

CHAPTER 697

(House Bill 1481)

AN ACT concerning

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

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 shelter to administer a certain drug to euthanize animals; authorizing the Board to issue a license, on application of an animal control facility, to allow the facility to administer certain drugs to sedate or euthanize animals; requiring the application to designate one individual responsible for the drugs; 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 certain procedures; requiring a licensed facility to comply with certain employee training requirements; authorizing a member of the Board or the Board's designated inspector to enter a licensed facility at any reasonable hour to enforce certain regulations; requiring the Board, in consultation with the Department of Health and Mental Hygiene to adopt regulations; repealing a provision that exempts a certain humane society or animal shelter with a special permit from certain registration requirements; defining a certain term; altering a certain definition; making this Act an emergency measure; and generally relating to animal control facilities and a license to administer scheduled drugs to animals.

BY repealing and reenacting, with amendments,

Article – Agriculture
Section 2–305
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–101(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 10–601(a) and (d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Article – Agriculture

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.

(B) The Board, [upon] ON terms and conditions [it finds proper, shall] SATISFACTORY 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 animal shelter which submits an application, a special permit authorizing purchase, possession, and use of sodium pentobarbital to euthanize injured, sick, homeless, and unwanted domestic animals] AN ANIMAL CONTROL FACILITY TO ALLOW THE ANIMAL CONTROL FACILITY TO ADMINISTER DRUGS NEEDED TO SEDATE, EUTHANIZE, OR SEDATE AND EUTHANIZE ANIMALS.

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

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

(2) The [permit] APPLICATION shall designate [the sole person 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 SUBTITLE, THE BOARD MAY:

(1) REJECT AN APPLICATION FOR A LICENSE; OR

(2) SUSPEND OR REVOKE A LICENSE FOR FAILURE TO COMPLY WITH THE BOARD’S REGULATIONS.

(E) AN ANIMAL CONTROL FACILITY LICENSED UNDER THIS SECTION SHALL COMPLY WITH THE BOARD'S REQUIREMENTS RELATING TO EMPLOYEE TRAINING.

(F) A MEMBER OF THE BOARD, OR THE BOARD'S DESIGNATED INSPECTOR, MAY ENTER AN ANIMAL CONTROL FACILITY LICENSED UNDER THIS SECTION AT ANY REASONABLE HOUR TO ENFORCE THE BOARD'S REGULATIONS.

(G) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE BOARD SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SECTION.

Article - Criminal Law

5-101.

(d) (1) "Authorized provider" means:

(i) a person licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research; or

(ii) a pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.

(2) "Authorized provider" includes:

(I) a scientific investigator [and];

(II) an individual authorized by the State to practice medicine, dentistry, or veterinary medicine; AND

(III) AN ANIMAL CONTROL FACILITY LICENSED UNDER § 2-305 OF THE AGRICULTURE ARTICLE.

10-601.

(a) In this subtitle the following words have the meanings indicated.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June 1, 2008 is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.~~

Approved by the Governor, May 22, 2008.