

3026

IF A PROOF OF VACCINATION FOR RABIES IS PRESENTED, THE COUNTY AUDITOR SHOULD APPROVE IT—IT IS NOT NECESSARY FOR IT TO BE GIVEN BY A VETERINARIAN—A PERSON MAY VACCINATE HIS OWN DOG WITHOUT BEING A VETERINARIAN—AUDITOR IS NOT REQUIRED TO ENFORCE §4741, R.C. BUT SHOULD REPORT INFRACTIONS TO THE LOCAL POLICE AND THE STATE VETERINARY MEDICAL BOARD—§§955.26, R.C., 4741.19, 4741.01, R.C., 4741.20, R.C.

SYLLABUS:

1. Where pursuant to Section 955.26, Revised Code, a proof of vaccination for rabies is demonstrated to the county auditor, said auditor should approve the vaccination if he is satisfied that it was made in accordance with the requirements of that section; and under that section there is no requirement that the vaccination be made by a licensed veterinarian.

2. A person may vaccinate a dog for rabies without being in violation of Section 4741.19, Revised Code, which section limits the practice of veterinary medicine to licensed veterinarians, if he is the owner of the dog, or if he comes within any of the other exceptions noted in Section 4741.20, Revised Code.

3. While the county auditor is not required to enforce the provisions of Chapter 4741., Revised Code, pertaining to veterinary medicine, if when a proof of vaccination is submitted it appears that said chapter may have been violated by the person giving the vaccination, he would be expected to notify the proper authorities of the possible violation, even though he may find that the vaccination was proper under Section 955.26, Revised Code. The proper authorities to notify in such a case are the local police and the state veterinary medical board.

Columbus, Ohio, May 26, 1962

Hon. James W. Freeman, Prosecuting Attorney
Coshocton County, Coshocton, Ohio

Dear Sir:

I have before me your request for my opinion, which request reads as follows:

“Recently the Director of Health of Coshocton County, under the provisions of Section 955.26 of the Revised Code of Ohio determined that rabies is prevalent in the County and declared a quarantine of all dogs in the health district.

“Subsequent to this declaration the Health Director has issued an order that all dogs in the health district shall be vaccinated for rabies.

“Section 955.26 provides that proof of vaccination within a satisfactory period prior to registration (of the dog) shall be demonstrated to the County Auditor before a registration is issued for such dog. Query: in your opinion is it compulsory that the dog be vaccinated by a licensed veterinarian or may the County Auditor accept proof of vaccination by one other than a licensed veterinarian?

“There are dog owners in this County who contend that they are perfectly capable of satisfactorily vaccinating their dog for rabies.”

Section 955.26, Revised Code, provides that a quarantine of dogs may be called when it is determined that rabies is prevalent, and further provides in pertinent part:

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“When the quarantine has been declared, the director of health, city or general health district board of health, or persons performing the duties of a board of health may require vaccination for rabies of all dogs within the health district or part thereof. Proof of such vaccination within a satisfactory period prior to registration, as provided in Section 955.01 of the Revised Code, shall be demonstrated to the county auditor before such registration is issued for any dog required to be vaccinated.

“A satisfactory period is twelve months in the case of nervous-tissue vaccine, thirty-six months in the case of Flury strain chicken-embryo vaccine, or any other period or method approved by the public health council.

“* * *

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In the instant case, the director of health of the county has required vaccination of all dogs, thus the question is as to the proof of vaccination which should be demonstrated to the auditor.

It will be noted that Section 955.26, *supra*, does not specify the degree of proof that the auditor should require before he issues a certificate of registration. Nor is there any requirement that the vaccination be performed by a licensed veterinarian.

Thus, under the language of the section, if it appears to the auditor that the dog concerned has been vaccinated with a proper vaccine, within

the prescribed period, such constitutes proof of vaccination regardless of whether the vaccination was done by a licensed veterinarian.

In passing, I might note that the vaccination of a dog by anyone other than a licensed veterinarian could, in some cases, be in violation of Chapter 4741., Revised Code, dealing with veterinarians and veterinary medicine. In this regard, Section 4741.19, Revised Code, reads:

“No person shall practice veterinary medicine, or any of its branches, without a license issued by the state veterinary medical board pursuant to sections 4741.11 to 4741.13, inclusive, of the Revised Code, or a temporary permit issued pursuant to section 4741.14 of the Revised Code.”

Also, division (F) of Section 4741.01, Revised Code, reads:

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“(F) The ‘practice of veterinary medicine’ means the practice of any person who:

“(1) For hire, fee, compensation, or reward promised, offered, expected, received or accepted, either directly or indirectly, diagnoses, prognoses, treats, administers to, prescribes for, operates on, manipulates, or applies any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal, or who holds himself out as being able or legally authorized to act in such manner;

“(2) Practices dentistry or surgery on any animal;

“(3) Represents himself as engaged in the practice of veterinary medicine as defined in division (F) (1) and (2) of this section;

“(4) Uses any words, letters or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practices of veterinary medicine.”

Section 4741.20, Revised Code, exempts certain persons from the provisions of Chapter 4741., *supra*, reading:

“The provisions of sections 4741.01 to 4741.29, inclusive, of the Revised Code, do not apply to:

“(A) A person who administers to animals, the title to which is vested in himself, except when said title is so vested for the purpose of circumventing the provisions of sections 4741.01 to 4741.20, inclusive, of the Revised Code;

“(B) A person who is a regular student in a legally chartered college of veterinary medicine while in performance of those duties and actions assigned by his instructors;

“(C) A person who is a member of the armed forces of the United States or who is an employee of the United States department of agriculture, the United States public health service or other federal agency, or the Ohio division of animal industry except a licensed veterinarian and who, while so commissioned or employed, performs official duties;

“(D) A person who advises with respect to or performs acts which the state veterinary medical board by rule has prescribed as accepted management practices in connection with livestock production;

“(E) A person who conducts routine vaccinations, pulorum testing, and typhoid testing of poultry and other poultry disease control activity under supervision of a national poultry improvement plan as administered by an official state agency or the United States department of agriculture;

“(F) A physician licensed to practice medicine in this state, or his assistant, while engaged in medical research.”

It will be noted that under said Section 4741.20, *supra*, a person who administers to animals which he owns is specifically exempt from the provisions of Chapter 4741., and it, therefore, follows that a person may vaccinate his own dog for rabies without violating said Chapter 4741.

The county auditor does not, of course, have the duty to enforce the laws pertaining to veterinarians, and under Section 955.26, *supra*, he has only to determine whether the particular dog concerned has been properly vaccinated. Where, however, a proof of vaccination has been submitted, and it appears to the auditor that a violation of Chapter 4741. may have occurred, it would be expected that the auditor would notify the proper authorities of the possible violation, even though he may find that the dog was properly vaccinated. The proper authorities to notify in such a case would be the local police and the state veterinary medical board.

In conclusion, it is my opinion and you are advised:

1. Where pursuant to Section 955.26, Revised Code, a proof of vaccination for rabies is demonstrated to the county auditor, said auditor should approve the vaccination if he is satisfied that it was made in accordance with the requirements of that section; and under that section

there is no requirement that the vaccination be made by a licensed veterinarian.

2. A person may vaccinate a dog for rabies without being in violation of Section 4741.19, Revised Code, which section limits the practice of veterinary medicine to licensed veterinarians, if he is the owner of the dog, or if he comes within any of the other exceptions noted in Section 4741.20, Revised Code.

3. While the county auditor is not required to enforce the provisions of Chapter 4741., Revised Code, pertaining to veterinary medicine, if when a proof of vaccination is submitted it appears that said chapter may have been violated by the person giving the vaccination, he would be expected to notify the proper authorities of the possible violation, even though he may find that the vaccination was proper under Section 955.26, Revised Code. The proper authorities to notify in such a case are the local police and the state veterinary medical board.

Respectfully,

MARK MCELROY

Attorney General