

Courts - Immunity From Liability - Donation of Pet

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

February 3, 2026

To: Senate Judicial Proceedings Committee
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.
Re: Courts - Immunity From Liability - Donation of Pet Supplies – SB 314 – Support

Chair Smith, Vice Chair Waldstreicher, members of the Judicial Proceedings Committee, thank you for the opportunity to send testimony in support of SB 314. My name is Lisa Radov, President and Chair of Maryland Votes for Animals, Inc. We champion legislation to improve the lives of animals in Maryland. On behalf of our board of directors, as well as the thousands of members of Maryland Votes for Animals, I respectfully ask that this committee vote favorably for Courts - Immunity From Liability - Donation of Pet Supplies – SB 314.

This bill establishes a certain immunity from liability for a person who donates a pet item or dispenses a donated pet item; and authorizes the State Department of Agriculture to inspect donated commercial feed and establish procedures for handling donated commercial feed.

This bill good be deemed the “assume good intentions” when accepting pet food donations bill. It specifically states that:

UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT, A PERSON IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION THAT AFFECTS THE NATURE, AGE, CONDITION, OR PACKAGING OF A DONATED PET ITEM IF THE PERSON IN GOOD FAITH: (1) DONATED THE PET ITEM FOR USE OR DISTRIBUTION BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION OR A UNIT OF STATE OR LOCAL GOVERNMENT; OR(2) DISPENSED THE DONATED PET ITEM ON BEHALF OF A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION OR A UNIT OF STATE OR LOCAL GOVERNMENT.

These pet items are integral to supplement the budgets of non-profits, organizations, and shelters run by the State or local government. They rely on the kindness and generosity of individuals making these donations to feed the animals in their care. This bill would ensure that there are not unforeseen adverse consequences that would dissuade people from making these donations in the future. SB 314 would preserve the positive relationship between these two parties with the knowledge that people would not potentially be penalized when there is no malicious intent and they are simply are doing the right thing by making a donation to feed animals in need.

I would like to thank Senator Waldstreicher for his sponsorship of this bill and urge a favorable report.

SB0314 immunity from liability donation of pet su

Uploaded by: Patty Crankshaw-Quimby

Position: FAV



Maryland's Association of Animal Care and Control Agencies and Humane Societies

**PO Box 1143
Easton, Maryland 21601**

**SB0314- Courts- Immunity from Liability-Donation of Pet Supplies
Maryland Senate Judicial Proceedings Committee**

January 30, 2026

Dear Honorable Chairman Smith, Vice-Chair Waldstreicher, and members of the committee:

Professional Animal Workers of Maryland, the state organization of animal control agencies and humane societies unanimously supports and encourages a favorable and speedy report on SB0314.

Food banks- human and pet, are being utilized at rates to which at times shelves are bare. Most private and public animal shelters in Maryland have some form of pet pantry where the public in need of pet food are able to receive assistance. Many of these agencies depend solely upon donations from the public and local businesses. We have heard firsthand from pet supply stores how frustrating it can be to be forced to dispose of food, treats and other pet items which could still be fed to hungry pets in our community.

The passing of SB314 will relieve some of the burden on our overused landfills and feed hungry pets in Maryland. We support the bill as it will directly benefit the pets and people of Maryland and ask the committee for a favorable and speedy report on SB0314.

Please feel free to contact me with any questions or concerns.

Sincerely,

Patty Crankshaw-Quimby, CAWA

Executive Director/Chief Animal Control Officer: Talbot Humane/ Talbot County Animal Control

President: Professional Animal Workers of Maryland

Vice President: Maryland Board of Veterinary Examiners

Pet Supplies Donation Act testimony Feb 26.pdf

Uploaded by: Sally Tom

Position: FAV

Testimony to support the Pet Supplies Donation Act

Good afternoon. My name is Sally Tom. I live in Silver Spring and I work at a big box pet supply store. Several years ago I asked our store manager why we threw bags and cans of dog and cat food, as well as other pet supplies, in the trash. He said the company feared being sued by a shelter or a rescue group if food donated by the company caused an animal in the care of the shelter or rescue group to become ill. In short, lack of protection against a very unlikely, hypothetical lawsuit leads to tremendous, real waste.

Four basic facts are critical to understanding why this bill should be passed.

One, this liability problem has been solved at the federal level for donations of food to organizations that feed people. The Bill Emerson Good Samaritan Act, passed in 1996 and amended in 2022, provides liability protection to organizations that donate food intended for human consumption. We have done it for people, let's also do it for our animal companions.

Two, huge amounts of edible, safe pet food end up in landfills for multiple reasons. Some of it is expired, but as you probably know, expiration dates are not based in science and "expired" food is usually quite safe to eat. Some pet foods end up in landfills because the packaging was re-designed to update the logos or the colors on the bags and cans. Some of it ends up in landfills because the retailer decided not to carry that product

any longer and threw it away to make room on shelves for new products.

Three, we're talking about an enormous amount of food. I asked a subsequent manager to guesstimate how much dry dog and cat food – also called kibble - our store throws away. After thinking about it for a while, he estimated that it would average out to 50 pounds a day. Combined, the two biggest pet supply retailers in the US have almost 3,000 stores. The math is easy: 50 pounds per day x 365 days year = 18,250 pounds per store x 3000 stores nationwide = 54,750,000 pounds of kibble wasted per year. This food belongs in the hands of shelters and rescue groups, in the tummies of homeless pets, not in mountains of kibble in our landfills.

And, unlike with human food, we're also talking about all other kinds of pet supplies: crates and cages; leashes, collars, and harnesses; beds, coats, and sweaters; over the counter medications, shampoos and conditioners, dietary supplements such as vitamins and oils; and toys – stuffed animals, balls, tug toys, etc. I personally find it particularly egregious that holiday themed merchandise that doesn't sell often goes to the landfill because stores don't have room to store it, it is marked with last year's date, or it's cheaper to throw it away than ship it back to a central distribution center for storage. That cute red velvet collar with a bow tie that you saw in your local pet supply store at Christmas time that didn't sell, even off the clearance shelf, will most likely end up in a landfill. Even if one didn't especially

care for pets, the thought of all that food and all those supplies ending up in our landfills is shocking and appalling.

Four, animal shelters and rescue groups always need donations, but they currently, right now desperately, urgently need this food and other supplies. The stresses in our economy spill over onto our pets. When people find they can't afford to feed or care for their pets, more pets end up in the hands of shelters and rescue groups. Donations of perfectly good (though expired) foods and supplies allow shelters and rescue groups to use their precious funds on services and goods that aren't normally donated, such as medical supplies, veterinary services, basic utilities, gas for their vehicles, staff salaries, etc.

I am happy to answer any questions you may have and I urge you to pass this critically important legislation. Thank you!

SB314 Humane World for Animals FAV.pdf

Uploaded by: Stacey Volodin

Position: FAV



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Society of the United States and
Humane Society International

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February 3, 2026

Judicial Proceedings Committee

SB314 - Immunity from Liability - Donation of Pet Supplies

FAVORABLE

Chair Smith and distinguished members of the Judicial Proceedings Committee,

Humane World for Animals, on behalf of our supporters across the state, urges a favorable vote on SB 314, legislation that will expand access to desperately needed pet food donations by providing sensible protection for donors who give in good faith. As the State Director for Maryland, I work closely with shelters, rescues, and community partners across our state, and I see every day how this legislation will make an immediate and measurable difference.

Animal shelters throughout the U.S., including here in Maryland, are experiencing a convergence of pressures from rising operational costs and capacity strain. At the same time, retailers routinely discard large quantities of perfectly usable pet food because of cosmetic damage, nearing or slightly past sell-by dates, or return policies. The disconnect between shelters in need and retailers unwilling to risk liability represents a solvable problem.

SB 314 addresses this gap by making a simple, targeted fix: It provides civil and criminal liability protections for businesses that donate pet food in good faith, ensuring that if a product is "apparently fit," donors cannot be held liable for age, packaging, or condition. This mirrors the protections provided under federal food donation law for human food, which has worked safely and effectively for decades.

Similar protections proposed federally under the BARK Act have been widely praised as a common sense, bipartisan solution that unlocks donations and prevents waste. SB 314 follows this same principle, expanding donation capacity without imposing costs on the state.

SB 314 is essential for Maryland because it provides immediate relief to overburdened shelters by allowing them to redirect scarce resources away from food costs and toward urgent needs like veterinary care, staffing, and behavior support. It also reduces waste by ensuring that large quantities of safe, usable pet food that are currently discarded by retailers are redirected to animals who need it. By establishing clear liability protections, the bill removes the primary barrier preventing businesses from donating, encouraging wider participation from retailers who want to help but fear legal repercussions. With these protections in place, SB 314 strengthens long-term partnerships between shelters, stores, distributors, and manufacturers, creating reliable pipelines of support that benefit animals during both routine operations and crisis surges.

This legislation will also have a substantial impact on Maryland's pet food pantries, which are operated by many shelters and animal services agencies across the state. These pantries are often depleted due to high community need, yet they are vital in helping families keep their pets which is an important strategy in preventing unnecessary relinquishment and slowing the ongoing shelter capacity crisis. By opening the



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door to largescale, consistent donations from retailers and distributors, SB 314 ensures that these pantries can remain stocked and continue serving as a critical lifeline for households experiencing financial hardship.

A Simple Fix with Powerful Impact

This bill does not require significant state expenditure, new programs, or complex regulations. Instead, it removes a legal barrier and unleashes the generosity already present in Maryland's business community.

SB 314 offers Maryland an opportunity to reduce waste, support shelters, strengthen community safety nets, and improve animal welfare throughout the state. On behalf of Humane World for Animals, our supporters across Maryland, and the animals who rely on us, I respectfully urge the Committee to issue a favorable report on SB 314.

Thank you for your consideration and for your commitment to Maryland's animals and communities.

Stacey Volodin
Maryland State Director, Humane World for Animals
svolodin@humaneworld.org

MAJ Opposes Any Immunity Bill.pdf

Uploaded by: Alison Dodge

Position: INFO



Maryland Association for Justice Strongly Opposes “Immunity Bills”

Rationale for Opposing Immunity Bills

Every year, legislation is introduced in the General Assembly that would grant immunity or qualified immunity to one or more selected classes of individual(s) or corporations.

The Maryland Association for Justice (MAJ) strongly opposes legislation that would limit or eliminate the rights of Maryland citizens who are injured by negligence and seek redress in the courts.

This briefing paper reviews issues related to immunity bills. Each year, a dozen or more bills introduced in the Legislature would extend immunity to, or limit exposure to liability for, a class of individuals and/or entities ranging from health care providers to multi-national corporations.

Q. What does MAJ mean when it says something is an “immunity bill”?

A. For our purposes, an “immunity bill” is any proposed legislation that either (a) grants blanket or qualified immunity from civil liability to specified individual(s); or (b) expands the scope of an immunity already in existence (including, e.g., the State Tort Claims Act (STCA), the Local Government Tort Claims Act (LGTCA), or similar legislation).

Also called “statutory defenses,” an immunity bill represents a legislative decision to favor a class of specified individual(s) by abolishing or limiting the civil rights and remedies available to everyone and anyone who, in the future, might suffer personal injury and/or death as a result of the negligence and/or carelessness of a member of the favored class.

Q. Why are immunity bills bad?

A. There are a number of reasons why – as a general matter – immunity bills are bad public policy.

First, legislative grants of immunity abolish or limit access to justice. That is **never** a good thing.

Legislative immunities are unfair because people typically never know that their access to justice was abolished or limited. By the time a person is injured, it is too late – the immunity statute will shut the courthouse doors and the injured person has no remedy in court.

Moreover, legislative immunities erode everyone’s civil rights. After all, if the General Assembly gives immunity to one group, then other groups will ask for similar immunities. “There are dozens of immunities in the Maryland Code,” they argue, “so what harm comes from enacting just one more?”

When you come to basics, every member of society should be held to the standard of reasonably prudent or careful conduct under the circumstances. If someone who owes a duty of reasonable care breaches that duty and causes harm, civil justice requires accountability for that negligence. When everyone must use reasonable care for the safety of others, fewer injuries occur and everyone benefits.

Q. Can't we trust that members of the favored class will use reasonable care?

A. No, frankly, we can't. If members of the favored class always acted with reasonable care, then there would be no need for immunity, because people cannot be held liable for negligence if they were acting with reasonable care. To state the matter plainly, immunity is a **license to act unreasonably** without fear of accountability to anyone who might be harmed. That is inherently bad legislative policy.

Some immunity legislation changes the legal standard from "acting with reasonable care" (an objective standard) to "acting in good faith" (a subjective standard). This is still immunity, because everyone will claim to have been acting in good faith (especially after they get advice from insurance carriers and defense attorneys), even if their conduct appeared objectively unreasonable under the circumstances.

Q. Suppose an immunity bill appears to promote socially beneficial conduct. Wouldn't it be acceptable to give immunity to people who do good things for others in society?

A. No. First, granting immunity for one purpose encourages others to seek immunity for themselves.

Second, if people already do good things for others without immunity then, clearly, we do not need to enact immunity to encourage them to do those good things. Immunity in that instance is just a license for people to act **without** taking reasonable care, and that's just wrong.

Moreover, there are literally dozens of immunities hidden in the Maryland Code, but most of us couldn't quickly name any five of them. The absence of any publicity about immunities is evidence that hidden immunities were never really intended to encourage socially positive conduct.

Genuine Good Samaritans are not motivated to act because they have immunity; they do good things for others because it is the right thing to do. Maryland law provides Good Samaritans with protection from civil liability in the Good Samaritan law, Md. Cts. & Jud. Procs. Code Ann. § 5-603(c). That statute is the gold standard for what an immunity statute should be.

Q. Will MAJ sometimes work with sponsors to amend immunity language?

A. Absolutely. In some instances, bills are drafted with immunity language even when the legislator never requested an immunity. In those instances, MAJ can offer a friendly amendment to remove the immunity language, or to amend the immunity language. Examples include an objective standard of conduct ("reasonable care" vs. "good faith"), and limiting the scope of the bill (a statute can impose "no affirmative duty to act," rather than "no civil liability" for negligent conduct).

**MAJ strongly opposes bills that grant new immunities
or expand immunities already on the books.**