) of the New Mexico department of health, 700 Camino de Salud, Albuquerque, New Mexico, 87106.
- M. "Livestock" means all domestic animals of the following genera: equine, bovine, ovine, caprine and porcine.

- N. "Owner" means a person who owns, harbors, keeps, or knowingly permits an animal to be harbored or kept, or permits an animal to remain on his premises.
- O. "Person" means any individual, household, firm, partnership, corporation, society, association and every officer, agent or employee thereof.
 - P. "Premises" means any parcel of land and structure(s) thereon.
- Q. "Quarantine" means the strict containment of all animals specified in the order of the district health officer upon the private premises of the owner, or under restraint by leash, or within a closed cage or paddock and shall include other measures ordered by the district health officer to control the spread of rabies.
- R. "Running at large" means to be free of physical restraint beyond the premises of the owner or keeper.
 - S. "Stray animal" means any animal running at large.
- T. "Vaccination against rabies" means the injection of an approved rabies vaccine by or under the supervision of a licensed veterinarian.
- U. "Veterinarian" means a person with a doctor of veterinary medicine degree licensed to practice veterinary medicine in the state of New Mexico.
- V. "Vicious animal" means any animal which at any time without provocation shall bite, attack or injure any person who was peacefully conducting himself where he lawfully may be. [8/27/79; 10/31/96; 7.4.2.7 NMAC Rn & A, 7 NMAC 4.2.7, 5/30/2003]

7.4.2.8 VACCINATION OF DOGS AND CATS REQUIRED:

- A. Dogs and cats over the age of three months shall be vaccinated against rabies. The animal shall receive a booster within the 12-month interval following the initial vaccination. Every domestic dog and cat shall be revaccinated against rabies within 12 months if a 1-year vaccine is administered or within 36 months if a 3-year vaccine is administered with a rabies vaccine licensed by the United States Department of Agriculture and administered according to label recommendations. The "compendium of animal rabies control (CARC)," published by the national association of public health veterinarians, Inc., shall be the reference for the route of inoculation and the type of vaccine. Copies are available upon request from the department.
 - B. Rabies vaccine shall not be distributed except to a veterinarian.
- C. The veterinarian who administers rabies vaccine to a dog or cat shall issue to the owner a serially numbered vaccination certificate containing the name of the veterinarian, the type of vaccine used, the initials of the producer of the vaccine, the name and address of the owner, a description of the dog or cat vaccinated, the date of vaccination, and the expiration date for the period of immunity. The veterinarian shall also furnish the owner with a tag bearing the certificate number and the year of the vaccination. The tag shall be affixed to the vaccinated dog or cat and shall be worn at all times the animal is not on the premises of the owner or otherwise confined. A combination rabies vaccination certificate and city/county license shall be permitted providing the certificate/license contains at least the above required information.
- D. Approved rabies vaccine shall be administered to the species, by the route and in the amount recommended by the producer of the vaccine and the latest CARC.
- E. Nothing herein shall prohibit the acceptance and recognition for purpose of compliance with this section of the administration of an approved rabies vaccine by a veterinarian licensed in another state. [8/27/79; 10/31/96; 7.4.2.8 NMAC Rn & A, 7 NMAC 4.2.8, 5/30/2003]

7.4.2.9 HUMAN EXPOSURE; ANIMALS WITH SYMPTOMS OF RABIES:

- A. When any person is bitten by an animal, it is the duty of such person or his parent or guardian, or any person having knowledge of the whereabouts of the animal, to immediately notify the animal control officer or the field office of the public health division.
- B. Any dog, cat or ferret which bites or otherwise exposes a person to rabies shall be either destroyed and the head sent to the laboratory for rabies testing or confined immediately at the owner's expense at a place and in a manner designated by the animal control officer and approved by the field health office. If the dog, cat or ferret shows signs or symptoms of rabies during the ten (10) day confinement and observation period, it shall be destroyed and the head sent to the laboratory for rabies testing.
- C. Any skunk, bat, raccoon, coyote, bobcat or other wild animal not born or reared in captivity, with the exception of rodents (order rodentia) or rabbits (order lagomorpha), which bites or otherwise exposes a person to rabies shall be destroyed immediately and the head sent to the laboratory for testing. Rabbits and rodents do not normally transmit rabies.

D. Except for rodents and rabbits, the head of a susceptible animal suspected of having rabies, which bites or otherwise exposes a person to rabies and either dies or is destroyed within ten (10) days following the exposure shall be immediately sent to the laboratory for rabies testing. Rodent and rabbit specimens may be submitted with the consent of the state epidemiologist of the division of epidemiology, evaluation and planning division. A rabies submission form and instructions for shipping are available upon request from the scientific laboratory division, department of health.

[8/27/79; 10/31/96; 7.4.2.9 NMAC - Rn & A, 7 NMAC 4.2.9, 5/30/2003]

7.4.2.10 RABIES QUARANTINE AREA: Any district health officer may declare a quarantine against rabies within the health district or any part thereof when rabies has been determined to exist to the extent that it is a danger to public health. Upon written findings of such danger and approval of the division director of the public health division, all animals designated in the quarantine order and living within the area specified in the order shall be confined as directed by the district health officer. Any reasonable effort to apprehend any dog or cat running at large and uncontrolled by its owner during a period of quarantine, any animal control officer or peace officer may destroy the dog or cat and properly dispose of the body. The district health officer may order other measures as may be necessary to prevent the spread of rabies. A quarantine shall not be removed except by order of the district health officer.

[8/27/79; 10/31/96; 7.4.2.10 NMAC - Rn, 7 NMAC 4.2.10, 5/30/2003]

- **7.4.2.11 ANIMALS EXPOSED TO RABIES:** When circumstances indicate an animal has been bitten by a known rabid animal, the following procedures shall apply:
- A. Dogs, cats or ferrets bitten by a known rabid animal should be destroyed immediately. If the owner is unwilling to have this done, the animal should be vaccinated and quarantined according to the recommendations of the latest edition of the "compendium of animal rabies control (CARC)," published by the national association of public health veterinarians, Inc., at the owner's expense in a manner directed by the animal control officer and approved by the district health officer.
- B. Domestic livestock known to have been bitten by a rabid animal shall be destroyed immediately. If the owner is unwilling to have this done, the animal should be vaccinated and quarantined according to the recommendations of the latest edition of the "compendium of animal rabies control_(CARC)," published by the national association of public health veterinarians, Inc., in a manner approved by the district health officer. The exposed animal may be killed and its tissues eaten if the animal is slaughtered within seven (7) days after being bitten. Persons who slaughter an exposed domestic animal shall wear gloves. No animal tissue shall be retained for consumption from areas proximate to the bite. Neither tissues nor milk from a rabid animal should be used for human or animal consumption.
- C. Other animals susceptible to rabies known to have been bitten by a rabid animal shall be destroyed immediately as directed by the district health officer. [8/27/79; 10/31/96; 7.4.2.11 NMAC Rn & A, 7 NMAC 4.2.11, 5/30/03]
- **7.4.2.12 POSSESSION OF SKUNKS:** Due to the presence of rabies in skunks and the hazard to the public health of rabies developing in skunks kept as pets, no person shall import into the state, nor capture with intent to keep as a pet, nor buy, sell, trade nor possess any skunk except in connection with a recognized zoological park or research institution or by permit from the department. Permits may be approved only for skunks born in captivity. Application for permit shall be made on a form provided by the division. [8/27/79; 10/31/96; 7.4.2.12 NMAC Rn, 7 NMAC 4.2.12, 5/30/2003]
- 7.4.2.13 VICIOUS ANIMALS: It is unlawful for any owner to fail to confine a vicious animal except:

 A. an animal confined within an enclosed automobile, truck or other vehicle not being used as a public conveyance;
- B. an animal in shipment on a public conveyance and properly confined in a shipping container conspicuously labeled "vicious animal" and constructed in such a manner as to prevent the animal from biting or attacking humans or other animals;
- C. a vicious dog muzzled and on a leash of sufficient strength to keep such animal under control and held by a person capable of controlling the animal;
- D. Any vicious animal not controlled as required herein shall be destroyed. If the vicious animal has bitten a person or animal within ten days prior to its destruction, the head shall be sent to the laboratory for rabies testing.

7.4.2.14 ANIMALS RUNNING AT LARGE: Municipal or county animal control ordinances shall provide for the seizure and disposition of dogs and cats that have bitten a person, vicious dogs and dogs molesting livestock, and may provide for the seizure and disposition of stray animals. [8/27/79; 10/31/96; 7.4.2.14 NMAC - Rn, 7 NMAC 4.2.14, 5/30/2003]

7.4.2.15 DOG LICENSE:

- A. Each county and municipality may provide by ordinance for the licensure of all dogs and cats over the age of three months.
- B. Such ordinance shall require a serially numbered certificate and tag for each licensed animal. The certificate shall contain the name and address of the owner of the animal, a description of the animal, proof of rabies vaccination and the expiration date of the license.
 - C. A combination rabies certificate and city or county license shall be permitted.
- D. License fees shall be set by the ordinance. All license fees collected shall be remitted or reported to the treasurer of the county or municipality and shall be used for animal control. No fee for licensure of dogs trained to assist the blind or deaf shall be charged.

[8/27/79; 10/31/96; 7.4.2.15 NMAC - Rn, 7 NMAC 4.2.15, 5/30/2003]

7.4.2.16 IMPOUNDING OF ANIMALS: Every municipality and each county shall provide for the impoundment of animals as follows.

- A. Impoundment facilities shall be provided for the confinement of all unowned animals susceptible to rabies which have bitten a person. The animal shall be either destroyed or confined for a period of ten (10) days and if the animal dies or is destroyed during the confinement period, the head shall be sent to the laboratory for rabies testing.
- B. Impoundment facilities should be provided for the confinement of animals running at large, vicious animals and animals attacking livestock.
- C. Impoundment facilities may be provided for by contract with a veterinary hospital, a kennel, an animal shelter or in cooperation with other municipalities or counties. [8/27/79; 10/31/96; 7.4.2.16 NMAC Rn, 7 NMAC 4.2.16, 5/30/2003]

7.4.2.17 ANIMAL CONTROL OFFICERS:

- A. Every municipality and each county shall designate a part-time or full-time animal control officer who shall be deputized to enforce animal control laws, orders, ordinances and regulations.
- B. The animal control officer shall prevent and control the spread of rabies within the municipality or county including but not limed to the capture and confinement or disposition of rabies suspect animals, the enforcement of quarantine orders, the destruction or confinement of animals exposed to rabies and the enforcement of pet skunk regulations.
- C. Animal control officers should be provided with proper training to apprehend, handle and care for animals
- D. In carrying out the provisions of these regulations every deputized animal control officer is authorized to pursue a straying animal or a vicious dog or a dog molesting livestock or any animal with symptoms of rabies onto private premises unless permission to make such pursuit is explicitly refused by the occupant. [8/27/79; 10/31/96; 7.4.2.17 NMAC Rn, 7 NMAC 4.2.17, 5/30/2003]

HISTORY OF 7.4.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives. HED-79-2 (HSD), Regulations Governing Animal Control, 8/27/79.

History of Repealed Material: [RESERVED]

Other History: HED-79-2 (HSD), Regulations Governing Animal Control, filed 8/27/79 was **renumbered and reformatted** into first version of the New Mexico Administrative Code as 7 NMAC 4.2, Animal Control Requirements, effective 10/31/96.

7 NMAC 4.2, Animal Control Requirements, filed 10/31/96 was **renumbered, reformatted, and amended** into the second version of the New Mexico Administrative Code as 7.4.2 NMAC, Animal Control Requirements, effective 5/30/2003.