

HOUSE BILL 1347

M4

4lr2128
CF SB 862

By: **Delegate Kramer**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Animal Welfare – Research Facilities – Dogs and Cats**

3 FOR the purpose of requiring certain research facilities using dogs and cats for certain
4 research purposes to be licensed by the State Board of Veterinary Medical
5 Examiners; requiring the Board to set a license fee in a certain manner;
6 prohibiting certain research facilities from using certain dogs and cats for
7 research purposes; prohibiting certain research facilities from performing a
8 certain surgery on dogs or cats; requiring certain research facilities to reduce
9 the use of dogs and cats in a certain manner under certain circumstances;
10 requiring certain research facilities to provide for the adoption of certain dogs
11 and cats in a certain manner; authorizing certain dogs or cats used for research
12 purposes by certain research facilities to be euthanized in a certain manner;
13 requiring the Board to perform certain inspections under certain circumstances
14 in a certain manner; authorizing the Board to make a certain agreement with
15 certain entities to conduct certain inspections; establishing certain penalties for
16 certain violations; requiring the Board to adopt certain regulations; providing
17 for the application of this Act; and generally relating to dogs and cats used for
18 research purposes at research facilities.

19 BY repealing and reenacting, without amendments,
20 Article – Agriculture
21 Section 2–303(a), (b), and (e)
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2013 Supplement)

24 BY adding to
25 Article – Agriculture
26 Section 2–304.2
27 Annotated Code of Maryland
28 (2007 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Agriculture**

4 2–303.

5 (a) There is a State Board of Veterinary Medical Examiners Fund.

6 (b) (1) The Board shall set reasonable fees necessary to carry out its
7 responsibilities under this subtitle.

8 (2) The fees charged shall be set so as to produce funds to approximate
9 the cost of maintaining the Board as provided in subsection (e) of this section.

10 (e) (1) The Board of Veterinary Medical Examiners Fund shall be used
11 exclusively to cover the actual documented direct and indirect costs of fulfilling the
12 statutory and regulatory duties of the Board as provided by the provisions of this title.

13 (2) (i) The Board of Veterinary Medical Examiners Fund is a
14 continuing, nonlapsing fund, not subject to § 7–302 of the State Finance and
15 Procurement Article.

16 (ii) Any unspent portions of the Board of Veterinary Medical
17 Examiners Fund may not be transferred or revert to the General Fund of the State,
18 but shall remain in the Board of Veterinary Medical Examiners Fund to be used for
19 the purposes specified in this title.

20 **2–304.2.**

21 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
22 **SUBSECTION THIS SECTION APPLIES TO A MEDICAL OR SCIENTIFIC RESEARCH**
23 **FACILITY LOCATED IN THE STATE IN WHICH DOGS OR CATS ARE USED FOR**
24 **RESEARCH PURPOSES, INCLUDING RESEARCH ASSOCIATED WITH SCIENTIFIC**
25 **INVESTIGATION, EXPERIMENT, INSTRUCTION, AND TESTING.**

26 **(2) THIS SECTION MAY NOT BE CONSTRUED AS PROHIBITING THE**
27 **USE OF A DOG OR CAT FOR RESEARCH PURPOSES, IF THE DOG OR CAT WAS**
28 **OBTAINED BY THE RESEARCH FACILITY ON OR BEFORE JANUARY 1, 2014.**

29 **(B) (1) A MEDICAL OR SCIENTIFIC RESEARCH FACILITY SHALL BE**
30 **LICENSED BY THE BOARD.**

31 **(2) THE BOARD SHALL SET A LICENSE FEE IN ACCORDANCE WITH**
32 **§ 2–303(B) OF THIS SUBTITLE.**

1 **(C) A MEDICAL OR SCIENTIFIC RESEARCH FACILITY MAY NOT:**

2 **(1) USE FOR RESEARCH PURPOSES:**

3 **(I) A DOG SOLD BY A CLASS B DEALER LICENSED UNDER**
4 **THE FEDERAL ANIMAL WELFARE ACT;**

5 **(II) A DOG OR CAT OBTAINED FROM RANDOM SOURCES,**
6 **INCLUDING AUCTIONS, FLEA MARKETS, AND ANIMAL SHELTERS; OR**

7 **(III) A DOG OR CAT THAT HAS UNDERGONE A**
8 **DEVOCALIZATION SURGERY; OR**

9 **(2) PERFORM A DEVOCALIZATION SURGERY ON A DOG OR CAT.**

10 **(D) A MEDICAL OR SCIENTIFIC RESEARCH FACILITY SHALL:**

11 **(1) ENSURE THAT THE NUMBER OF DOGS AND CATS USED FOR**
12 **RESEARCH PURPOSES BE REDUCED TO A MINIMUM BY USING SCIENTIFICALLY**
13 **RELIABLE AND RELEVANT METHODS THAT DO NOT INVOLVE THE USE OF DOGS**
14 **OR CATS:**

15 **(I) TO THE EXTENT POSSIBLE; AND**

16 **(II) IN A MANNER THAT DOES NOT COMPROMISE THE**
17 **OBJECTIVES OF THE RESEARCH; AND**

18 **(2) UTILIZE BEST EFFORTS TO PROVIDE FOR THE ADOPTION OF A**
19 **DOG OR CAT THAT IS NO LONGER NEEDED FOR RESEARCH PURPOSES.**

20 **(E) A DOG OR CAT AT A MEDICAL OR SCIENTIFIC RESEARCH FACILITY**
21 **MAY BE EUTHANIZED ONLY BY A LETHAL INJECTION OF SODIUM**
22 **PENTOBARBITAL ADMINISTERED BY A VETERINARIAN LICENSED IN THE STATE**
23 **OR UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED IN THE**
24 **STATE.**

25 **(F) (1) THE BOARD SHALL:**

26 **(I) PERFORM AN INSPECTION FOR EACH MEDICAL OR**
27 **SCIENTIFIC RESEARCH FACILITY FOR WHICH A LICENSE UNDER THIS SECTION**
28 **IS SOUGHT; AND**

1 **(II) PERFORM A QUARTERLY INSPECTION FOR EACH**
2 **MEDICAL OR SCIENTIFIC RESEARCH FACILITY FOR WHICH A LICENSE UNDER**
3 **THIS SECTION HAS BEEN ISSUED.**

4 **(2) THE BOARD MAY MAKE AN AGREEMENT WITH AN ANIMAL**
5 **WELFARE ORGANIZATION, A LOCAL ANIMAL CONTROL AGENCY, OR A SIMILAR**
6 **ENTITY TO CONDUCT THE INSPECTIONS REQUIRED UNDER THIS SUBSECTION.**

7 **(G) AN OPERATOR, EMPLOYEE, OR AGENT OF A MEDICAL FACILITY OR**
8 **SCIENTIFIC RESEARCH FACILITY WHO VIOLATES THIS SECTION IS GUILTY OF A**
9 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

10 **(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90**
11 **DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

12 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT**
13 **NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

14 **(H) THE BOARD SHALL ADOPT REGULATIONS TO:**

15 **(1) CARRY OUT THIS SECTION; AND**

16 **(2) ENSURE THE HUMANE TREATMENT AND CARE OF DOGS AND**
17 **CATS USED FOR RESEARCH PURPOSES.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2014.