



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Bureau for Public Health  
Office of Epidemiology and Prevention Services  
350 Capitol Street, Room 125  
Charleston, West Virginia 25301

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

**MEMORANDUM**

**Date:** August 17, 2016  
**TO:** Public Health Partners  
**RE:** **LEGAL AUTHORITY TO CONDUCT ORAL RABIES VACCINE BAIT DROP**

Property owners throughout the oral rabies vaccine distribution area may question the legality of dropping oral rabies vaccine on private property. The following excerpt from Chapter 19 of the West Virginia Code grants the Commissioner of Agriculture the authority to conduct the oral rabies vaccine bait drop:

**§19-9-2. Duties and powers of commissioner.**

It shall be the duty of the commissioner, and he shall have authority:

- (a) To prevent, suppress, control and eradicate any communicable diseases of animals or poultry;
- (b) To make and enforce such rules and regulations as may be necessary to effectuate the provisions of this article;
- (c) To collect and disseminate information and statistics by means of circulars and bulletins on the prevalence and control of animal and poultry diseases and their treatment, the proper care and sanitation of stables and other buildings, so as to prevent the existence and spread of communicable diseases among such animals and poultry, and such other information relative thereto as will be of value to the stock industry of the state;
- (d) To make or cause to be made any investigations he may deem advisable regarding the causes and methods of preventing, controlling and eradicating diseases of animals or poultry, and exercise such other powers and perform such other duties as may be proper or necessary to prevent the spread of, eradicate or control any communicable disease among animals or poultry, including the power to promulgate, issue, and enforce regulations prohibiting the feeding of garbage to swine unless said garbage has been thoroughly heated to a temperature of at least 212 degrees F for at least thirty minutes or treated in some other manner equally effective for the prevention of swine diseases and the protection of public health, such regulations not to apply to any individual who feeds only his own household garbage to swine which are raised for such individuals' own use;
- (e) To prohibit the importation into this state of animals and poultry, when necessary to prevent the spread of disease;
- (f) To cause general or special quarantine of premises and of animals and poultry to be established and maintained;
- (g) To cause the disinfection of any premises;
- (h) To cause the destruction of diseased animals, when such animals are deemed diseased as a result of physical examination or an approved test, and of infected personal property, and to regulate and prohibit the moving or transportation of such animals or property from one place to another in this state;
- (i) To have charge of the enforcement of the provisions of this article and the laws of the state relating to diseases of animals and poultry, and the manufacture, preparation, storage, sale and offering for sale of the food and food products derived from diseased animals and poultry.

Additionally, the following excerpt from Chapter 16 of the West Virginia Code grants the local board of health the authority to conduct the oral rabies vaccine bait drop:

**§16-2-11. Local board of health; powers and duties.**

(a) Each local board of health created, established and operated pursuant to the provisions of this article shall:

(1) Provide the following basic public health services and programs in accordance with state public health performance-based standards:

(i) Community health promotion including assessing and reporting community health needs to improve health status, facilitating community partnerships including identifying the community's priority health needs, mobilization of a community around identified priorities and monitoring the progress of community health education services;

(ii) Environmental health protection including the promoting and maintaining of clean and safe air, water, food and facilities and the administering of public health laws as specified by the commissioner as to general sanitation, the sanitation of public drinking water, sewage and wastewater, food and milk, and the sanitation of housing, institutions, and recreation; and

(iii) Communicable or reportable disease prevention and control including disease surveillance, case investigation and follow-up, outbreak investigation, response to epidemics, and prevention and control of rabies, sexually transmitted diseases, vaccine preventable diseases, HIV/AIDS, tuberculosis and other communicable and reportable diseases.

Both of these Chapters may be cited in response to property owner concerns. Please contact our office if there are any other questions regarding this issue.