

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 1290 (Chair, Environmental Matters Committee)  
(By Request – Departmental – Agriculture)

Environmental Matters

---

Animal Health - Administrative Penalties

---

This departmental bill seeks to expand the Secretary of Agriculture's administrative penalty authority to apply to violations of State laws generally regulating livestock and poultry in addition to those specifically regulating infectious and contagious livestock and poultry diseases.

---

Fiscal Summary

**State Effect:** Any expanded penalty authority is not expected to materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** The Maryland Department of Agriculture (MDA) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

---

Analysis

**Current Law:** The Secretary may impose administrative penalties in lieu of or in addition to any penalties under State laws regulating infectious and contagious livestock and poultry diseases. Penalties may not exceed \$10,000 and all penalties collected are distributed to the Animal Health Fund to defray MDA's cost of issuing orders or conducting site visits and animal testing to prevent the spread of contagious or infectious diseases.

**Background:** Chapter 353 of 2005 established the Secretary's authority to impose administrative penalties in lieu of or in addition to penalties under State laws regulating infectious and contagious livestock and poultry diseases. Chapter 353 also established the Animal Health Fund.

Where MDA does not have administrative penalty authority, the department advises that most violations are handled through informal means and the only option for enforcement of serious violations is to refer the violation(s) to the State's Attorney where the matter may compete with other cases given higher priority. Administrative penalties allow a larger penalty to be assessed in relation to available criminal fines, creating an incentive for violators to comply with the law and allow for intermediate, alternative penalty options in addition to the currently available options of issuing a warning letter or criminal prosecution. MDA, however, expects expanded administrative penalty authority to serve primarily as an incentive to comply with the law and does not expect to collect many administrative penalties.

**Additional Comments:** The bill is intended to expand the Secretary's authority to impose administrative penalties against other violations of livestock and poultry laws including those regulating biological products (vaccines, etc.) and tests, livestock sales, and importation of cattle and swine. The Secretary already has authority to impose existing penalties for certain violations of other livestock and poultry laws. However, under the bill, the Secretary's authority to impose an administrative penalty remains applicable *only* to violations of laws regulating infectious and contagious livestock and poultry diseases.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2007  
ncs/ljm

---

Analysis by Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

