

# HOUSE BILL 46

M4, L6

6lr0952

(PRE-FILED)

---

By: **Delegate Chang**

Requested: October 23, 2015

Introduced and read first time: January 13, 2016

Assigned to: Environment and Transportation

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2016

---

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

1 AN ACT concerning

2 ~~Animal Control and Veterinary Facilities – Stray Dogs and Cats – Microchip~~  
3 ~~Scans Units – Impounded Animals – Identification~~

4 FOR the purpose of ~~requiring a certain animal control facility, veterinary office, or~~  
5 ~~veterinary hospital, within a certain time period of admitting a dog or cat with an~~  
6 ~~unknown owner, to scan the dog or cat for an implanted microchip, consult a certain~~  
7 ~~registry or database to obtain the owner's contact information, and make a~~  
8 ~~reasonable effort to notify the owner of the location of and procedure for claiming the~~  
9 ~~dog or cat; prohibiting a certain animal control unit from selling, placing, or~~  
10 ~~destroying a certain dog or cat impounded animal until the animal has been scanned~~  
11 ~~carefully inspected for an implanted a microchip; defining a certain term requiring~~  
12 ~~a certain animal control unit to make a reasonable effort to notify the owner of the~~  
13 ~~location of and procedure for retrieving an impounded animal; establishing a certain~~  
14 ~~civil penalty; altering a certain criminal penalty; and generally relating to~~  
15 ~~identifying the owners of stray dogs and cats admitted to animal control and~~  
16 ~~veterinary facilities domestic animals impounded by animal control units.~~

17 ~~BY repealing and reenacting, without amendments,~~  
18 ~~Article – Agriculture~~  
19 ~~Section 2 – 305(a)~~  
20 ~~Annotated Code of Maryland~~  
21 ~~(2007 Replacement Volume and 2015 Supplement)~~

22 ~~BY adding to~~

---

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 ~~Article—Agriculture~~

2 ~~Section 2-1701 and 2-1702 to be under the new subtitle “Subtitle 17. Stray Dogs and~~  
 3 ~~Cats—Microchip Scans”~~

4 ~~Annotated Code of Maryland~~

5 ~~(2007 Replacement Volume and 2015 Supplement)~~

6 ~~BY repealing and reenacting, without amendments,~~

7 ~~Article—Criminal Law~~

8 ~~Section 10-601(d)~~

9 ~~Annotated Code of Maryland~~

10 ~~(2012 Replacement Volume and 2015 Supplement)~~

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Law

13 Section 10-617

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2015 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 ~~Article—Agriculture~~

19 ~~2-305.~~

20 ~~(a) In this section, “animal control facility” means a humane society, as defined~~  
 21 ~~in § 10-601 of the Criminal Law Article, or a county or municipal designated animal~~  
 22 ~~shelter.~~

23 ~~SUBTITLE 17. STRAY DOGS AND CATS—MICROCHIP SCANS.~~

24 ~~2-1701.~~

25 ~~IN THIS SUBTITLE, “ANIMAL CONTROL FACILITY” HAS THE MEANING STATED~~  
 26 ~~IN § 2-305 OF THIS TITLE.~~

27 ~~2-1702.~~

28 ~~WITHIN 48 HOURS OF ADMITTING A DOG OR CAT WITH AN UNKNOWN OWNER,~~  
 29 ~~AN ANIMAL CONTROL FACILITY, A VETERINARY OFFICE, OR A VETERINARY~~  
 30 ~~HOSPITAL SHALL:~~

31 ~~(1) SCAN THE DOG OR CAT FOR AN IMPLANTED MICROCHIP; AND~~

32 ~~(2) IF A MICROCHIP IS FOUND:~~

~~(I) CONSULT A MICROCHIP REGISTRY OR OTHER APPROPRIATE DATABASE TO OBTAIN THE OWNER'S CONTACT INFORMATION; AND~~

~~(II) MAKE A REASONABLE EFFORT TO NOTIFY THE OWNER OF THE LOCATION OF AND PROCEDURE FOR CLAIMING THE DOG OR CAT.~~

### Article – Criminal Law

~~10-601.~~

~~(d) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.~~

10-617.

(a) In this section, "animal control unit" means the local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

(b) An animal control unit shall dispose of an unclaimed dog or cat only by:

- (1) placing the animal in a suitable home;
- (2) retaining the animal in the animal control unit; or
- (3) humanely destroying the animal.

(c) ~~(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A~~ domestic animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, tattoo, MICROCHIP, or other identification to ascertain the owner and:

- ~~[(1)] (I)~~ 72 hours have elapsed after notice has been given to the owner;
- ~~[(2)] (II)~~ if the owner cannot be notified, 72 hours have elapsed after the animal is impounded;
- ~~[(3)] (III)~~ the animal is seriously diseased or severely injured; or
- ~~[(4)] (IV)~~ the animal is under 3 months of age.

~~(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A DOG OR CAT THAT IS IMPOUNDED BY AN ANIMAL CONTROL UNIT MAY NOT BE SOLD, PLACED, OR DESTROYED UNTIL THE DOG OR CAT HAS BEEN SCANNED FOR AN IMPLANTED MICROCHIP.~~

1 (d) (1) AN ANIMAL CONTROL UNIT SHALL MAKE A REASONABLE EFFORT  
 2 TO NOTIFY THE OWNER OF THE LOCATION OF AND THE PROCEDURE FOR  
 3 RETRIEVING AN IMPOUNDED ANIMAL.

4 (2) An owner who retrieves an animal from an animal control unit shall  
 5 pay all fees, costs, and expenses incurred by the animal control unit.

6 ~~(2)~~ (3) The necessary expenses for food and attention given to an animal  
 7 under this section may be collected from the owner, and the animal is not exempt from levy  
 8 and sale on execution of a judgment for the expenses.

9 ~~(3)~~ (4) A new owner with whom an animal is placed under subsection  
 10 (b)(1) of this section may be charged an adoption fee.

11 (e) A person who violates this section:

12 (1) FOR A FIRST OFFENSE, IS SUBJECT TO A CIVIL FINE NOT  
 13 EXCEEDING \$500; AND

14 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, is guilty of a  
 15 misdemeanor and on conviction is subject to a fine not exceeding \$500.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 17 October 1, 2016.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.