

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5326. Quarantine.

The Chief of Animal Health and Industry may quarantine any animal known to be affected with or to have been exposed to any contagious, infectious, or communicable disease, and destroy the same when in the opinion the measure is necessary to prevent the spread of the disease. At the owner's expense, the chief or his designee may provide for the proper disposition of its hide, carcass or feathers, and disinfect premises where the disease may have existed.

(a) All dogs and cats from areas other than those declared to be rabies-free by the State of Hawaii, the World Health Organization, or the U.S. Office of International Epizootics may be confined at the As Perdido Animal Quarantine Facility for up to 120 days, or longer if in the opinion it is necessary to prevent the introduction of rabies and other infectious, contagious or communicable disease of cats and dogs. The chief may approve a period of home quarantine if in his discretion it will not create unnecessary risk to the Commonwealth. The chief will maintain and publish a listing of rabies-free areas in the regulations as changes occur.

(b) Dogs and cats from rabies-free areas may be exempted from the quarantine requirements provided that their areas remain free, at the time of importation, of rabies and maintained, at the time of importation, to the satisfaction of the chief, stringent entry requirements to prevent the introduction of disease into their areas; and that they have been vaccinated for the following:

Dogs: distemper, parainfluenza, parvovirus, rabies, leptospira, and coronavirus kennel cough;

Cats: panleukopenia virus, calicivirus, rhinotracheitis, pnemonitis, rabies and leukemia and provided that, in addition to meeting the requirements applicable to dogs and cats, they are imported in compliance with the entry conditions and requirements stipulated in the regulations and on their entry permits.

Source: PL 4-55, § 1 (§ 5326); amended by PL 12-29, § 2, modified.

Commission Comment: With respect to the references to the "Chief of Animal Health and Industry," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 12-29 made reference to the "Commonwealth Veterinarian," a non-existent position within DLNR. Accordingly, the Commission corrected this manifest error and replaced "Commonwealth Veterinarian," wherever referenced, with "Chief of Animal Health and Industry" or "chief."

PL12-29, which took effect on October 31, 2000, contained the following purpose, severability, and savings clauses:

Section 1. Purpose. The Legislature finds that controlling the spread of infectious diseases among animals imported into the Commonwealth is of critical importance to our island ecosystem. The Legislature further finds that the current system of quarantining animals for 120 days needs to be advised. With the advances being made in veterinary medicine, we feel

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that the Commonwealth Veterinarian should be allowed greater flexibility in determining the appropriate type and duration of quarantine.

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Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.