

(PRE-FILED)

By: **Delegate Frush**
Requested: August 28, 2001
Introduced and read first time: January 9, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Veterinarians - Animal Cruelty - Reporting**

3 FOR the purpose of requiring the State Board of Veterinary Medical Examiners to
4 adopt regulations requiring a veterinary practitioner to report suspected
5 instances of certain animal cruelty to certain agencies; establishing certain civil
6 immunity for a veterinary practitioner who makes certain reports of suspected
7 animal cruelty to certain agencies; making certain stylistic changes; and
8 generally relating to reports of suspected animal cruelty by a veterinary
9 practitioner.

10 BY repealing and reenacting, with amendments,
11 Article - Agriculture
12 Section 2-304 and 2-310
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 5-424
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

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

22 **Article - Agriculture**

23 2-304.

24 (a) The Board may:

25 (1) Adopt rules and regulations to effectuate this subtitle;

1 (2) Engage additional employees for professional, clerical, and special
2 work as necessary and as provided in the State budget;

3 (3) Subpoena any witness to take his testimony; [and]

4 (4) Require production of books, papers, records, and other documentary
5 evidence, and examine them in relation to any matter which the Board may
6 investigate or hear; AND

7 (5) ESTABLISH REASONABLE STANDARDS FOR THE PRACTICE OF
8 VETERINARY MEDICINE, INCLUDING CONDUCT AND ETHICS.

9 (b) Members or their designated inspectors may enter veterinary facilities at
10 any reasonable hour to enforce the Board rules and regulations.

11 (c) The Board shall maintain an office within the State and a telephone
12 number listed for use by the general public.

13 (d) The Board shall inspect every veterinary hospital facility in the State at
14 least once a year.

15 (e) (1) The Board may authorize the practice of a health occupation on an
16 animal by a health care practitioner licensed, certified, or otherwise authorized under
17 the Health Occupations Article.

18 (2) If the Board authorizes the practice of a health occupation on an
19 animal under paragraph (1) of this subsection, the Board may:

20 (i) Impose requirements for education, training, and supervision
21 by a veterinary practitioner; and

22 (ii) Require the registration of each health care practitioner
23 authorized to practice a health occupation on an animal in accordance with this
24 subsection.

25 (F) (1) THE BOARD SHALL ADOPT REGULATIONS REQUIRING A VETERINARY
26 PRACTITIONER TO REPORT SUSPECTED INSTANCES OF ANIMAL CRUELTY,
27 INCLUDING SUSPECTED ANIMAL FIGHTING, TO A LOCAL LAW ENFORCEMENT OR
28 ANIMAL WELFARE AGENCY.

29 (2) A VETERINARY PRACTITIONER SHALL BE IMMUNE FROM ANY CIVIL
30 LIABILITY THAT RESULTS FROM A REPORT IN GOOD FAITH TO A LOCAL LAW
31 ENFORCEMENT OR ANIMAL WELFARE AGENCY UNDER THIS SUBSECTION.

32 2-310.

33 The Board [may prescribe reasonable standards for the practice of veterinary
34 medicine, including conduct and ethics. It] may refuse, suspend, or revoke any
35 application or license, and censure or place on probation any licensee after a hearing,
36 if the veterinarian:

- 1 (1) Is adjudicated insane;
- 2 (2) Is convicted of a violation of any federal or State law relating to
3 prescription drugs, a controlled dangerous substance under Article 27, § 279 of the
4 Code, or a controlled substance as defined by 21 U.S.C. § 812;
- 5 (3) Is convicted of a felony, or of a crime involving moral turpitude;
- 6 (4) Is convicted of violating any provision of this subtitle, any unlawful or
7 fraudulent practice, or any fraudulent, misleading, or deceptive representation or
8 advertising concerning his professional qualifications or the quality of materials or
9 drugs used by him in his professional work or in the treatment of animals;
- 10 (5) Has a final judgment entered against him in a civil malpractice case
11 involving gross personal negligence;
- 12 (6) Obtains the license by fraud or misrepresentation, either in the
13 application, or in passing the examination;
- 14 (7) Is guilty of employing or permitting to practice veterinary medicine
15 any person who does not hold a license to practice veterinary medicine in the State;
- 16 (8) Fails to comply with Board rules or regulations after receiving a
17 license;
- 18 (9) Is grossly negligent or deliberately cruel to an animal;
- 19 (10) After a hearing, is determined by four members to be incompetent as
20 a veterinary practitioner; or
- 21 (11) Is disciplined by a licensing authority of another state, including the
22 suspension or revocation of a license to practice veterinary medicine, for an act that
23 would be grounds for disciplinary action under this section.

24 **Article - Courts and Judicial Proceedings**

25 5-424.

26 A licensed veterinary practitioner is immune from any civil liability that results
27 from [the actions of]:

- 28 (1) [A] THE ACTIONS OF A licensed acupuncturist that practices in
29 accordance with § 2-301(g)(11) of the Agriculture Article; [or]
- 30 (2) [A] THE ACTIONS OF A person that:
- 31 (i) Is licensed, certified, or otherwise authorized to practice a
32 health occupation under the Health Occupations Article; and
- 33 (ii) Is authorized to practice the health occupation on an animal in
34 accordance with § 2-304 of the Agriculture Article; OR

1 (3) A REPORT IN GOOD FAITH OF SUSPECTED ANIMAL CRUELTY TO A
2 LOCAL LAW ENFORCEMENT OR ANIMAL WELFARE AGENCY UNDER § 2-304(F) OF THE
3 AGRICULTURE ARTICLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2002.