

HOUSE BILL 1433

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71r0024

By: **Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)**

Rules suspended

Introduced and read first time: March 9, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Animal Health Enforcement**

3 FOR the purpose of prohibiting a person from providing false animal health
4 information or other false identifying information, reports or documents or
5 possessing, altering or damaging certain documents or devices pertaining to
6 animal health; authorizing the Department of Agriculture to seek injunctive
7 relief for certain purposes under the Department’s animal health authority for
8 the prevention and control of contagious and infectious animal diseases; and
9 generally relating to animal health enforcement by the Department of
10 Agriculture.

11 BY adding to

12 Article – Agriculture

13 Section 3–118 and 3–119

14 Annotated Code of Maryland

15 (1999 Replacement Volume and 2006 Supplement)

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

18 **Article – Agriculture**

19 **3–118.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT TO THE**
2 **DEPARTMENT AS TO:**

3 **(1) THE IDENTITY OF AN ANIMAL;**

4 **(2) THE LOCATION OF AN ANIMAL;**

5 **(3) THE PLACE OF ORIGIN OR DESTINATION OF AN ANIMAL; OR**

6 **(4) THE HEALTH STATUS OF AN ANIMAL, INCLUDING WHETHER**
7 **AN ANIMAL IS INFECTED WITH OR HAS BEEN EXPOSED TO A CONTAGIOUS OR**
8 **INFECTIOUS DISEASE.**

9 **(B) A PERSON MAY NOT WILLFULLY PROVIDE FALSE INFORMATION ON**
10 **ANY REPORT TO THE DEPARTMENT OR PROVIDE FALSE INFORMATION TO ANY**
11 **PERSON COMPLETING ANY ANIMAL HEALTH CERTIFICATE, ANY LABORATORY**
12 **REPORT, OR OTHER DOCUMENT PERTAINING TO THE HEALTH STATUS OF ANY**
13 **ANIMAL.**

14 **(C) A PERSON MAY NOT WILLFULLY ALTER ANY ANIMAL HEALTH**
15 **CERTIFICATE OR REPORT ISSUED BY A VETERINARIAN, ANY LABORATORY, ANY**
16 **AGENCY OF THE STATE OF MARYLAND OR ITS POLITICAL SUBDIVISIONS, ANY**
17 **AGENCY OF THE UNITED STATES OR THE SEVERAL STATES, U.S. TERRITORIES**
18 **AND THE DISTRICT OF COLUMBIA OR ANY SOVEREIGN NATION REGARDING THE**
19 **HEALTH OF ANY ANIMAL ENTERING, LEAVING, TRANSITING, OR RESIDING IN**
20 **THE STATE.**

21 **(D) A PERSON MAY NOT KNOWINGLY POSSESS ANY ALTERED ANIMAL**
22 **HEALTH CERTIFICATE OR ANIMAL HEALTH REPORT OR PRESENT TO ANY PARTY**
23 **AS GENUINE, AN ALTERED OR INVALID ANIMAL HEALTH CERTIFICATE OR**
24 **REPORT REGARDING THE HEALTH OF ANY ANIMAL ENTERING, LEAVING,**
25 **TRANSITING, OR RESIDING IN THE STATE.**

26 **(E) A PERSON MAY NOT WILLFULLY ALTER, DAMAGE, USE, OR ATTEMPT**
27 **TO USE, WITH THE INTENTION TO DECEIVE, ANY ANIMAL CARGO SEAL DEVICE,**
28 **AN ANIMAL OR PREMISES IDENTIFICATION NUMBER, AN ANIMAL OR PREMISES**
29 **IDENTIFICATION DEVICE, OR AN ANIMAL OR PREMISES REGISTRATION**
30 **DOCUMENT USED IN ANY ANIMAL HEALTH PROGRAM OF THE DEPARTMENT.**

1 **(F) A PERSON MAY NOT KNOWINGLY MAKE FALSE STATEMENTS OR**
2 **MISREPRESENTATIONS OF FACT TO THE DEPARTMENT IN THE APPLICATION**
3 **FOR ANY ANIMAL HEALTH PROGRAM LICENSE, PERMIT, REGISTRATION,**
4 **CERTIFICATION, DIAGNOSTIC SERVICE, OR AN APPLICATION FOR**
5 **PARTICIPATION IN ANY OTHER ANIMAL HEALTH PROGRAM OF THE**
6 **DEPARTMENT.**

7 **(G) A PERSON MAY NOT WILLFULLY ALTER ANY LICENSE, PERMIT,**
8 **REGISTRATION, CERTIFICATE, LABORATORY OR OTHER REPORT, ORDER, SIGN,**
9 **OR ANY OTHER COMPLETED DOCUMENT ISSUED BY THE DEPARTMENT FOR THE**
10 **PURPOSE OF REGULATING OR PROMOTING ANIMAL HEALTH.**

11 **(H) A PERSON MAY NOT KNOWINGLY POSSESS OR PRESENT TO ANY**
12 **PARTY AS GENUINE, AN ALTERED OR INVALID LICENSE, PERMIT,**
13 **REGISTRATION, CERTIFICATE, LABORATORY OR OTHER REPORT, ORDER, OR**
14 **ANY OTHER COMPLETED DOCUMENT ISSUED BY THE DEPARTMENT FOR THE**
15 **PURPOSE OF REGULATING OR PROMOTING ANIMAL HEALTH.**

16 **3-119.**

17 **(A) (1) THE DEPARTMENT MAY BRING AN ACTION FOR AN**
18 **INJUNCTION AGAINST ANY PERSON VIOLATING THE PROVISIONS OF THIS**
19 **SUBTITLE, OR VIOLATING ANY VALID ORDER OR QUARANTINE ISSUED BY THE**
20 **DEPARTMENT.**

21 **(2) IN ANY ACTION FOR AN INJUNCTION BROUGHT UNDER THIS**
22 **SECTION, ANY FINDING OF THE DEPARTMENT AFTER A HEARING SHALL BE**
23 **PRIMA FACIE EVIDENCE OF EACH FACT FOUND.**

24 **(B) (1) ON A SHOWING BY THE DEPARTMENT THAT ANY PERSON IS**
25 **VIOLATING OR IS ABOUT TO VIOLATE THE PROVISIONS OF THIS SUBTITLE OR IS**
26 **VIOLATING OR IS ABOUT TO VIOLATE ANY VALID ORDER OR QUARANTINE**
27 **ISSUED BY THE DEPARTMENT, AN INJUNCTION SHALL BE GRANTED WITHOUT**
28 **THE NECESSITY OF SHOWING A LACK OF ADEQUATE REMEDY AT LAW.**

29 **(2) IN CIRCUMSTANCES OF AN EMERGENCY CREATING**
30 **CONDITIONS OF IMMINENT DANGER TO ANIMAL HEALTH, THE DEPARTMENT**
31 **MAY INSTITUTE AN ACTION FOR AN IMMEDIATE INJUNCTION TO HALT ANY**
32 **ACTIVITY CAUSING THE DANGER.**

1 **(3) AN INJUNCTION INSTITUTED UNDER PARAGRAPH (2) OF THIS**
2 **SUBSECTION SHALL BE ISSUED WITHOUT BOND.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.