

CALIFORNIA CODES 加州法規

HEALTH AND SAFETY CODE 《動物衛生與安全法》

SECTION 121575-121710 第 121575 至 121710 條 (註：關於狂犬病)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=121001-122000&file=121575-121710>

121575. "Rabies," as used in this chapter, includes rabies, and any other animal disease dangerous to human beings that may be declared by the department as coming under this chapter.

121575. 「狂犬病」在本章意指包括此病及其他由本章所述之衛生當局宣告為危害人類性命之動物疾病。**[費昌勇註：美國狂犬病防疫是由衛生機關負責，故法令未提到動物防疫機關]**

121580. "Quarantine," as used in this chapter, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed cage, or paddock, of all animals specified in the order of the department.

121580. 本章所指之「隔離檢疫」意指嚴格監控衛生部法令列明之所有動物，而隔離檢疫是指在飼主私人建築內，動物是用頸鍊、籠舍或圍場管束的動物執行這程序的。

121585. "Rabies area" shall mean any area not less than a county as determined by the director within a region where the existence of rabies constitutes a public health hazard, as found and declared by the director. A region shall be composed of two or more counties as determined by the director. The status of an area as a rabies area shall terminate at the end of one year from the date of the declaration unless, not earlier than two months prior to the end of the year, it is again declared to be a rabies area in the manner provided in this section. If however, the director at any time finds and declares that an area has ceased to be a rabies area its status shall terminate upon the date of the declaration.

121585. 「狂犬病管制區」是由爆發地區的衛生機關首長決定，其面積不可少於一個郡。由該地區衛生部門首長發現狂犬病疫情足以構成公共衛生之公害而加以宣告。所謂之「地區 region」包含兩個或更多郡，都由該地區衛生部門之首長決定。「狂犬病管制區」之管制時間從發布日起計算必須在一年內終止。若有必要必須繼續管制時，亦必須要在前次宣佈滿十個月之後，再次按照本節所述方式

宣布為狂犬病疫區，但倘若部長於任何時間發現並宣告某地區不再成為狂犬病疫區，則該疫區須於宣告當日解除。

[費昌勇註：1943~1947年紐約州發生一次大流行，其防疫經驗發現在州以下之郡之鄉村地形，疫情爆發範圍超越鄉、鎮、市，故明訂以「郡」為防疫單位，是最有利之防疫規模。]

121595. Whenever any case of rabies is reported as existing in any county or city, the department shall make, or cause to be made, a preliminary investigation as to whether the disease exists, and as to the probable area of the state in which the population or animals are endangered.

121595. 凡收到任何郡或城市報稱有狂犬病的案例，衛生當局必須作出或就肇因進行初步調查，以找出這些地方**是否確有此症**，並確認該州有哪些地區的人或者動物可能受到危害。

121600. If upon the investigation the department finds that rabies exists, a quarantine shall be declared against all animals as are designated in the quarantine order, and living within the area specified in the order.

121600. 倘若衛生當局調查發現有狂犬病，必須宣告要為檢疫法令指明的所有動物做進行檢疫，以及居住在該區域內所有與檢疫有關之人畜。

121605. Following the order of quarantine the department shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved.

121605. 衛生當局在遵照檢疫法令期間須作出或就肇因進行詳盡調查，以找出受感染範圍、可能受襲的人畜數目與涉及地區。

121610. The department may substitute for the quarantine order regulations as may be deemed adequate for the control of the disease in each area.

121610. 在防疫最高效益原則下，衛生當局得以不同檢疫法令取代原使用條例。

121615. All peace officers and boards of health shall carry out the provisions of this chapter.

121615. 所有安全官員與衛生委員會須執行本章規定。 [費昌勇註：peace officers 是指警察等與社區安全有關之維護社會秩序之公權力官員。]

121620. During the period for which any quarantine order is in force any officer may kill or in his or her discretion capture and hold for further action by the department any animal in a quarantine area, found on public highways, lands, and streets, or not held in restraint on private premises as specified in this chapter.

121620. 在檢疫法令實施期內，衛生官員如果在檢疫區發現動物在高速公路、農地與街道遊蕩或離開管制區域，即可處以安樂死，或留置於檢疫區等待當局進一步處置。

121625. Any proper official within the meaning of this chapter may examine and enter upon all private premises for the enforcement of this chapter.

121625 凡符合本章定義的執法官員皆可逕行檢驗所有私人處所，以利防疫之執行。

121630. Except as provided in Sections 121705 and 121710, every person who possesses or holds any animal in violation of the provisions of this chapter is guilty of an infraction, punishable by a fine not exceeding one thousand dollars (\$1,000).

121630. 除第 121705 與 121710 條有所規定外，動物飼主若違反本章條例，即屬違法，可處以壹仟美元(\$1,000)以下之罰鍰。

121635. [本條與台灣國情無關] For the purpose of providing funds to pay expenses incurred in connection with the eradication of rabies, the rabies treatment and eradication fund is continued in existence in each county or city in this state.

121635. 為達到提供資金以支付消滅狂犬病相關經費的目的，本州之每一個郡(市)之狂犬病防疫專款均可繼續保留使用。

121640. [本條與台灣國情無關] All money collected for dog license taxes shall be deposited to the credit of this fund with the treasurer of the county or city; but funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

121640. 所徵收之寵物登記稅必須存入郡或市之狂犬病信託基金專戶；但已經在徵收之其他養狗稅之資金仍可以繼續籌募，並使用於自治條例所指定之用途。

121645. [本條與台灣國情無關] Upon the determination by the department that rabies exists in any county or city, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with this chapter.

121645. 根據本章規定，除非其他有關養狗之稅款已經徵收實施，否則寵物登記稅在衛生當局所認定有發生狂犬病之郡市，可立即開始徵收並用於狂犬病防疫。

121650. [本條與台灣國情無關] This tax shall be levied as follows: An annual tax of one dollar and fifty cents (\$1.50) for each male, two dollars and fifty cents (\$2.50) for each female, and one dollar and fifty cents (\$1.50) for each neuter dog. It shall be collected by the proper authority at the same time and in the same manner as other taxes are collected; except that at the first collection the proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment shall be collected.

121650. 該項年稅的收費如下：每隻公狗為一點五美元(\$1.50)，母狗為二點五美元(\$2.50)，已絕育狗隻一律為一點五美元(\$1.50)。此稅款須與其他稅款一樣由認可法定機構於同一時間以同一方式徵收，首期稅款除外：該期年稅與執行徵稅月數的比例相對應，另須收費以預繳一年款項。

121655. [本條與台灣國情無關] After this dog license tax has been established in a county or city, it shall be continued in force until an order has been issued by the department declaring that county, or the portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

121655. 寵物登記稅在郡或市設立後必須繼續實施，直至衛生當局頒布法令，宣告該郡或其中部分認可地區已無狂犬病傳染或有進一步疫情發生的威脅。

121660. [本條與台灣國情無關] One half of all fines collected by any court or judge for violations of this chapter shall be placed to the credit of the rabies treatment and eradication fund of the county or city where the violation occurred.

121660. 所有因違反本章規例而被法庭或法官判處的罰款之其中一半必須存入違法案件所在郡或市的根治狂犬病基金信貸戶口。

121665. [本條與台灣國情無關] Whenever it becomes necessary in the judgment of the department, to enforce this chapter in any county or city, the department may institute special measures of control to supplement the efforts of the local authorities in any county or city whose duties are specified in this chapter.

121665. 倘衛生當局判定有必要在某郡(市)執行本章法條，州政府得建立特別措施，以助執行本章指定職責之當地郡或市機關執法。

121670. [本條與台灣國情無關] All expenditures incurred in enforcing the special measures shall be proper charges against the special fund referred to in this chapter, and shall be paid as they accrue by the proper authorities of each county or city where they have been incurred, but all expenditures that may be incurred after the issuance of the order establishing the tax and before the first collection of the tax, shall be paid as they accrue from the general fund of the county or city.

121670. 為執行前條所述之特別措施的一切開支，須按照本章所指之特別基金正確記賬，而每一個郡或城市的認可法定機構須在當地執行開支的利息增長時繳付；然而，頒布設立稅項法令後和徵收首期稅款前的一切開支須在當地普通基金的利息增長時繳付。

121675. [本條與台灣國情無關] All expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from the general fund. All money thus expended from the general fund shall be repaid from the special fund when the collections from the tax have provided the money.

121675. 同理，所有超過該基金收支平衡的開支必須在該普通基金的利息增長時繳付；倘若所徵收稅款已提供充足資金，從普通基金動用的開支金額須由特別基金撥款償還。

121680. Notwithstanding any other provision of this chapter a guide dog serving a blind master shall not be quarantined, in the absence of evidence that he or she has been exposed to rabies, unless his or her master fails:

- (a) To keep him or her safely confined to the premises of the master.
- (b) To keep him or her available for examination at all reasonable times.

121680. 儘管本章其他條文有所規定，但除非飼主未能：

- (a) 一直把狗隻安全地關進飼主的私人處所裡；或
- (b) 一直讓狗隻能夠在所有適當時段接受檢驗，

否則導盲犬在未證實其受狂犬病感染下是毋須隔離檢疫的。

121685. Notwithstanding any other provision of this chapter, a dog used by any state, county, city, or city and county law enforcement agency shall not be quarantined after biting any person if the bite occurred while the dog was being used for any law enforcement purpose. The law enforcement agency shall make the dog available for examination at any reasonable time. The law enforcement agency shall notify the local health officer if the dog exhibits any abnormal behavior.

121685. 儘管本章其他條文有所規定，但倘若用以執法的狗隻在執法期間咬人，則任何州、郡、市或城鄉執法機構聘用的狗隻均毋須隔離檢疫。上述執法機構必須確保狗隻能夠在任何適當時段接受檢驗，若發現狗隻有任何異常行為表現，須立即通報當地衛生官員。

121690. [本條與台灣國情無關] In rabies areas, all of the following shall apply:

(a) Every dog owner, after his or her dog attains the age of four months, shall no less than once every two years secure a license for the dog as provided by ordinance of the responsible city, city and county, or county. License fees shall be fixed by the responsible city, city and county, or county, at an amount not to exceed limitations otherwise prescribed by state law or city, city and county, or county charter.

121690. 以下各項均適用於狂犬病的各個範疇：

(a) 根據市、鎮、鄉或郡的寵物登記條例規定，所有飼主必須在狗隻到達四月齡時開始，每兩年為牠們更新登記。登記費須由所屬市、鎮、鄉或郡釐定；除非美國州法、城鄉法或郡法另有規定，否則所收費用不得超越收費上限。

(b) Every dog owner, after his or her dog attains the age of four months, shall, at intervals of time not more often than once a year, as may be prescribed by the department, procure its vaccination by a licensed **veterinarian** with a canine antirabies vaccine approved by, and in a manner prescribed by, the department.

(b) 在狗隻到達四月齡時，所有飼主必須依照衛生當局規定，在一年之內，接受一次由具有證照之獸醫師進行狂犬病疫苗注射；疫苗品牌須為官方認可之疫苗。

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper, or harbinger. Nothing in this chapter

and Section 120435 shall be construed to prevent the sale or transportation of a puppy four months old or younger.

(c) 所有四月齡以下的狗隻必須關進飼主、牧場主或收容所主人的處所，或接受彼等之活動約束。本章與第 120435 條條文都不能曲解為禁止銷售或運送四個月大或更年幼的小狗。

(d) Any dog in violation of this chapter and any additional provisions that may be prescribed by any local governing body shall be impounded, as provided by local ordinance.

(d) 根據自治條例規定，狗隻倘若違反本章規定及當地管理機構規定的任何附加條款，即予拘留。

(e) It shall be the duty of the governing body of each city, city and county, or county to maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing this section.

(e) 為完成執法之目的，每一個市、鎮、鄉或郡的機構都有責任維持收容所運作與狂犬病防治計劃。

(f) It shall be the responsibility of each city, county, or city and county to provide dog vaccination clinics, or to arrange for dog vaccination at clinics operated by veterinary groups or associations, held at strategic locations throughout each city, city and county, or county. The vaccination and licensing procedures may be combined as a single operation in the clinics. No charge in excess of the actual cost shall be made for any one vaccination at a clinic. No owner of a dog shall be required to have his or her dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed **veterinarian** of the owner's choice. All public clinics shall be required to operate under antiseptic immunization conditions comparable to those used in the vaccination of human beings.

(f) 每一個市、鎮、鄉或郡的機構都必須履行本身職責，在整個市、鎮、鄉或郡的戰略地點應提供疫苗接種服務，或安排動物在由獸醫團體或協會經營的診所裡接種。診所之接種及寵物登記之程序可以合二為一，而任何診所接種的收費須不逾實際成本。飼主倘若選擇到相熟的具有證照之獸醫師為狗隻接種，則不需要攜帶狗隻到公立診所接種。所有公立診所都需要在已消毒的免疫環境下為動物接種，這與施行人類接種的方法一樣。

(g) In addition to the authority provided in subdivision (a), the ordinance of the responsible city, city and county, or county may provide for the issuance of a license for a period not to exceed three years for dogs that have attained the age of 12 months or older and have been vaccinated against rabies. The person to whom the license is issued pursuant to this subdivision may choose a license period as established by the governing body of up to one, two, or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination. A dog owner who complies with this subdivision shall be deemed to have complied with the requirements of subdivision (a).

(g) 除了本節(a)部賦予的法律權限之外，所屬市、鎮、鄉或郡的自治條例也可賦予機構寵物登記權力，讓牠們為已接受狂犬病疫苗注射的十二個月大或以上之狗隻，發出為期不超過三年之執照。已根據本部規定獲發執照者可按管理機構設定的寵物登記期限選擇一年、兩年或三年有效期；然而，倘若根據本部規定寵物登記，為了讓狗隻在近期接受狂犬病疫苗注射，不得延期至寵物登記之剩餘有效期以後。凡遵守本部條例的飼主，皆被視為已符合(a)部要求。

(h) All information obtained from a dog owner by compliance with this chapter is confidential to the dog owner and proprietary to the **veterinarian**. This information shall not be used, distributed, or released for any purpose, except to ensure compliance with existing federal, state, county, or city laws or regulations.

(h) 符合本章規定的飼主所提供之一切資料，皆為飼主機密；除了法規規定之特殊狀況之外，不得假借任何目的使用、散播或發佈上述資料。

121695. Nothing in this chapter and Section 120435 is intended or shall be construed to limit the power of any city, city and county, or county in its authority in the exercise of its police power or in the exercise of its power under any other provisions of law to enact more stringent requirements, to regulate and control dogs within the boundaries of its jurisdiction.

121695. 本章及第 120435 條條文均不可誤指或曲解為限制任何市、鎮、鄉或郡的執法權力，這些地方可以行使警察權力，或者根據其他法律條款行使自身權力，在行政管轄範圍內對狗隻制定更嚴格的管理規定。

121700. [本條與台灣國情無關] Rabies vaccines for animal use shall not be supplied to other than a veterinary biologic supply firm, a person licensed to practice veterinary medicine under Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code, or a public agency.

121700. 動物用狂犬病疫苗只能供給予獸醫用生物製品供應商、符合以第 4800 條開首的《加州商業及職業法》第二部第十一章規定之〈具有證照之獸醫師界業者，或公營機構〉，此外不得供給予其他人士。

121705. Any person who willfully conceals information about the location or ownership of an animal subject to rabies, that has bitten or otherwise exposed a person to rabies, with the intent to prevent the quarantine or isolation of that animal by the local health officer is guilty of a misdemeanor. Any person who violates this section is guilty of a misdemeanor.

121705. 任何人士如發現患上狂犬病的動物咬人或以其他方法襲擊人而傳染此病，卻隱瞞該動物之所在位置或所屬主人等資料，意圖妨礙當地衛生官員檢驗或隔離該動物，即犯下行為不當罪行。任何違反該節條文者即可被判違反行為不當罪行。

121710. Any person who, after notice, violates any order of a local health officer concerning the isolation or quarantine of an animal of a species subject to rabies, that has bitten or otherwise exposed a person to rabies or who, after that order, fails to produce the animal upon demand of the local health officer, is guilty of a misdemeanor, punishable by imprisonment in the county jail for a period not to exceed one year, or by fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) per day of violation, or by both fine and imprisonment.

121170. 任何人如在收到檢疫通知後違反當地衛生官員發出的任何有關隔離或檢疫命令，拒絕把曾經咬過人或以其他方法襲擊過人而傳染此病的動物送檢，或者在收到該命令後未能按照當地衛生官員要求交出該動物檢驗，即犯下行為不當罪行。違者可處以下述刑罰：在郡監獄接受為期不逾一年之有期徒刑，或易科罰金，每犯罪日易科罰金為壹佰美元(\$100)至壹仟美元(\$1,000)之間；或罰款與監禁並用。