

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 157

(Senator Ellis)

Judicial Proceedings

Domestic Animals - Penalties for Abandonment and Microchip Requirements for
Dogs

This bill establishes microchipping requirements when a person transfers ownership of a dog in any county of the State, including Baltimore City. The bill also increases, from \$100 to \$1,000, the maximum fine and authorizes imprisonment of up to 90 days, or both, for a person who owns, possesses, or has custody of a domestic animal and abandons the animal, as specified. The bill applies prospectively and may not be applied to any requirements for the transfer of ownership of a dog before the bill's October 1, 2024 effective date.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Local government revenues may increase to the extent that a jurisdiction utilizes its authority under the bill to establish reasonable penalties for a violation of the bill's provisions. Local government expenditures may increase due to the microchip requirements for dogs.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A "person" under the bill includes an individual, an animal rescue organization, a retail pet store, and an animal shelter or other animal rescue organization.

The bill requires a person that transfers ownership of a dog in any county of the State, including Baltimore City, to have a microchip implanted into the dog (if the dog has not been microchipped) by a veterinary practitioner prior to the transfer of ownership. Dogs used by law enforcement agencies or for search and rescue purposes are exempted from the provisions of the bill.

A person that transfers ownership of a dog must provide the new owner of the dog with the name of the microchip registration company and information on how to provide updated contact information with the company. The owner of a dog must also maintain up-to-date contact information with the microchip registration company. A veterinarian, animal shelter, and animal rescue group that scans found dogs for microchips may only release the chip identification number to the finder of the dog on request.

A microchip registration company is required to maintain records of the owner's name and address for a minimum of 20 years for each registered dog.

Penalties

Except for provisions related to a dog owner maintaining current contact information with a microchip registration company, the governing body of a county may establish reasonable penalties for a person who violates the bill's requirements, as specified. Additionally, the governing body of a county is not prohibited from enacting more stringent requirements for the microchipping of dogs, as specified.

Current Law: Title 10, Subtitle 602 of the Criminal Law Article establishes legislative intent regarding the protection of each animal in the State from intentional cruelty and includes animals that are (1) privately owned; (2) strays; (3) domesticated; (4) feral; (5) farm animals; (6) corporately or institutionally owned; or (7) used in privately, locally, State, or federally funded scientific or medical activities.

A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or in private property with the intent to abandon the animal. A person who is found guilty of abandoning a domestic animal under Criminal Law Article § 10-612 is guilty of a misdemeanor and on conviction is subject to a fine of up to \$100.

State Fiscal Effect: The bill increases the maximum fine for abandoning a domestic animal under Criminal Law Article § 10-612 from \$100 to \$1,000 and authorizes imprisonment of up to 90 days, or both, for a person who owns, possesses, or has custody of a domestic animal and abandons the animal, as specified. Judiciary advises that the bill's revised penalties may result in the issuance of more citations by law enforcement agencies; however, no significant fiscal or operational impact is anticipated.

Revenues may increase minimally due to the bill's monetary penalty provisions. Judiciary advises there were 15 filings in fiscal 2022 and 1 filing in fiscal 2023 related to the abandoning of a domestic animal under Criminal Law Article § 10-612.

Local Fiscal Effect: There are 12 county-run animal shelters in the State in Anne Arundel, Baltimore, Calvert, Cecil, Charles, Frederick, Garrett, Howard, Montgomery, Prince George's, Queen Anne's, and St. Mary's counties. Many counties rely on nonprofits, such as humane societies, for the care and treatment of animals. For example, Wicomico County contracts with the Humane Society of Wicomico County for animal control and sheltering.

The Maryland Department of Agriculture (MDA) advises the bill will likely have a significant fiscal impact on local government run animal shelters and nonprofit animal shelters since veterinarians are not always on hand to administer microchips to animals at shelters, which often leads to qualified shelter employees managing this responsibility. MDA notes the requirements of the bill for a dog to be microchipped by a *veterinary practitioner* before transfer of ownership may result in increased costs for salary and other indirect costs associated with delayed adoptions and overpopulated animal shelters.

Anne Arundel, Baltimore, Frederick, and Montgomery counties advise the bill is not expected to have a material impact on the finances or operations of county government.

The bill's impact on local government revenues will depend upon whether a county establishes penalties in accordance with the bill's provisions. The extent of any impact cannot be reliably estimated at this time.

Small Business Effect: MDA advises the bill could have a significant fiscal impact on animal shelters since veterinarians are not always on hand to administer microchips to animals at shelters which often leads to qualified shelter employees managing this responsibility. MDA notes the requirements of the bill for a dog to be microchipped by a *veterinary practitioner* before transfer of ownership may result in increased costs for salary and other indirect costs associated with delayed adoptions and overpopulated animal shelters. Animal shelter revenues may increase to the extent the number of dogs being microchipped increases under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Frederick, and Montgomery counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Department of Legislative Services

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