

HOUSE BILL 1433

M4

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

Re-referred to: Environmental Matters, March 14, 2007

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 **3-118.**

5 (A) A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT TO THE
6 DEPARTMENT AS TO:

7 (1) THE IDENTITY OF AN ANIMAL;

8 (2) THE LOCATION OF AN ANIMAL;

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

10 (4) THE HEALTH STATUS OF AN ANIMAL, INCLUDING WHETHER
11 AN ANIMAL IS INFECTED WITH OR HAS BEEN EXPOSED TO A CONTAGIOUS OR
12 INFECTIOUS DISEASE.

13 (B) A PERSON MAY NOT WILLFULLY PROVIDE FALSE INFORMATION ON
14 ANY REPORT TO THE DEPARTMENT OR PROVIDE FALSE INFORMATION TO ANY
15 PERSON COMPLETING ANY ANIMAL HEALTH CERTIFICATE, ANY LABORATORY
16 REPORT, OR OTHER DOCUMENT PERTAINING TO THE HEALTH STATUS OF ANY
17 ANIMAL.

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

25 (D) A PERSON MAY NOT KNOWINGLY POSSESS ANY ALTERED ANIMAL
26 HEALTH CERTIFICATE OR ANIMAL HEALTH REPORT OR PRESENT TO ANY PARTY
27 AS GENUINE, AN ALTERED OR INVALID ANIMAL HEALTH CERTIFICATE OR
28 REPORT REGARDING THE HEALTH OF ANY ANIMAL ENTERING, LEAVING,
29 TRANSITING, OR RESIDING IN THE STATE.

1 (E) A PERSON MAY NOT WILLFULLY ALTER, DAMAGE, USE, OR ATTEMPT
2 TO USE, WITH THE INTENTION TO DECEIVE, ANY ANIMAL CARGO SEAL DEVICE,
3 AN ANIMAL OR PREMISES IDENTIFICATION NUMBER, AN ANIMAL OR PREMISES
4 IDENTIFICATION DEVICE, OR AN ANIMAL OR PREMISES REGISTRATION
5 DOCUMENT USED IN ANY ANIMAL HEALTH PROGRAM OF THE DEPARTMENT.

6 (F) A PERSON MAY NOT KNOWINGLY MAKE FALSE STATEMENTS OR
7 MISREPRESENTATIONS OF FACT TO THE DEPARTMENT IN THE APPLICATION
8 FOR ANY ANIMAL HEALTH PROGRAM LICENSE, PERMIT, REGISTRATION,
9 CERTIFICATION, DIAGNOSTIC SERVICE, OR AN APPLICATION FOR
10 PARTICIPATION IN ANY OTHER ANIMAL HEALTH PROGRAM OF THE
11 DEPARTMENT.

12 (G) A PERSON MAY NOT WILLFULLY ALTER ANY LICENSE, PERMIT,
13 REGISTRATION, CERTIFICATE, LABORATORY OR OTHER REPORT, ORDER, SIGN,
14 OR ANY OTHER COMPLETED DOCUMENT ISSUED BY THE DEPARTMENT FOR THE
15 PURPOSE OF REGULATING OR PROMOTING ANIMAL HEALTH.

16 (H) A PERSON MAY NOT KNOWINGLY POSSESS OR PRESENT TO ANY
17 PARTY AS GENUINE, AN ALTERED OR INVALID LICENSE, PERMIT,
18 REGISTRATION, CERTIFICATE, LABORATORY OR OTHER REPORT, ORDER, OR
19 ANY OTHER COMPLETED DOCUMENT ISSUED BY THE DEPARTMENT FOR THE
20 PURPOSE OF REGULATING OR PROMOTING ANIMAL HEALTH.

21 **3-119.**

22 (A) (1) THE DEPARTMENT MAY BRING AN ACTION FOR AN
23 INJUNCTION AGAINST ANY PERSON VIOLATING THE PROVISIONS OF THIS
24 SUBTITLE, OR VIOLATING ANY VALID ORDER OR QUARANTINE ISSUED BY THE
25 DEPARTMENT.

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

29 (B) (1) ON A SHOWING BY THE DEPARTMENT THAT ANY PERSON IS
30 VIOLATING OR IS ABOUT TO VIOLATE THE PROVISIONS OF THIS SUBTITLE OR IS
31 VIOLATING OR IS ABOUT TO VIOLATE ANY VALID ORDER OR QUARANTINE

1 ISSUED BY THE DEPARTMENT, AN INJUNCTION SHALL BE GRANTED WITHOUT
2 THE NECESSITY OF SHOWING A LACK OF ADEQUATE REMEDY AT LAW.

3 (2) IN CIRCUMSTANCES OF AN EMERGENCY CREATING
4 CONDITIONS OF IMMINENT DANGER TO ANIMAL HEALTH, THE DEPARTMENT
5 MAY INSTITUTE AN ACTION FOR AN IMMEDIATE INJUNCTION TO HALT ANY
6 ACTIVITY CAUSING THE DANGER.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.