

# *Missouri Revised Statutes*

## **Chapter 322 Protection Against Rabies**

August 28, 2011

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### **Definitions.**

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

- (1) "Affected with rabies", infected with the rabies virus as determined by standard laboratory testing;
- (2) "Exposed to rabies", when bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing;
- (3) "Immunized", immunized against rabies at the expense of the owner or custodian by the administration of antirabic virus by a licensed veterinarian;
- (4) "Rabies", hydrophobia; and
- (5) "Zoonotic disease", a dangerous disease communicable from animals to humans as determined by the department of health and senior services.

(RSMo 1939 § 14539, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754, A.L. 2001 S.B. 462)

Prior revision: 1929 § 12865

### **Dogs prohibited from running at large, when.**

322.020. No dogs affected with rabies, commonly called mad dogs, nor dogs exposed to rabies, shall be allowed to run at large in any city, town, village, township or school district within this state.

(RSMo 1939 § 14538, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12864

### **Duty of owner or person in charge to kill dog or have immunized.**

322.030. Whenever any dog has been bitten by, fought with, or has been substantially exposed to any dog affected with rabies, it shall be the duty of the owner, or person in charge thereof, forthwith to kill such exposed dog or have it immunized against rabies at the owner's or custodian's expense, by the administration of antirabic virus by a licensed veterinarian.

(RSMo 1939 § 14540, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12866

### **Quarantine order to be issued by mayor--to be published and posted.**

322.040. Whenever rabies becomes prevalent in any city, town or village in this state, the mayor of such city, town or village shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of such city, town or village, to either kill or impound his dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of such city or town; and in the absence of such paper, shall be posted as in case of sales of personal property. The mayor of such city, town or village is authorized by proclamation, to terminate any such quarantine whenever, in his judgment, the necessity for it no longer exists.

(RSMo 1939 § 14541, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12867

### **County commission or presiding commissioner empowered to act.**

322.050. Whenever rabies becomes prevalent in any county, township, or school district in this state, outside of any city, town or village in such county, it shall be the duty of the county commission or, when the commission is not in session, the presiding commissioner of the commission, to take cognizance thereof. The county commission, or when the commission is not in session the presiding commissioner thereof, is empowered and ordered to issue a quarantine order on any county, township, or school district, according to the necessity of the case, that each and every owner or person in charge of any dog or dogs, in the territory affected, shall either kill or impound every dog owned, or for the time possessed by him, or have such dog or dogs immunized. Said order shall be published as provided in section 322.040. Such county commission or presiding commissioner thereof is authorized by order to terminate any such quarantine whenever, in the judgment of the commission or presiding commissioner, the necessity for it no longer exists.

(RSMo 1939 § 14542, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12868

### **Duty of officials to kill dogs--exceptions.**

322.060. Whenever any quarantine order is issued as provided in section 322.040 or section 322.050 it shall be the duty of all police officers, and town marshals and constables, in their respective jurisdictions, and within the jurisdiction of such quarantine, to kill all dogs found running at large, except those which have been immunized.

(RSMo 1939 § 14543, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12869

### **Expenses to be paid, how--fees.**

322.070. All expenses of such quarantine shall be paid out of the treasury of such city, town or village, or of the county, township or school district, as the case may be, and for the performance of their respective duties, the police officers, town marshals and constables, respectively, shall receive such fees and mileage as is provided by law for the performance of their other like duties.

(RSMo 1939 § 14544, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12870

### **Violation of law a misdemeanor--penalty.**

322.080. Any person, firm or corporation owning or having in his or their charge, any dog or dogs which have had any substantial exposure to rabies, shall upon failure to kill such dog or dogs, or to keep such dog or dogs impounded, or to have such dog or dogs immunized, be guilty of a misdemeanor; and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and such owner or person in charge of such exposed dogs shall be liable for all damages that may result from the actions of any such exposed dogs.

(RSMo 1939 § 14545, repealed L. 1953 p. 662 § A, again enacted L. 1955 p. 754)

Prior revision: 1929 § 12871

### **County commission empowered to adopt rules and regulations.**

322.090. For the purpose of promoting the public health and safety and to prevent the transmission of rabies and to control rabies and to carry into effect the purposes and provisions of sections 322.090 to 322.130, the county commission is hereby empowered to adopt by order, rules and regulations which shall include provisions for licensing, catching, impounding, confinement, redemption and isolation and destruction of dogs; impounding, isolation and destruction of other domestic animals exposed to or infected with rabies; reporting of animals affected with, or suspected of having rabies, or suspected of having been exposed to rabies, or

known or suspected of having bitten or attacked a person; confinement, impounding and destruction of dogs displaying vicious propensities; declaration of a quarantine and terms of the quarantine for any portion of such county affected by a rabies epidemic, pursuant to the recommendation of the county health commissioner; the establishment of a schedule of fees and the method for the collection thereof from the licensing, redemption, isolation or confinement and destruction of dogs and other special services for the control of rabies. The county commission shall establish, maintain and operate a county dog pound and shall provide the necessary personnel and facilities to operate the same and shall provide appropriate motor conveyances for the capture of stray or rabid dogs and provide all the facilities necessary to carry into effect the regulations adopted under the provisions of sections 322.090 to 322.130 and shall be authorized to expend county funds for the purposes aforesaid; and shall have authority to contract with any city, town or village within any such county for any of the services, facilities or functions created and established under sections 322.090 to 322.130.

(L. 1943 p. 327 § 2)

### **County health commissioner shall prepare regulations and hold hearing.**

322.100. The county health commissioner shall prepare the regulations authorized to be adopted under the provisions of sections 322.090 to 322.130 and shall, before submitting the same to the county commission for adoption, hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county and notice of such hearing shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county.

(L. 1943 p. 327 § 3)

### **Law not applicable to municipalities, when.**

322.110. The provisions of sections 322.090 to 322.130 and the regulations adopted thereunder shall not be applicable within the limits of any municipality which has adopted or which shall hereafter adopt by ordinance a system of rabies control conforming to and not in conflict with the regulations adopted hereunder; provided, however, that any municipality located in any county subject to sections 322.090 to 322.130 shall have the power to contract for the use of the rabies control facilities maintained by the county.

(L. 1943 p. 327 § 4)

### **Applicability of law.**

322.120. Except as otherwise provided by law, the provisions of sections 322.090 to 322.130 shall be applicable to all counties of class one and counties of class two which adjoin a county of the first class having a charter form of government or which are south of the Missouri River and border another second class county with a population of one hundred thousand or more inhabitants.

### **Control of dogs in certain counties, how adopted.**

322.125. 1. The county commission of any county of the second class containing all or part of a city having a population of four hundred fifty thousand or more, and the county commission of any such county which becomes a county of the first class without a charter form of government after September 28, 1971, may, in order to promote public health and safety, adopt by order rules and regulations for the licensing, catching, impounding, confinement, redemption, quarantine, isolation and destruction of dogs in areas within the county outside of incorporated municipalities. Such rules and regulations shall be administered by the county board of health center trustees and the county board of health center trustees is specifically empowered to carry out the provisions of sections 322.120 and 322.125.

2. The commission shall adopt a schedule of fees and a method of collecting them if licensing is required. The county board of health center trustees may maintain and operate a dog pound and may provide for the employment of necessary personnel and the purchase of necessary equipment to operate the pound. The commission may provide that owners of dogs impounded by the county board of health center trustees shall be responsible for the costs of keeping those animals.

(L. 1971 H.B. 254)

### **Penalty for violation.**

322.130. Any person who shall violate any of the regulations adopted under the provisions of sections 322.090 to 322.130 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than five hundred dollars.

(L. 1943 p. 327 § 5)

### **Animal bite, report to county health department in absence of county rules-- investigation of report--responsibility of owner--rulemaking authority.**

322.140. 1. If a county does not adopt rules and regulations pursuant to sections 322.090 to 322.130, whenever an animal bites or otherwise possibly transmits 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 senior services and shall cooperate fully with the department of health and senior services in its investigation.

2. Upon receipt of an incident report where an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the department of health and senior services shall investigate the incident and shall have discretion to order the animal quarantined, isolated, impounded, tested, 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 and senior services 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 human postexposure immunization for rabies or zoonotic disease;
- (5) The willingness of the individual so exposed to submit to postexposure immunization for rabies or zoonotic disease; and
- (6) Any other relevant information.

4. It shall be unlawful for the owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to knowingly fail or refuse to comply with a lawful order of the department of health and senior services declaring a quarantine, isolation, impounding, testing, immunization or disposal of an animal. It shall also be unlawful for an owner of an animal that bites or otherwise possibly transmits 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 and senior services. A violation of this subsection shall be a class A misdemeanor.

5. The owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease shall be responsible for all costs associated with the incident, including:

- (1) The cost to test the animal for rabies or zoonotic disease;
- (2) The cost to test the exposed person for rabies or zoonotic disease; and
- (3) The cost to treat the person exposed to rabies or zoonotic disease.

6. The department of health and senior services shall have authority to promulgate rules and regulations concerning the classification of disease as a zoonotic disease. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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.

## **Liability of owner for animal bite.**

322.145. The owner of an animal that bites or otherwise possibly transmitted rabies or any zoonotic disease shall be liable to an injured party for all damages done by the animal.

(L. 2001 S.B. 462)

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