

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 880 (Delegate Arikan, *et al.*)
Environment and Transportation

Counties and Municipalities - Transportation of Animals - Limitation on
Authority

This bill prohibits the governing body of a county or municipality, unless expressly authorized by federal or State law, from enacting a local law that restricts or prohibits the transportation of animals for education, exhibition, competition, or entertainment purposes. The bill clarifies that in the event of a conflict between the application of the bill's provisions and any federal or State law regarding animal care or public health and safety, the provisions of the federal or State law must control.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill does not directly affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines “animal” as a nonhuman living creature.

“Animal” includes (1) domestic animals; (2) service animals; (3) livestock and poultry; (4) aquarium animals; (5) wildlife, including birds of prey and reptiles, used in educational programs, presentations, or displays; and (6) working animals that perform a specific duty or function in commerce, service, ranching, or animal enterprise.

“Animal” does not include a living creature that is transported for use in a circus.

Current Law:

Twenty-eight Hour Law

Title 49, Chapter 805 of the United States Code provides that animals cannot be transported across state lines for more than 28 consecutive hours by a rail carrier, express carrier, or common carrier (except by air or water) without being unloaded for at least 5 consecutive hours for feeding, water, and rest.

The law includes provisions authorizing the confinement of animals for additional hours in certain instances. Sheep may be confined for an additional 8 hours without being unloaded if the confinement ends at night. Animals may be confined for more than 28 hours in cases when the animals cannot be unloaded due to accidental or unavoidable causes that could not have been anticipated or avoided when being careful. Furthermore, animals may be confined for 36 consecutive hours when the owner or person having custody of the animals being transported requests, in writing and separate from a bill of lading or other rail form, that the 28-hour period be extended to 36 hours. Time spent in loading and unloading animals is not included as part of a period of confinement.

The law does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity to rest.

Violation of the law incurs a civil penalty of at least \$100 but not more than \$500 for each violation.

Animal Welfare Act

The federal Animal Welfare Act (AWA) of 1966 regulates the humane care and treatment of certain animals that are bred for commercial sale, exhibited to the public, used in research, or transported commercially.

AWA contains provisions that regulate travel housing standards, the enclosures used to transport animals, and the care of animals in transit.

Animals covered under AWA include (1) dogs and cats; (2) guinea pigs and hamsters; (3) rabbits; (4) nonhuman primates; (5) marine mammals; and (6) other warm-blooded animals. Those excluded from the law include (1) birds, rats, and mice bred for research; (2) horses not used for research purposes; and (3) other specified farm animals.

The U.S. Department of Agriculture is responsible for enforcing AWA.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; Maryland Association of Counties; City of Havre de Grace; Maryland Municipal League; Maryland Department of Agriculture; Department of Natural Resources; United States Code; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2019
mm/tso

Analysis by: Arnold Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510