HOUSE BILL 1481

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By: **Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim** Introduced and read first time: February 18, 2008 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

State Board of Veterinary Medical Examiners – Animal Control Facilities – License to Administer Scheduled Drugs to Animals

4 FOR the purpose of repealing the authority of the State Board of Veterinary Medical Examiners to issue a special permit to a certain humane society or animal 5 6 shelter to administer a certain drug to euthanize animals; authorizing the 7 Board to issue a license, on application of an animal control facility, to allow the 8 facility to administer certain drugs to sedate or euthanize animals; requiring 9 the application to designate one individual responsible for the drugs; 10 establishing an annual fee for the license; authorizing the Board to reject an application or suspend or revoke a license for certain reasons in accordance with 11 certain procedures; requiring a licensed facility to comply with certain employee 12 training requirements; authorizing a member of the Board or the Board's 13 14 designated inspector to enter a licensed facility at any reasonable hour to 15enforce certain regulations; requiring the Board, in consultation with the 16 Department of Health and Mental Hygiene to adopt regulations; repealing a 17provision that exempts a certain humane society or animal shelter with a special permit from certain registration requirements; defining a certain term; 18 19 altering a certain definition; and generally relating to animal control facilities 20 and a license to administer scheduled drugs to animals.

- 21 BY repealing and reenacting, with amendments,
- 22 Article Agriculture
- 23 Section 2–305
- 24 Annotated Code of Maryland
- 25 (2007 Replacement Volume)
- 26 BY repealing and reenacting, with amendments,
- 27 Article Criminal Law
- 28 Section 5–101(d)
- 29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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1	(2002 Volume and 2007 Supplement)
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- 2 BY repealing and reenacting, without amendments,
- 3 Article Criminal Law
- 4 Section 10–601(a) and (d)
- 5 Annotated Code of Maryland
- 6 (2002 Volume and 2007 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 8 MARYLAND, That the Laws of Maryland read as follows:

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Article – Agriculture

 $10 \quad 2-305.$

(A) IN THIS SECTION, "ANIMAL CONTROL FACILITY" MEANS A HUMANE society, as defined in § 10–601 of the Criminal Law Article, or a COUNTY OR MUNICIPAL DESIGNATED ANIMAL SHELTER.

14 The Board, [upon] ON terms and conditions [it finds proper, shall] **(B)** 15SATISFACTORY TO THE BOARD. MAY issue A LICENSE to [any humane society, as defined by § 10-601 of the Criminal Law Article, or county or municipal designated 16 17animal shelter which submits an application, a special permit authorizing purchase, possession, and use of sodium pentobarbital to euthanize injured, sick, homeless, and 18 19 unwanted domestic animals] AN ANIMAL CONTROL FACILITY TO ALLOW THE 20 ANIMAL CONTROL FACILITY TO ADMINISTER DRUGS NEEDED TO SEDATE, 21EUTHANIZE, OR SEDATE AND EUTHANIZE ANIMALS.

22 (C) (1) (I) THE OWNER OF AN ANIMAL CONTROL FACILITY SHALL 23 APPLY FOR THE LICENSE.

(II) THE BOARD SHALL ISSUE A LICENSE IN THE NAME OF THE OWNER OF AN ANIMAL CONTROL FACILITY.

26 (2) The [permit] APPLICATION shall designate [the sole person 27 responsible] ONE INDIVIDUAL AT THE FACILITY RESPONSIBLE FOR THE DRUGS.

(3) The [application for the special permit and the annual renewal of the permit shall be accompanied by a fee set by the Board. Any organization that has received a permit pursuant to this section is exempted from the registration requirement of §§ 5–301 and 5–304 of the Criminal Law Article as to pentobarbital] ANNUAL LICENSE FEE IS \$100.

(D) IN ACCORDANCE WITH PROCEDURES SET OUT IN § 2–311 OF THIS
34 SUBTITLE, THE BOARD MAY:

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1 (1) **REJECT AN APPLICATION FOR A LICENSE; OR** $\mathbf{2}$ (2) SUSPEND OR REVOKE A LICENSE FOR FAILURE TO COMPLY 3 WITH THE BOARD'S REGULATIONS. 4 AN ANIMAL CONTROL FACILITY LICENSED UNDER THIS SECTION **(E)** $\mathbf{5}$ SHALL COMPLY WITH THE BOARD'S REQUIREMENTS RELATING TO EMPLOYEE 6 TRAINING. 7 A MEMBER OF THE BOARD, OR THE BOARD'S DESIGNATED **(F)** 8 INSPECTOR, MAY ENTER AN ANIMAL CONTROL FACILITY LICENSED UNDER THIS 9 SECTION AT ANY REASONABLE HOUR TO ENFORCE THE BOARD'S REGULATIONS. 10 IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND (G) 11 MENTAL HYGIENE, THE BOARD SHALL ADOPT REGULATIONS NECESSARY TO 12CARRY OUT THIS SECTION. Article - Criminal Law 13 5 - 101. 14 (d) (1)"Authorized provider" means: 1516 a person licensed, registered, or otherwise allowed to (i) 17administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or 18 19 a pharmacy, laboratory, hospital, or other institution (ii) licensed, registered, or otherwise allowed to administer, distribute, dispense, or 20 21conduct research on a controlled dangerous substance in the State in the course of 22professional practice or research. 23(2)"Authorized provider" includes: 24**(I)** a scientific investigator [and]; 25an individual authorized by the State to practice medicine. **(II)** 26dentistry, or veterinary medicine: AND 27(III) AN ANIMAL CONTROL FACILITY LICENSED UNDER § 282–305 OF THE AGRICULTURE ARTICLE. 29 10-601. 30 In this subtitle the following words have the meanings indicated. (a)

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1 (d) "Humane society" means a society or association incorporated in 2 Maryland for the prevention of cruelty to animals.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 June 1, 2008.