

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 1433 (Chair, Environmental Matters Committee) (By Request –  
Departmental - Agriculture)  
Environmental Matters Education, Health, and Environmental  
Affairs

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**Department of Agriculture - Animal Health Enforcement**

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This departmental bill prohibits a person from willfully making a false statement to the Maryland Department of Agriculture (MDA) regarding the identity, location, place of origin or destination, or health status of an animal. The bill also generally prohibits a person from • providing false information for specified animal health-related documentation or when applying for documentation or services provided by MDA; • altering or damaging specified documentation and identifying devices; or • possessing or using altered or invalid documentation and identifying devices. MDA may bring an action for an injunction, and under emergency circumstances, an action for an immediate injunction, against any person violating the prohibitions or any valid order or quarantine issued by the department. An injunction must be granted upon a showing by MDA that a violation is occurring or about to occur.

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**Fiscal Summary**

**State Effect:** Any additional penalties collected are not expected to materially affect State finances.

**Local Effect:** None.

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

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## Analysis

**Current Law:** The Secretary of Agriculture is responsible for protecting the health of the domestic animals of the State and has various powers, including those of visitation, testing, and quarantine, to prevent the spread of contagious or infectious diseases.

A person may not conceal the fact that a contagious or infectious disease exists on the person's premises, refuse MDA access to a premises or vehicle, or resist the application of any quarantine order, rule, or regulation. A person also may not knowingly expose an animal to another animal infected with a contagious or infectious disease and may not sell or otherwise dispose of an animal which the person knows or has good reason to believe is infected with a contagious or infectious disease, or has been exposed to one within 90 days.

The State's Attorney of the appropriate county is responsible for prosecuting any violations of State laws regulating infectious and contagious livestock and poultry diseases. The Secretary may also impose administrative penalties of up to \$10,000.

**Background:** MDA advises it has encountered numerous cases of persons altering, misusing, or fraudulently completing documentation which the department relies on to fulfill its statutory responsibilities and prevent the spread of contagious or infectious diseases. The department advises that the only currently available remedy is to refer cases to the appropriate State's Attorney for prosecution for criminal fraud, which is cumbersome and has not proven to be effective. Establishing the prohibitions under the bill would allow the Secretary to impose administrative penalties for violations, under existing administrative penalty authority. MDA expects the bill's prohibitions and the Secretary's existing administrative penalty authority to encourage compliance and consequently does not expect to impose many penalties.

MDA advises an injunctive order is essential in cases where there is an imminent risk of harm to domestic animals from infectious and contagious diseases. Some diseases such as Foot and Mouth Disease or Avian Influenza will be present in animals before they appear to be sick, potentially causing owners to resist orders of the Secretary seeking to control a disease and possibly move animals to another location. In such cases, MDA advises access to a court and an assurance the court will hear a petition for an injunction is essential. The Secretary is currently subject to the discretion of the court as to whether it will consider a request for an injunction.

## **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 22, 2007  
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