

HOUSE BILL 32

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M4

2002 Regular Session
2lr0385

(PRE-FILED)

By: ~~Delegate Frush~~ **Delegates Frush and Clagett**

Requested: August 28, 2001

Introduced and read first time: January 9, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 12, 2002

Recommitted to: Environmental Matters, February 14, 2002

Committee Report: Favorable with amendments

House action: Adopted

Read second time: Read second time: February 19, 2002

CHAPTER _____

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~~ encouraging a veterinary practitioner to report
5 suspected instances of certain animal cruelty to certain agencies; establishing
6 certain civil immunity for a veterinary practitioner who makes certain reports of
7 suspected animal cruelty to certain agencies; making certain stylistic changes;
8 and 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)

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

3 **Article - Agriculture**

4 2-304.

5 (a) The Board may:

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

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

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

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

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

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

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

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

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

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

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

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

31 (F) (1) THE BOARD SHALL ADOPT REGULATIONS ~~REQUIRING~~ ENCOURAGING
32 A VETERINARY PRACTITIONER TO REPORT SUSPECTED INSTANCES OF ANIMAL
33 CRUELTY, INCLUDING SUSPECTED ANIMAL FIGHTING, TO A LOCAL LAW
34 ENFORCEMENT OR COUNTY ANIMAL WELFARE CONTROL AGENCY.

1 (2) A VETERINARY PRACTITIONER SHALL BE IMMUNE FROM ANY CIVIL
2 LIABILITY THAT RESULTS FROM A REPORT IN GOOD FAITH TO A LOCAL LAW
3 ENFORCEMENT OR COUNTY ANIMAL WELFARE CONTROL AGENCY UNDER THIS
4 SUBSECTION.

5 2-310.

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

10 (1) Is adjudicated insane;

11 (2) Is convicted of a violation of any federal or State law relating to
12 prescription drugs, a controlled dangerous substance under Article 27, § 279 of the
13 Code, or a controlled substance as defined by 21 U.S.C. § 812;

14 (3) Is convicted of a felony, or of a crime involving moral turpitude;

15 (4) Is convicted of violating any provision of this subtitle, any unlawful or
16 fraudulent practice, or any fraudulent, misleading, or deceptive representation or
17 advertising concerning his professional qualifications or the quality of materials or
18 drugs used by him in his professional work or in the treatment of animals;

19 (5) Has a final judgment entered against him in a civil malpractice case
20 involving gross personal negligence;

21 (6) Obtains the license by fraud or misrepresentation, either in the
22 application, or in passing the examination;

23 (7) Is guilty of employing or permitting to practice veterinary medicine
24 any person who does not hold a license to practice veterinary medicine in the State;

25 (8) Fails to comply with Board rules or regulations after receiving a
26 license;

27 (9) Is grossly negligent or deliberately cruel to an animal;

28 (10) After a hearing, is determined by four members to be incompetent as
29 a veterinary practitioner; or

30 (11) Is disciplined by a licensing authority of another state, including the
31 suspension or revocation of a license to practice veterinary medicine, for an act that
32 would be grounds for disciplinary action under this section.

