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HOUSE BILL 109

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO PUBLIC HEALTH; PRESCRIBING FACTORS TO DETERMINE THE
MANAGEMENT AND DISPOSITION OF WILD ANIMALS THAT HAVE BITTEN OR
OTHERWISE POTENTIALLY EXPOSED A HUMAN TO RABIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 77-1-6 NMSA 1978 (being Laws 1979,
Chapter 194, Section 2) is amended to read:

"77-1-6. [~~NOTICE TO HEALTH OFFICER OF ANIMAL BITE--~~
~~CONFINEMENT--ANIMAL CONTACT WITH RABID ANIMALS--ANIMAL RABIES~~
~~QUARANTINE--PROCEDURE FOLLOWING DEATH FROM RABIES]~~ ANIMAL
BITES--DEPARTMENT OF HEALTH AUTHORITY TO PRESCRIBE
REGULATIONS--MANAGEMENT AND DISPOSITION OF RABIES-SUSPECT WILD
ANIMALS.-- [~~The health and environment~~]

A. In accordance with this section, the department
of health shall prescribe regulations for the reporting of

.205317.1

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1 animal bites, confinement and disposition of rabies-suspect
2 animals, rabies quarantine and the disposition of dogs and cats
3 exposed to rabies, in the interest of public health and safety.

4 B. The management and disposition of a wild animal
5 that has bitten or come into contact with a human in such a way
6 that rabies could be transmitted shall be determined based on
7 the species, the circumstances of exposure, the epidemiology of
8 rabies in the area, the exposing animal's history and current
9 health status and the animal's potential for exposure to
10 rabies.

11 C. A wild animal that has bitten or otherwise
12 potentially exposed a human to rabies shall not be captured or
13 destroyed, unless:

14 (1) a department of health official
15 determines, based on evidence after interviewing the person
16 bitten or witnesses, that the animal behaved in a predatory
17 manner, attacked unprovoked, exhibited symptoms or signs of
18 rabies or was in contact with a known rabid animal;

19 (2) the animal is of a species identified by
20 the federal centers for disease control and prevention as a
21 rabies reservoir species in North America, which includes all
22 subspecies of raccoon, skunk, fox, coyote, bat and mongoose; or

23 (3) the person bitten by or otherwise exposed
24 to a rabies-suspect animal has requested or consented to rabies
25 prophylaxis, and the personal physician treating the person

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underscoring material = new
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1 bitten by or otherwise exposed to a rabies-suspect animal
2 determines that rabies prophylaxis will severely injure or
3 threaten the life of that person and that testing the animal
4 for rabies is necessary to minimize the person's health risks.

5 D. Nothing in this section shall preclude federal,
6 state or local officials from conducting otherwise lawful
7 wildlife management.

8 E. As used in this section, the terms "wild animal"
9 and "wildlife" do not include dogs, cats, ferrets, livestock or
10 other domestic animals."

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