

# SENATE BILL 820

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CF HB 767

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By: **Senator Benson (Chair, Task Force on the Establishment of a Statewide Spay/Neuter Fund) and Senators Rosapepe, Astle, Conway, Jennings, Madaleno, Manno, Montgomery, Pinsky, Pugh, Raskin, Stone, Young, and Zirkin**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Animal Welfare – Spay/Neuter Fund – Establishment**

3 FOR the purpose of establishing the Spay/Neuter Fund within the Department of  
4 Agriculture; stating the purpose of the Fund; requiring the Department to  
5 administer the Fund; specifying the contents of the Fund; requiring the  
6 Department to establish a certain ~~surcharge on~~ fee on certain commercial  
7 ~~animal~~ feed prepared and distributed for consumption by dogs or cats and  
8 deposit the revenue into the Fund; ~~authorizing the Fund to be used to establish~~  
9 ~~a statewide voucher program to support the provision of spay/neuter services;~~  
10 ~~establishing certain income based eligibility criteria for the voucher program;~~  
11 ~~requiring the Department to negotiate certain rates for the provision of low cost~~  
12 ~~spay and neuter surgeries and rabies shots under the voucher program;~~  
13 ~~requiring the Department to set a nominal copayment to be made by a~~  
14 ~~participating eligible individual under the voucher program; requiring the~~  
15 ~~Department to deposit all money received for copayments into the Fund;~~  
16 ~~authorizing an eligible individual to purchase a voucher from the Department~~  
17 ~~after taking certain action; requiring the Department to provide certain~~  
18 ~~information to an eligible individual who purchases a voucher; authorizing an~~  
19 ~~eligible individual who purchases a voucher to redeem the voucher for a free~~  
20 ~~spay or neuter surgery and, if necessary, rabies shot at a participating~~  
21 ~~veterinarian; prohibiting a participating veterinarian from billing an eligible~~  
22 ~~individual for certain additional charges; authorizing a participating~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~veterinarian to submit a redeemed voucher to the Department for~~  
 2 ~~reimbursement at a certain rate;~~ authorizing the Fund to be used to establish a  
 3 competitive grant program to support the provision of spay/neuter services;  
 4 requiring the Department to solicit grant proposals and evaluate the proposals  
 5 based on certain standards; establishing the Spay/Neuter Advisory Board;  
 6 providing for the composition and the chair of the Advisory Board; requiring the  
 7 Department to provide staff support for the Advisory Board; providing that a  
 8 member of the Advisory Board may not receive compensation for service on the  
 9 Advisory Board but is entitled to reimbursement for certain expenses;  
 10 establishing the duties of the Advisory Board; authorizing the Department to  
 11 use money in the Fund to finance certain public education and outreach  
 12 programs; authorizing the Department to use the Fund for certain costs of  
 13 administering the Fund; requiring the Department to adopt certain regulations;  
 14 providing that the Fund is a special, nonlapsing fund; requiring the State  
 15 Treasurer to hold the Fund separately and invest the money of the Fund;  
 16 requiring the Comptroller to account for the Fund; requiring certain local  
 17 agencies and organizations to report certain information to the Department in a  
 18 certain manner at certain time intervals; requiring the Department to report  
 19 certain information annually by a certain date to the Governor and the General  
 20 Assembly; adding the Fund to the list of exceptions to the requirement that the  
 21 earnings of special funds accrue to the General Fund; requiring the Department  
 22 to report to certain committees of the General Assembly on or before a certain  
 23 date; providing for the termination of this Act; defining certain terms; and  
 24 generally relating to animal welfare and the establishment of the Spay/Neuter  
 25 Fund.

26 BY adding to  
 27 Article – Agriculture  
 28 Section ~~2-303.1 and 6-107.4~~ 2-1601 through 2-1605 to be under the new  
 29 subtitle “Subtitle 16. Spay/Neuter Fund”  
 30 Annotated Code of Maryland  
 31 (2007 Replacement Volume and 2012 Supplement)

32 ~~BY repealing and reenacting, without amendments,~~  
 33 ~~Article – Agriculture~~  
 34 ~~Section 6-103 and 6-107~~  
 35 ~~Annotated Code of Maryland~~  
 36 ~~(2007 Replacement Volume and 2012 Supplement)~~

37 BY repealing and reenacting, without amendments,  
 38 Article – State Finance and Procurement  
 39 Section 6-226(a)(2)(i)  
 40 Annotated Code of Maryland  
 41 (2009 Replacement Volume and 2012 Supplement)

42 BY repealing and reenacting, with amendments,  
 43 Article – State Finance and Procurement

1 Section 6–226(a)(2)(ii)69. and 70.  
 2 Annotated Code of Maryland  
 3 (2009 Replacement Volume and 2012 Supplement)

4 BY adding to  
 5 Article – State Finance and Procurement  
 6 Section 6–226(a)(2)(ii)71.  
 7 Annotated Code of Maryland  
 8 (2009 Replacement Volume and 2012 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Agriculture**

12 ~~2–303.1.~~

13 **SUBTITLE 16. SPAY/NEUTER FUND.**

14 **2–1601.**

15 (A) ~~(1)~~ IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE  
 16 THE MEANINGS INDICATED.

17 ~~(2)~~ (B) “ADVISORY BOARD” MEANS THE SPAY/NEUTER FUND  
 18 ADVISORY BOARD ESTABLISHED UNDER ~~THIS SECTION~~ § 2–1604 OF THIS  
 19 SUBTITLE.

20 ~~(3)~~ (C) “FUND” MEANS THE SPAY/NEUTER FUND ESTABLISHED  
 21 UNDER § 2–1602 OF THIS SUBTITLE.

22 **2–1602.**

23 ~~(B)~~ (A) THERE IS A SPAY/NEUTER FUND IN THE DEPARTMENT.

24 ~~(C)~~ (B) THE PURPOSE OF THE FUND IS TO REDUCE ANIMAL SHELTER  
 25 OVERPOPULATION AND CAT AND DOG EUTHANASIA RATES BY:

26 ~~(1)~~ ~~FINANCING A STATEWIDE VOUCHER PROGRAM TO FOSTER~~  
 27 ~~THE PROVISION OF SPAY AND NEUTER SERVICES FOR CATS AND DOGS IN THE~~  
 28 ~~STATE; AND~~

29 ~~(2)~~ ~~FINANCING~~ FINANCING GRANTS TO LOCAL GOVERNMENTS  
 30 AND ANIMAL WELFARE ORGANIZATIONS FOR PROGRAMS THAT MOST

1 EFFICIENTLY AND EFFECTIVELY FACILITATE AND PROMOTE THE PROVISION OF  
2 SPAY AND NEUTER SERVICES FOR CATS AND DOGS IN THE STATE.

3 ~~(D)~~ (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

4 ~~(E)~~ (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS  
5 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT  
6 ARTICLE.

7 (2) THE STATE TREASURER SHALL HOLD THE FUND  
8 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

9 ~~(F)~~ (E) THE FUND CONSISTS OF:

10 (1) REVENUE DISTRIBUTED TO THE FUND FROM THE  
11 ~~COMMERCIAL FEED REGISTRATION SURCHARGE FEE~~ ESTABLISHED UNDER  
12 ~~§ 6-107.4 § 2-1603~~ OF THIS ARTICLE SUBTITLE;

13 ~~(2) REVENUE COLLECTED FROM COPAYMENTS UNDER THE~~  
14 ~~VOUCHER PROGRAM ESTABLISHED UNDER THIS SECTION;~~

15 ~~(3)~~ (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE  
16 FUND;

17 ~~(4)~~ (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

18 ~~(5)~~ (4) ANY OTHER MONEY FROM ANY OTHER SOURCE  
19 ACCEPTED FOR THE BENEFIT OF THE FUND.

20 ~~(G)~~ (F) (1) THE FUND MAY BE USED ONLY AS DESCRIBED IN THIS  
21 SUBSECTION.

22 ~~(2) (I) THE FUND MAY BE USED TO ESTABLISH A STATEWIDE~~  
23 ~~VOUCHER PROGRAM TO SUPPORT THE PROVISION OF SPAY/NEUTER SERVICES.~~

24 ~~(H) TO BE ELIGIBLE FOR A VOUCHER, AN INDIVIDUAL MUST~~  
25 ~~DEMONSTRATE THAT THE INDIVIDUAL RECEIVES BENEFITS UNDER ONE OF THE~~  
26 ~~FOLLOWING FEDERAL OR STATE PUBLIC ASSISTANCE PROGRAMS:~~

27 1. ~~THE TEMPORARY CASH ASSISTANCE PROGRAM;~~

28 2. ~~THE FOOD SUPPLEMENTAL PROGRAM (FOOD~~  
29 ~~STAMPS);~~

- 1                                    ~~3. THE CHILD CARE SUBSIDY PROGRAM;~~
- 2                                    ~~4. THE WOMEN, INFANTS, AND CHILDREN~~  
3 ~~PROGRAM (WIC);~~
- 4                                    ~~5. THE MARYLAND MEDICAL ASSISTANCE~~  
5 ~~PROGRAM (MEDICAID);~~
- 6                                    ~~6. THE RENTAL ALLOWANCE PROGRAM;~~
- 7                                    ~~7. THE ELECTRIC UNIVERSAL SERVICE PROGRAM;~~
- 8 ~~OR~~
- 9                                    ~~8. THE MARYLAND ENERGY ASSISTANCE PROGRAM.~~

10                                    ~~(III) 1. THE DEPARTMENT SHALL NEGOTIATE WITH~~  
11 ~~VETERINARIANS FOR THE PROVISION OF LOW COST SPAY AND NEUTER~~  
12 ~~SURGERIES AND, IF NECESSARY, RABIES SHOTS FOR A CAT OR DOG OWNED BY~~  
13 ~~AN ELIGIBLE INDIVIDUAL WHO PURCHASES A VOUCHER.~~

- 14                                    ~~2. THE DEPARTMENT SHALL SET:~~
- 15                                    ~~A. SEPARATE RATES FOR CATS AND DOGS;~~
- 16                                    ~~B. VARIABLE RATES BASED ON AGE, WEIGHT,~~  
17 ~~GENDER, PREGNANCY, AND ILLNESS; AND~~
- 18                                    ~~C. RATES FOR THE PROVISION OF A RABIES SHOT, IF~~  
19 ~~NECESSARY.~~

20                                    ~~(IV) 1. THE DEPARTMENT SHALL ESTABLISH A NOMINAL~~  
21 ~~COPAYMENT THAT AN ELIGIBLE INDIVIDUAL IS REQUIRED TO PAY TO OBTAIN A~~  
22 ~~VOUCHER.~~

23                                    ~~2. THE DEPARTMENT SHALL DEPOSIT ALL MONEY~~  
24 ~~RECEIVED FOR COPAYMENTS INTO THE FUND.~~

25                                    ~~(V) 1. AN ELIGIBLE INDIVIDUAL MAY PURCHASE A~~  
26 ~~VOUCHER FROM THE DEPARTMENT BY SUBMITTING TO THE DEPARTMENT:~~

27                                    ~~A. A COMPLETED APPLICATION ON A FORM~~  
28 ~~PRESCRIBED BY THE DEPARTMENT;~~

1 ~~B. PROOF ACCEPTABLE TO THE DEPARTMENT THAT~~  
2 ~~THE INDIVIDUAL IS ELIGIBLE FOR A VOUCHER UNDER SUBPARAGRAPH (H) OF~~  
3 ~~THIS PARAGRAPH; AND~~

4 ~~C. THE COPAYMENT.~~

5 ~~2. THE DEPARTMENT SHALL PROVIDE AN ELIGIBLE~~  
6 ~~INDIVIDUAL WHO PURCHASES A VOUCHER WITH THE VOUCHER AND A LIST OF~~  
7 ~~PARTICIPATING VETERINARIANS IN THE STATE, BROKEN DOWN REGIONALLY.~~

8 ~~3. AN ELIGIBLE INDIVIDUAL WHO PURCHASES A~~  
9 ~~VOUCHER MAY REDEEM THE VOUCHER FOR A FREE SPAY OR NEUTER SURGERY~~  
10 ~~AND, IF NECESSARY, A FREE RABIES SHOT FOR THE INDIVIDUAL'S CAT OR DOG~~  
11 ~~BY A PARTICIPATING VETERINARIAN.~~

12 ~~4. THE PARTICIPATING VETERINARIAN MAY NOT~~  
13 ~~BILL ANY ADDITIONAL CHARGES TO THE ELIGIBLE INDIVIDUAL IN RELATION TO~~  
14 ~~THE SPAY OR NEUTER SURGERY OR RABIES SHOT.~~

15 ~~(VI) 1. THE PARTICIPATING VETERINARIAN MAY SUBMIT~~  
16 ~~THE REDEEMED VOUCHER TO THE DEPARTMENT FOR REIMBURSEMENT.~~

17 ~~2. THE DEPARTMENT SHALL REIMBURSE A~~  
18 ~~PARTICIPATING VETERINARIAN OUT OF THE FUND FOR EACH VOUCHER AT THE~~  
19 ~~PREVIOUSLY NEGOTIATED RATE.~~

20 ~~(VII) THE DEPARTMENT MAY USE MONEY IN THE FUND TO~~  
21 ~~FINANCE PUBLIC EDUCATION AND OUTREACH EFFORTS WITH RESPECT TO THE~~  
22 ~~VOUCHER PROGRAM.~~

23 ~~(3) (2) (I) THE FUND MAY BE USED TO FINANCE SELECTED~~  
24 ~~COMPETITIVE GRANT PROPOSALS SUBMITTED BY A LOCAL GOVERNMENT OR AN~~  
25 ~~ANIMAL WELFARE ORGANIZATION TO FACILITATE AND PROMOTE THE~~  
26 ~~PROVISION OF SPAY AND NEUTER SERVICES FOR CATS AND DOGS.~~

27 ~~(II) THE DEPARTMENT SHALL SOLICIT AND EVALUATE~~  
28 ~~COMPETITIVE GRANT PROPOSALS.~~

29 ~~(III) A COMPETITIVE GRANT PROPOSAL:~~

30 ~~1. SHALL TARGET LOW-INCOME COMMUNITIES AND~~  
31 ~~POPULATIONS TO THE MAXIMUM EXTENT POSSIBLE AND DETAIL HOW THAT~~  
32 ~~GOAL IS TO BE ACCOMPLISHED;~~

1                   2.    MAY TARGET FERAL CAT POPULATIONS IF THE  
2 DEPARTMENT DETERMINES THAT THIS TARGETING DOES NOT VIOLATE LOCAL  
3 LAW;

4                   3.    SHALL EFFICIENTLY AND EFFECTIVELY  
5 FACILITATE AND PROMOTE THE PROVISION OF SPAY AND NEUTER SERVICES  
6 FOR CATS AND DOGS; AND

7                   4.    MAY INCLUDE PUBLIC EDUCATION AND  
8 OUTREACH COMPONENTS.

9                   (IV) THE DEPARTMENT SHALL EVALUATE A COMPETITIVE  
10 GRANT PROPOSAL BASED ON:

11                   1.    THE STANDARDS ESTABLISHED UNDER  
12 SUBPARAGRAPH (III) OF THIS PARAGRAPH; AND

13                   2.    ANY ADDITIONAL STANDARDS THE DEPARTMENT  
14 ADOPTS BY REGULATION CONSISTENT WITH THIS SECTION.

15                   (V) THE DEPARTMENT SHALL ADOPT REGULATIONS  
16 REQUIRING A GRANT RECIPIENT TO REPORT RELEVANT INFORMATION ON HOW  
17 THE GRANT WAS USED, INCLUDING DATA ON THE NUMBER AND TYPE OF SPAY  
18 OR NEUTER SURGERIES PERFORMED AND A DESCRIPTION OF ANY PUBLIC  
19 EDUCATION AND OUTREACH IMPLEMENTED.

20                   ~~(VI)~~ (3)    THE DEPARTMENT MAY USE MONEY IN THE FUND  
21 ~~TO~~;

22                   1.    TO FINANCE PUBLIC EDUCATION AND OUTREACH  
23 EFFORTS FOR THE COMPETITIVE GRANT PROGRAM; AND

24                   2.    FOR THE REASONABLE COSTS OF ADMINISTERING  
25 THE FUND.

26                   ~~(II) (1)    THERE IS A SPAY/NEUTER ADVISORY BOARD.~~

27                   ~~(2)    (1)    THE ADVISORY BOARD CONSISTS OF SEVEN MEMBERS.~~

28                   ~~(II)    THE MEMBERS SHALL BE REPRESENTATIVE OF ALL~~  
29 ~~PHASES OF ANIMAL CONTROL AND ANIMAL WELFARE INTERESTS IN THE STATE.~~

1                   ~~(III) THE GOVERNOR, WITH THE ADVICE OF THE~~  
2 ~~SECRETARY, SHALL APPOINT THE MEMBERS AND THE CHAIR OF THE ADVISORY~~  
3 ~~BOARD.~~

4                   ~~(3) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE~~  
5 ~~ADVISORY BOARD.~~

6                   ~~(4) A MEMBER OF THE ADVISORY BOARD:~~

7                   ~~(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF~~  
8 ~~THE ADVISORY BOARD; BUT~~

9                   ~~(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES~~  
10 ~~UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE~~  
11 ~~STATE BUDGET.~~

12                   ~~(5) THE ADVISORY BOARD SHALL ADVISE THE DEPARTMENT~~  
13 ~~WITH RESPECT TO:~~

14                   ~~(I) THE ADMINISTRATION OF THE FUND;~~

15                   ~~(II) ESTABLISHING APPROPRIATE REIMBURSEMENT RATES~~  
16 ~~FOR SPAY AND NEUTER SURGERIES AND RABIES SHOTS;~~

17                   ~~(III) ESTABLISHING APPROPRIATE NOMINAL COPAYMENTS~~  
18 ~~FOR VOUCHERS;~~

19                   ~~(IV) THE SOLICITATION AND EVALUATION OF COMPETITIVE~~  
20 ~~GRANT PROPOSALS;~~

21                   ~~(V) APPROPRIATE ADDITIONAL STANDARDS FOR GRANT~~  
22 ~~PROPOSALS;~~

23                   ~~(VI) ADDITIONAL RELEVANT DATA THAT THE DEPARTMENT~~  
24 ~~SHOULD REQUIRE FROM LOCAL ANIMAL SHELTERS AND APPROPRIATE ANIMAL~~  
25 ~~CONTROL ORGANIZATIONS;~~

26                   ~~(VII) THE ADOPTION OF REGULATIONS THAT IMPLEMENT~~  
27 ~~THIS SECTION; AND~~

28                   ~~(VIII) ANY OTHER APPROPRIATE MATTER WITH RESPECT TO~~  
29 ~~THE IMPLEMENTATION OF THE FUND IN THE DISCRETION OF THE~~  
30 ~~DEPARTMENT.~~

1       ~~(G)~~ (1) THE STATE TREASURER SHALL INVEST THE MONEY OF  
2 THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

3       (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID  
4 INTO THE FUND.

5       ~~(H)~~ (H) BEGINNING JANUARY 1, 2014, EACH COUNTY AND MUNICIPAL  
6 ANIMAL CONTROL SHELTER AND EACH ORGANIZATION THAT CONTRACTS WITH  
7 A COUNTY OR MUNICIPALITY FOR ANIMAL CONTROL SHALL REPORT  
8 QUARTERLY TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE  
9 DEPARTMENT DESCRIBING FOR THE PREVIOUS 3 MONTHS:

10       (1) THE NUMBER OF CATS AND DOGS TAKEN IN;

11       (2) THE NUMBER OF CATS AND DOGS DISPOSED OF, BROKEN  
12 DOWN BY METHOD OF DISPOSAL, INCLUDING EUTHANASIA; AND

13       (3) ANY OTHER RELEVANT DATA THE DEPARTMENT REQUIRES.

14       ~~(I)~~ (I) BY AUGUST 31, 2014, AND EACH YEAR THEREAFTER, THE  
15 DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN  
16 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
17 GENERAL ASSEMBLY THAT DESCRIBES THE ACTIVITIES FINANCED BY THE  
18 FUND IN THE PREVIOUS FISCAL YEAR, INCLUDING:

19       ~~(1) THE NUMBER OF VOUCHERS ISSUED AND USED;~~

20       ~~(2)~~ (1) A DESCRIPTION OF ALL GRANT PROPOSALS SELECTED  
21 FOR FUNDING AND GRANT PROGRAMS IMPLEMENTED;

22       ~~(3)~~ (2) A STATEMENT OF THE NUMBER OF SPAY AND NEUTER  
23 SURGERIES PERFORMED UNDER EACH GRANT PROPOSAL SELECTED;

24       ~~(4)~~ (3) A DESCRIPTION OF AND ACCOUNTING FOR ANY PUBLIC  
25 EDUCATION AND OUTREACH EFFORTS MADE FOR THE BENEFIT OF FUND  
26 PROGRAMS; AND

27       ~~(5)~~ (4) A SUMMARY OF THE INFORMATION REPORTED TO THE  
28 DEPARTMENT BY LOCAL ANIMAL CONTROL SHELTERS AND ORGANIZATIONS  
29 THAT CONTRACT WITH LOCAL GOVERNMENTS FOR ANIMAL CONTROL UNDER  
30 SUBSECTION ~~(H)~~ (H) OF THIS SECTION.

31       ~~(L) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~  
32 SECTION.

1 ~~6-103.~~

2 ~~Registration fees constitute a special fund to be used only to defray partially the~~  
3 ~~cost of inspection, sampling, analysis, and other expenses necessary for administering~~  
4 ~~this subtitle. Notwithstanding any other provisions of this Code, any unexpended~~  
5 ~~funds up to a maximum of \$100,000 may not revert to the General Fund of the State~~  
6 ~~at the end of the fiscal year.~~

7 ~~6-107.~~

8 ~~(a) Except as provided in subsection (c) of this section, a distributor shall~~  
9 ~~register each brand name or product name of commercial feed before distributing it in~~  
10 ~~the State. Customer formula feeds and contract feeds are exempt from registration if~~  
11 ~~the registration fee is paid on the commercial feeds which they contain.~~

12 ~~(b) The registration application for commercial feeds shall be submitted on~~  
13 ~~forms furnished by the Secretary, and shall also be accompanied by a label or other~~  
14 ~~printed matter describing the product if requested by the Secretary. The application~~  
15 ~~shall include the information required by §§ 6-109, 6-110, and 6-111 of this subtitle.~~  
16 ~~When the Secretary has approved the registration, he shall furnish a copy to the~~  
17 ~~applicant.~~

18 ~~(c) The annual registration fee for each commercial feed distributed in the~~  
19 ~~State is \$50. Customer formula feeds and contract feeds are exempt if the registration~~  
20 ~~fee is paid on the commercial feeds which they contain.~~

21 ~~(d) Each registration expires April 30 each year.~~

22 ~~(e) Provided the product label has not been altered or changed, a distributor~~  
23 ~~may not be required to register any brand of commercial feed which has been~~  
24 ~~registered under this subtitle by another person.~~

25 ~~6-107.4. 2-1603.~~

26 ~~(A) THE SECRETARY SHALL ESTABLISH A SURCHARGE OF \$100 ON~~  
27 ~~EACH COMMERCIAL FEED REGISTERED IN THE STATE UNDER § 6-107 OF THIS~~  
28 ~~SUBTITLE.~~

29 (A) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION,  
30 THE SECRETARY SHALL ESTABLISH A FEE ON EACH BRAND NAME OR PRODUCT  
31 NAME OF COMMERCIAL FEED THAT IS:

32 (I) PREPARED AND DISTRIBUTED FOR CONSUMPTION BY A  
33 DOG OR CAT; AND

1                    (II) REGISTERED IN THE STATE UNDER § 6-107 OF THIS  
2 ARTICLE.

3                    (2) THE FEE ESTABLISHED UNDER THIS SUBSECTION IS:

4                    (I) FROM OCTOBER 1, 2013, THROUGH SEPTEMBER 30,  
5 2014, INCLUSIVE, \$50;

6                    (II) FROM OCTOBER 1, 2014, THROUGH SEPTEMBER 30,  
7 2015, INCLUSIVE, \$75; AND

8                    (III) AFTER SEPTEMBER 30, 2015, \$100.

9                    (B) THE ~~SURCHARGE~~ FEE ESTABLISHED UNDER SUBSECTION (A) OF  
10 THIS SECTION SHALL BE PAID BY THE PERSON REGISTERING THE COMMERCIAL  
11 FEED ~~ACCORDING TO~~ IN ACCORDANCE WITH THE COLLECTION AND REPORTING  
12 GUIDELINES ESTABLISHED BY THE DEPARTMENT BY REGULATION.

13                    (C) ANY ~~SURCHARGES~~ FEE COLLECTED UNDER THIS SECTION SHALL BE  
14 PAID INTO THE ~~SPAY/NEUTER FUND ESTABLISHED UNDER § 2-303.1 OF THIS~~  
15 ~~ARTICLE~~ FUND.  
16 2-1604.

17                    (A) THERE IS A SPAY/NEUTER ADVISORY BOARD.

18                    (B) THE ADVISORY BOARD CONSISTS OF:

19                    (1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE; AND

20                    (2) THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY:

21                    (I) ONE REPRESENTATIVE OF A PRIVATE ANIMAL SHELTER;

22                    (II) ONE VETERINARIAN;

23                    (III) ONE REPRESENTATIVE OF A LOCAL ANIMAL CONTROL  
24 AGENCY;

25                    (IV) ONE REPRESENTATIVE OF THE PET FOOD INDUSTRY;  
26 AND

27                    (V) TWO REPRESENTATIVES OF ANIMAL WELFARE  
28 ADVOCACY ORGANIZATIONS.

1           **(C) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE ADVISORY**  
2 **BOARD.**

3           **(D) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE**  
4 **ADVISORY BOARD.**

5           **(E) A MEMBER OF THE ADVISORY BOARD:**

6                   **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
7 **ADVISORY BOARD; BUT**

8                   **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
9 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**  
10 **BUDGET.**

11           **(F) THE ADVISORY BOARD SHALL ADVISE THE DEPARTMENT WITH**  
12 **RESPECT TO:**

13                   **(1) THE ADMINISTRATION OF THE FUND;**

14                   **(2) THE SOLICITATION AND EVALUATION OF COMPETITIVE**  
15 **GRANT PROPOSALS;**

16                   **(3) APPROPRIATE ADDITIONAL STANDARDS FOR GRANT**  
17 **PROPOSALS;**

18                   **(4) ADDITIONAL RELEVANT DATA THAT THE DEPARTMENT**  
19 **SHOULD REQUIRE FROM LOCAL ANIMAL SHELTERS AND APPROPRIATE ANIMAL**  
20 **CONTROL ORGANIZATIONS;**

21                   **(5) THE ADOPTION OF REGULATIONS THAT IMPLEMENT THIS**  
22 **SUBTITLE; AND**

23                   **(6) ANY OTHER APPROPRIATE MATTER WITH RESPECT TO THE**  
24 **IMPLEMENTATION OF THE FUND IN THE DISCRETION OF THE DEPARTMENT.**

25 **2-1605.**

26           **THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**  
27 **SUBTITLE.**

28                                   **Article – State Finance and Procurement**

29 **6-226.**

1 (a) (2) (i) Notwithstanding any other provision of law, and unless  
2 inconsistent with a federal law, grant agreement, or other federal requirement or with  
3 the terms of a gift or settlement agreement, net interest on all State money allocated  
4 by the State Treasurer under this section to special funds or accounts, and otherwise  
5 entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue  
6 to the General Fund of the State.

7 (ii) The provisions of subparagraph (i) of this paragraph do not  
8 apply to the following funds:

9 69. the Maryland Legal Services Corporation Fund; [and]

10 70. Mortgage Loan Servicing Practices Settlement Fund;

11 AND

12 71. THE SPAY/NEUTER FUND.

13 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December  
14 15, 2015, the Maryland Department of Agriculture shall report to the Senate  
15 Education, Health, and Environmental Affairs Committee and the House  
16 Environmental Matters Committee, in accordance with § 2-1246 of the State  
17 Government Article, on the fee revenue collected under § 2-1603 of the Agriculture  
18 Article, as enacted by Section 1 of this Act.

19 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2013. It shall remain effective for a period of ~~6~~ 9 years and, at the end  
21 of September 30, ~~2019~~ 2022, with no further action required by the General Assembly,  
22 this Act shall be abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.