

- Counties and municipalities could receive a small amount of court cost and fine revenue. Expenditures for prosecutions, if any, should be insignificant.

Detailed Fiscal Analysis

Statutes in Other States

As of May 1996, 39 of 51 states (including the District of Columbia) had state-wide requirements covering canine vaccination against rabies. Regarding feline vaccination, 28 of the 51 states had state-wide requirements.¹ In both of these categories, Ohio is in the minority with no state-wide regulations. Compared to Ohio's neighbors, all but Indiana have three-year dog vaccination requirements state-wide. Indiana law requires a state-wide one-year vaccination for dogs. Regarding cats, in addition to Ohio, Michigan and Kentucky do not have state-wide policies requiring vaccination against rabies. Pennsylvania and West Virginia both have state-wide laws requiring three year feline vaccinations against rabies. In late 1996, Indiana added a requirement for a one-year vaccination for cats. Ohio is currently one of six states that allow the over the counter sale and utilization of rabies vaccine. The other five states are Idaho, Kentucky, Oklahoma, Pennsylvania, and South Dakota.

Current Local Ohio Health Regulations Regarding Rabies Vaccinations

Since 1994, the number of cities or counties with local regulations regarding rabies vaccinations has increased. The following table presents information provided by Dr. Kathy Smith, the State Public Health Veterinarian. The information for 1997 does not include every county and/or local city health department because the surveys had not been returned as of this date.

Year	Cities	Counties	Over All
1997	Dogs (39/49) - 73%	Dogs (34/82) - 41%	Dogs 53%
	Cats (24/49) - 49%	Cats (20/82) - 24%	Cats 34%
1994	Dogs (34/60) - 57%	Dogs (26/88) -30%	Dogs 41%
	Cats (18/60) - 30%	Cats (15/88) - 17%	Cats 22%

County Auditors

The Office of the County Auditor is responsible for the registration of all dogs in the state of Ohio. Under current law, a county is not required to inquire about the vaccination status of a dog. Franklin County, which is under a quarantine issued by the local health department, is the only county that currently asks dog owners if their pet has been vaccinated against rabies. Under this bill, every county auditor will be required to indicate on the registration form if the dog is currently vaccinated against rabies. This change will have minimal, if any, added expenses for these offices. According to a representative of the Cuyahoga County Auditor Dog License Division, that information can easily be added to their current forms; LBO assumes other counties also would be able to make adjustments at little, if any, cost.

¹ Johnston, William B, DVM, and Mindy Walden, DVM, *JAVMA*, Vol. 208, No. 10, May 15, 1996

Local Boards of Health

This bill requires the majority of dogs, cats, and ferrets to be vaccinated against rabies. (The average cost for a rabies vaccination in a metropolitan area is \$9 - \$13.) In a rural area, the average cost is \$7 - \$10. The veterinarian, who must be licensed by Ohio or under the laws of another state, that administers the vaccination must complete and sign a vaccination certificate and issue a rabies vaccination tag to the animal's owner. Additionally, the veterinarian must make the certificate of vaccination available upon request to the board of health. Potential costs for both an auditor and health board arise in determining the rabies status of certain dogs. Since cats and ferrets are not registered with the county auditor, there will be no cost associated with the rabies status of these animals for county auditors. Although it is unclear exactly how the program will work, it is possible that the auditors and boards of health will compare lists of registered and vaccinated dogs. If these lists are not computerized, or if comparisons are made on a large scale rather than selective basis, there could be a significant expense in staff time to manually cross-reference these lists.

This bill also authorizes the euthanization of animals if their rabies status cannot be determined. According to information provided by the Association of Ohio Health Commissioners, in Columbiana County, for example, there are on average 24 euthanizations per year. The county then contracts with a local veterinarian who performs these activities for \$40 apiece. The local health department pays for these procedures. Therefore, there could be a minimal additional cost if the department opts to take this route.

Under division (B) of section 3701.149, a municipal corporation or a local health district may establish fees for "supplying the vaccination tags and certificates" to veterinarians. These fees, to be used to defray the costs of procuring and distributing the tags and certificates and other expenses related to rabies prevention and control may not exceed one dollar (\$1). In future years, as costs increase, the one dollar cap will prevent local health districts and municipalities from collecting enough revenue to defray the costs of enforcing these local ordinances.

Penalties

Misdemeanors

This bill requires that the owner of a dog, cat, or ferret four months of age or older, with certain exceptions, to have their pet vaccinated against rabies. All vaccinated animals are required to wear a rabies vaccination tag issued by the veterinarian who performed the procedure. Violations of these provisions are punishable misdemeanor offenses. For the first offense, the pet owner would be guilty of a fourth degree misdemeanor. For each subsequent offense, the person would be guilty of a misdemeanor of the third degree.

According to the sponsor, an individual would only be charged with a misdemeanor if the unvaccinated dog, cat, or ferret in question bit a human. Since most localities would not have the manpower to search for violators of this section of the Revised Code, the average pet owner who did not vaccinate their animal would not be likely to be charged with a misdemeanor. The way the law is written, however, it would be conceivable that this group of pet owners could be charged with a misdemeanor, even if no human were bitten. That would increase the costs for investigations and prosecutions. The amount of revenue raised in fines would also increase in

that circumstance. LBO estimates that there would not be a large number of cases prosecuted under the addition to section 3701.99 of the Revised Code.

Misdemeanors: Sentencing & Penalties			
Offense Level	Maximum Sentence	Personal Fine	Organizational Fine
First Degree	6 months	Up to \$1,000	Up to \$5,000
Second Degree	90 days	Up to \$750	Up to \$1,000
Third Degree	60 days	Up to \$500	Up to \$3,000
Fourth Degree	30 days	Up to \$250	Up to \$2,000
Minor Misdemeanor	No incarceration	Up to \$100	Up to \$1,000

When an individual is convicted of or pleads guilty to a misdemeanor, the court generally is required to collect an additional \$11 in court costs and then pay it into the state's GRF. Although never referred to expressly in any of its enactments, the General Assembly intended that these moneys were to be used to assist public defender offices. Additionally, if an individual is convicted of or pleads guilty to a misdemeanor offense, the court generally is required to collect an additional \$9 in courts costs and then pay it into the Reparations Fund, a.k.a., Victims of Crime Fund. Assuming that there will be few additional cases created as a result of this bill, the amount of additional revenue generated for the GRF and the Reparations Fund will be extremely small.

Additional court costs and fine revenue may be generated for counties and municipalities, but as there most likely will be few additional criminal cases created by the bill, the amount of revenue to be generated should be extremely small. Court costs collected in most municipal courts generally must be paid into the treasury of the municipal corporation in which the municipal court is located. However, in the case of county-operated municipal courts, court costs generally must be paid into the county's treasury. If prosecutions are initiated by the municipal corporation or the local health district, revenues from fines shall be credited to the general fund of the municipality or the district health fund, as appropriate. Court costs collected in a county court must be paid into the county treasury. On the expenditure side, counties will bear the cost of prosecution in these cases.

Local Ordinances

This bill details the authority of a health district to order the quarantine or euthanization of an animal that has bitten a person, that is suspected of being rabid, or that may have come into contact with a potential rabid animal. This activity currently is allowed under the Revised Code. The changes in this bill deal with penalties arising for violating the order of a health district. Senate Bill 235 outlines that fine revenue shall be credited to the general fund of the municipal corporation for violations of ordinances or to a district health fund for violations of health commissioner orders.

□ *LBO staff: Jeffrey M. Rosa, Budget/Policy Analyst*

H:\fn122\SB0235SR.DOC