

HOUSE BILL 111

C2
HB 403/15 – ECM

6lr0333

By: **Delegates Luedtke, Barkley, Frick, Impallaria, Kramer, Valderrama, and Waldstreicher**

Introduced and read first time: January 18, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Sales of Dogs and Cats – Required Health Certificate**

3 FOR the purpose of requiring a certain person who sells a dog or cat to provide the
4 purchaser with a health certificate issued by a certain veterinarian within a certain
5 period of time; requiring a certain person who sells a dog or cat to disclose certain
6 health information about the dog or cat to a purchaser at a certain time; establishing
7 a certain penalty for a violation of this Act; providing that a person may bring an
8 action for damages incurred as a result of a violation of this Act; authorizing a court
9 to award attorney’s fees under certain circumstances; and generally relating to a
10 required health certificate for the sale of dogs and cats.

11 BY adding to

12 Article – Business Regulation

13 Section 19–901 through 19–903 to be under the new subtitle “Subtitle 9. Health
14 Certification of Dogs and Cats for Sale”

15 Annotated Code of Maryland

16 (2010 Replacement Volume and 2015 Supplement)

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

19 **Article – Business Regulation**

20 **SUBTITLE 9. HEALTH CERTIFICATION OF DOGS AND CATS FOR SALE.**

21 **19–901.**

22 **THIS SUBTITLE DOES NOT APPLY TO:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) A NONPROFIT ORGANIZATION ESTABLISHED TO PROMOTE ANIMAL**
2 **WELFARE THAT HAS RECEIVED TAX EXEMPT STATUS UNDER § 501(C)(3) OF THE U.S.**
3 **INTERNAL REVENUE CODE AND IS REGISTERED TO DO BUSINESS IN THE STATE;**

4 **(2) AN ANIMAL SHELTER OPERATED BY A COUNTY OR MUNICIPALITY;**
5 **OR**

6 **(3) A FOR-PROFIT RETAIL PET STORE OPEN TO THE PUBLIC THAT**
7 **SELLS OR OFFERS FOR SALE DOMESTIC ANIMALS TO BE KEPT AS HOUSEHOLD PETS.**

8 **19-902.**

9 **(A) A PERSON WHO SELLS A DOG OR CAT SHALL PROVIDE TO THE**
10 **PURCHASER AT THE TIME OF THE SALE A HEALTH CERTIFICATE FROM A**
11 **VETERINARIAN LICENSED IN THE STATE ISSUED NOT MORE THAN 30 DAYS BEFORE**
12 **THE DATE OF SALE.**

13 **(B) A PERSON WHO SELLS A DOG OR CAT AND WHO KNOWS OR SHOULD HAVE**
14 **KNOWN OF ANY ILLNESS, DISEASE, OR CONGENITAL OR HEREDITARY CONDITION OF**
15 **THE DOG OR CAT SHALL DISCLOSE THAT INFORMATION TO THE PURCHASER AT THE**
16 **TIME OF SALE.**

17 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
18 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

19 **19-903.**

20 **(A) IN ADDITION TO ANY OTHER ACTION OTHERWISE AUTHORIZED BY LAW,**
21 **A PERSON MAY BRING AN ACTION FOR DAMAGES INCURRED AS THE RESULT OF A**
22 **VIOLATION OF § 19-902 OF THIS SUBTITLE.**

23 **(B) A PERSON WHO BRINGS AN ACTION UNDER THIS SECTION AND WHO IS**
24 **AWARDED DAMAGES MAY ALSO SEEK, AND THE COURT MAY AWARD, REASONABLE**
25 **ATTORNEY'S FEES.**

26 **(C) IF A COURT FINDS THAT AN ACTION UNDER THIS SECTION WAS**
27 **BROUGHT IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT**
28 **MAY AWARD THE DEFENDANT REASONABLE ATTORNEY'S FEES.**

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