

**HB0494/790415/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 494  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike “develop and make reasonable efforts to adhere to” and substitute “establish”; in line 5, after “protocol” insert “on or before a certain date”; strike beginning with “requiring” in line 6 down through “lost;” in line 16 and substitute “authorizing an animal shelter to disregard a certain written veterinary care protocol under certain circumstances; requiring an animal shelter to make a certain written veterinary care protocol available to the public and the Department of Agriculture on request;”; and in line 18, after “animals” insert “and an annual summary of certain intake and disposition data on or before a certain date”.

On pages 1 and 2, strike beginning with “requiring” in line 18 on page 1 down through “Act;” in line 4 on page 2 and substitute “making a person who violates this Act subject to a certain civil penalty; specifying that certain criminal penalties do not apply to this Act;”.

On page 2, in line 4, after “defining” insert “a”; in the same line, strike “terms” and substitute “term”; in line 9, strike “2-1712” and substitute “2-1705”; and after line 12, insert:

“BY repealing and reenacting, without amendments,

Article - Agriculture

Section 12-101 through 12-103

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article - Agriculture

(Over)

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Section 12-104  
Annotated Code of Maryland  
(2007 Replacement Volume and 2015 Supplement)".

AMENDMENT NO. 2

On page 2, in line 18, strike "**(A)**"; and in the same line, strike "**THE FOLLOWING WORDS HAVE THE MEANINGS**" and substitute "**, “ANIMAL SHELTER” MEANS:**

**(1) A COUNTY OR MUNICIPAL ANIMAL CONTROL FACILITY;**

**(2) AN ORGANIZATION THAT CONTRACTS WITH A COUNTY OR MUNICIPALITY FOR ANIMAL CONTROL; OR**

**(3) AN ORGANIZATION THAT SHELTERS ANIMALS AND HAS RECEIVED A GRANT FROM THE SPAY/NEUTER FUND UNDER SUBTITLE 16 OF THIS TITLE DURING THE PREVIOUS YEAR.**"

On pages 2 and 3, strike in their entirety the lines beginning with line 19 on page 2 through line 11 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in line 19, strike "**AN**" and substitute "**ON OR BEFORE JANUARY 1, 2017, AN**"; in lines 19 and 20, strike "**DEVELOP AND MAKE REASONABLE EFFORTS TO ADHERE TO**" and substitute "**ESTABLISH**"; and in line 20, after "**PROTOCOL**" insert "**FOR DOGS AND CATS**".

On page 4, in lines 2 and 3, strike "**IMPOUNDED ANIMALS' AND SHELTERED ANIMALS**" and substitute "**SHELTERED DOGS' AND CATS**"; in line 10, strike "**IMPOUNDED ANIMALS' AND SHELTERED ANIMALS**" and substitute "**SHELTERED DOGS' AND CATS**"; in line 12, after "**(C)**" insert "**AN ANIMAL SHELTER MAY**

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**DISREGARD ITS WRITTEN VETERINARY CARE PROTOCOL FOR A DOG OR CAT THAT IS DEEMED TO BE TOO VICIOUS OR DANGEROUS TO PERMIT SAFE HANDLING.**

**(D)**”;

and after line 15, insert:

**“(E) ON REQUEST, AN ANIMAL SHELTER SHALL MAKE ITS WRITTEN VETERINARY CARE PROTOCOL AVAILABLE TO THE PUBLIC AND THE DEPARTMENT.”**.

**AMENDMENT NO. 4**

On pages 4 through 8, strike in their entirety the lines beginning with line 16 on page 4 through line 22 on page 8, inclusive.

On page 8, in line 23, strike **“(5) ESTABLISH”** and substitute:

**“2-1704.**

**ON OR BEFORE JANUARY 1, 2017, AN ANIMAL SHELTER SHALL ESTABLISH”**;

and in line 25, strike “A” and substitute “:

**(1) A**”.

On page 9, in line 3, after “RECLAIMED” insert “;**AND**

**(2) AN ANNUAL SUMMARY OF INTAKE AND DISPOSITION DATA REPORTED TO THE DEPARTMENT IN ACCORDANCE WITH § 2-1602 OF THIS TITLE.**

(Over)

2-1705.

(A) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500.

(B) THE CRIMINAL PENALTIES UNDER TITLE 12, SUBTITLE 1 OF THIS ARTICLE DO NOT APPLY TO THIS SUBTITLE”.

On pages 9 through 11, strike in their entirety the lines beginning with line 4 on page 9 through line 29 on page 11, inclusive.

On page 11, after line 29, insert:

“12-101.

Any person who violates any provision of this article is guilty of a misdemeanor. Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12-102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12-103.

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In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12–101 and 12–102 of this subtitle.

12–104.

This title does not apply to a violation of:

- (1) Title 1, Subtitle 3 of this article; AND**
- (2) TITLE 2, SUBTITLE 17 OF THIS ARTICLE.**