

HOUSE BILL 495

E1

9lr1151
CF SB 318

By: **Delegates Smigiel, Ali, Barkley, Bartlett, Barve, Beidle, Bronrott, Cardin, Dumais, Frush, Gilchrist, Glenn, Hubbard, Hucker, Impallaria, Kelly, Kipke, Kramer, Lee, Manno, Mathias, McComas, McConkey, McDonough, Minnick, Montgomery, Ramirez, Shewell, Stein, Valderrama, and Waldstreicher**

Introduced and read first time: February 4, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Relating to Animals – Limitations on Possession of**
3 **Breeding Dogs**

4 FOR the purpose of prohibiting a person from owning, possessing, controlling, or
5 otherwise having custody of more than a certain number of breeding dogs at any
6 time; establishing enclosure size and exercise requirements to be met by a
7 person owning, possessing, controlling, or otherwise having custody of more
8 than a certain number of breeding dogs; establishing a penalty for a violation of
9 this Act; exempting certain facilities from the requirements of this Act; defining
10 certain terms; and generally relating to limitations on the possession of
11 breeding dogs.

12 BY adding to
13 Article – Criminal Law
14 Section 10–624
15 Annotated Code of Maryland
16 (2002 Volume and 2008 Supplement)

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

19 **Article – Criminal Law**

20 **10–624.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **“BREEDING DOG” MEANS A DOG WITH INTACT SEXUAL**
2 **ORGANS.**

3 (3) (I) **“RETAIL PET STORE” MEANS A COMMERCIAL**
4 **ESTABLISHMENT THAT ENGAGES IN A FOR-PROFIT BUSINESS OF SELLING AT**
5 **RETAIL CATS, DOGS, OR OTHER ANIMALS TO BE KEPT AS HOUSEHOLD PETS.**

6 (II) **“RETAIL PET STORE” DOES NOT INCLUDE A PERSON OR**
7 **ESTABLISHMENT THAT BREEDS OR RAISES ANIMALS TO SELL, EXCHANGE,**
8 **BROKER, OR OTHERWISE TRANSFER THE ANIMALS TO THE PUBLIC AS**
9 **HOUSEHOLD PETS.**

10 (B) **THIS SECTION DOES NOT APPLY TO:**

11 (1) **A PUBLICLY OPERATED ANIMAL CONTROL FACILITY OR**
12 **ANIMAL SHELTER;**

13 (2) **A PRIVATE, CHARITABLE, NONPROFIT HUMANE SOCIETY OR**
14 **ANIMAL ADOPTION ORGANIZATION;**

15 (3) **A VETERINARY FACILITY;**

16 (4) **A RETAIL PET STORE;**

17 (5) **A RESEARCH INSTITUTION; OR**

18 (6) **A BOARDING FACILITY.**

19 (C) **A PERSON MAY NOT OWN, POSSESS, CONTROL, OR OTHERWISE HAVE**
20 **CHARGE OR CUSTODY OF MORE THAN 50 BREEDING DOGS OVER THE AGE OF 4**
21 **MONTHS AT ANY TIME.**

22 (D) (1) **A PERSON WHO OWNS, POSSESSES, CONTROLS, OR**
23 **OTHERWISE HAS CHARGE OR CUSTODY OF MORE THAN 10 BREEDING DOGS**
24 **OVER THE AGE OF 4 MONTHS SHALL PROVIDE FOR EACH DOG:**

25 (I) **AN ENCLOSURE WITH:**

26 1. **AN INTERIOR HEIGHT OF AT LEAST 6 INCHES**
27 **HIGHER THAN THE HEAD OF THE TALLEST DOG IN THE ENCLOSURE WHEN THE**
28 **DOG IS IN A NORMAL STANDING POSITION; AND**

1 **2. SUFFICIENT SPACE TO ALLOW THE DOG TO TURN**
2 **ABOUT FREELY, STAND, SIT, AND LIE DOWN SUCH THAT, WHEN FULLY**
3 **EXTENDED, NO PART OF THE DOG'S BODY TOUCHES ANY SIDE OF THE**
4 **ENCLOSURE OR ANY OTHER DOG IN THE ENCLOSURE; AND**

5 **(II) UNLESS THE DOG IS CERTIFIED BY A DOCTOR OF**
6 **VETERINARY MEDICINE TO BE MEDICALLY PRECLUDED FROM EXERCISE, A**
7 **MINIMUM OF TWO EXERCISE PERIODS EACH DAY FOR A TOTAL OF AT LEAST 2**
8 **HOURS OF EXERCISE EACH DAY.**

9 **(2) THE EXERCISE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS**
10 **SUBSECTION:**

11 **(I) SHALL INCLUDE REMOVING THE DOG FROM ITS**
12 **PRIMARY ENCLOSURE AND ALLOWING THE DOG TO WALK FOR THE ENTIRE**
13 **EXERCISE PERIOD; AND**

14 **(II) UNLESS PRESCRIBED BY A DOCTOR OF VETERINARY**
15 **MEDICINE, MAY NOT INCLUDE USE OF A TREADMILL, CAT MILL, JENNY MILL,**
16 **SLAT MILL, OR SIMILAR DEVICE.**

17 **(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
18 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
19 **\$1,000.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2009.**