

SENATE BILL 108

M4

2lr0073

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 15, 2012

CHAPTER _____

1 AN ACT concerning

2 **Maryland Horse Industry Board – Licensing**

3 FOR the purpose of repealing and altering certain requirements relating to licensure
4 and inspection of horse establishments, including boarding stables, lesson or
5 riding stables, and rescue and sanctuary stables by the Maryland Horse
6 Industry Board; repealing certain fees; increasing ~~a~~ certain ~~fee~~ fees; altering
7 certain grounds for license suspension or revocation by the Board and the
8 Secretary of Agriculture; increasing a certain fine; requiring the Board to
9 provide the opportunity for a hearing in accordance with certain procedures
10 under certain circumstances; requiring the Board to provide certain notice
11 under certain circumstances; authorizing the Board to issue a subpoena under
12 certain circumstances; repealing certain obsolete provisions related to livestock
13 dealers; repealing certain defined terms; defining certain terms; making
14 clarifying changes; and generally relating to the licensure, inspection, and
15 regulation of horse establishments by the Maryland Horse Industry Board.

16 BY repealing and reenacting, with amendments,

17 Article – Agriculture

18 Section 2–701, 2–710, 2–711, 2–712, 2–713, 2–714, 2–715, 2–718, 3–303, and
19 3–304

20 Annotated Code of Maryland

21 (2007 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Agriculture

2–701.

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

(b) “Board” means the Maryland Horse Industry Board.

(c) “Boarding stable” means an establishment that [stables five or more]
SOLICITS OR OFFERS TO THE PUBLIC TO STABLE horses [and receives
compensation for these services].

(d) “Equine activities” includes teaching equestrian skills, participating in
equestrian competitions, exhibitions or other displays of equestrian skills, and caring
for, breeding, boarding, renting, riding, or training horses.

(e) [“Equine dealer, breeding stables, or rescue stables” includes an
establishment in which five or more horses are sold or transferred each year.

(f)] “Horse” includes horses, **DONKEYS, MULES**, and ponies.

**(F) “HORSE ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT
SOLICITS OR OFFERS TO THE PUBLIC ANY OF THE FOLLOWING SERVICES:**

(1) A BOARDING STABLE;

(2) A LESSON OR RENTAL STABLE; OR

(3) A RESCUE OR SANCTUARY STABLE.

[(g) (1) “Horse riding and rental stables” means an establishment in
connection with which one or more horses are let for hire to be ridden or driven, either
with or without the furnishing of riding or driving instruction.

(2) “Horse riding and rental stables” includes:

(i) Boarding stables;

(ii) Equine dealer, breeding stables, or rescue stables; and

(iii) Sales barns.

(h) “Sales barns” includes an establishment where horses are sold.]

(G) “LESSON OR RENTAL STABLE” MEANS AN ESTABLISHMENT IN CONNECTION WITH WHICH ONE OR MORE HORSES ARE OFFERED TO THE PUBLIC TO BE LET FOR HIRE, TO BE RIDDEN OR DRIVEN, EITHER WITH OR WITHOUT THE FURNISHING OF RIDING OR DRIVING INSTRUCTIONS.

(H) “RESCUE OR SANCTUARY STABLE” MEANS AN ESTABLISHMENT THAT OFFERS TO THE PUBLIC TO SHELTER OR KEEP ONE OR MORE HORSES FOR HUMANE PURPOSES WITH OR WITHOUT COMPENSATION AND WITH OR WITHOUT TAX-EXEMPT STATUS.

(I) “STABLE” MEANS A PLACE WHERE ONE OR MORE HORSES ARE UNDER THE CARE, CUSTODY, AND CONTROL OF AN OPERATOR.

2-710.

[(a) Except as otherwise provided in this subtitle, a] A person may not engage in the business of operating or maintaining any [horse riding stable] HORSE ESTABLISHMENT unless the person has received a license [and a certificate] issued by the Board.

[(b) This section does not apply to a holder of a livestock dealer’s or livestock market license issued under Title 3, Subtitle 3 of this article. However, a holder of a livestock dealer’s or livestock market license shall comply with the other provisions of this subtitle.]

2-711.

To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that it requires;
AND

(2) [Pay to the Board a nonrefundable inspection fee of \$50; and

(3) Pay to the Board a license fee of \$75] PAY TO THE BOARD A LICENSE FEE OF \$125.

2-712.

(a) A license expires on the June 30 after its effective date, unless the license is renewed for a 1-year term as provided in this section.

(b) Before his license expires, a licensee periodically may renew his license for additional 1-year terms, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee of [~~\$75~~] **\$125**; and

(3) Submits to the Board a renewal application on the form that it requires.

2-713.

(a) Each [~~horse riding stable~~] **HORSE ESTABLISHMENT** licensed under this subtitle shall be inspected [~~at least every 2 years~~] **AS DETERMINED BY THE BOARD.**

[(b) Each licensee shall pay to the Board annually an inspection fee of \$50.

(c) If more than one inspection is necessary in any licensing period, the licensee shall pay an additional inspection fee of \$50 for each inspection. If, after three inspections, existing deficiencies have not been corrected by the licensee, the Board shall bring formal charges against the licensee, and an administrative hearing shall be held in order to determine if the license should be suspended or revoked for any of the reasons listed in § 2-715 of this subtitle.

(d) An inspection shall be deemed necessary if, during a previous inspection, deficiencies are found and the licensee has not submitted evidence to the Board within a reasonable period of time that satisfactory corrective measures have been completed.]

[(e)] **(B)** Based on criteria it develops, the Board may create additional classes of licenses, all of which shall have the usual annual fee under this subtitle.

2-714.

(a) A license issued under this subtitle is the property of the State and only is loaned to a licensee.

(b) Each licensee shall display [~~his~~] **THE** license conspicuously on the premises where a [~~riding stable~~] **HORSE ESTABLISHMENT** is operated by the licensee.

(c) A license issued under this subtitle may not be assigned or transferred.

2-715.

[After a hearing, the] **THE** Board may suspend or revoke the license issued to any licensee under this subtitle, if the licensee:

(1) Fails to provide suitable food, water, and shelter for a horse under the control of the licensee;

(2) Maintains an unsanitary or unfit [stable] **HORSE ESTABLISHMENT**;

(3) Fails to provide suitable saddles, bridles, harnesses, and other tack or equipment;

(4) Allows unfit horses to be used for riding or driving purposes;

(5) Refuses to allow a member of the Board to enter and inspect the licensed premises;

(6) Obstructs any member of the Board in the performance of his duties;

(7) Commits an act of cruelty as defined in § 10–601 of the Criminal Law Article, or allows the commission of an act of cruelty by any other person with relation to any horse under the control of the licensee;

(8) [If engaged in the public sale of horses, fails to comply with any of the provisions of Title 3, Subtitle 3 of this article;

(9)] Does any other action that, in the opinion of the Board [of Inspection], taking into consideration the welfare of the horses under the control of the licensee, shows that the licensee is unfit to operate a horse [riding stable] **ESTABLISHMENT**; or

[(10)] (9) Fails to comply with the rules and regulations of the Board after receiving a license.

2–718.

(a) Any person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$250] **\$500** or imprisonment not exceeding 11 months or both.

(b) (1) Instead of pursuing criminal penalties under subsection (a) of this section, the Board may impose an administrative penalty on any person who violates any provision of **§ 2–710 OR § 2–715 OF** this subtitle.

(2) The penalty imposed under this subsection may not exceed \$2,000 **FOR EACH VIOLATION OF THIS SUBTITLE.**

(3) All penalties collected under this subsection shall be paid into the General Fund of the State.

(4) The Board shall adopt regulations necessary to implement the provisions of this subsection.

(C) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 2-710 OR § 2-715 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(D) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(E) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(F) THE BOARD MAY ISSUE SUBPOENAS IN CONNECTION WITH ANY INVESTIGATION OF CHARGES UNDER § 2-710 OF THIS SUBTITLE OR PROCEEDINGS UNDER THIS SECTION.

(G) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

3-303.

(a) No person may be a livestock dealer without first obtaining an annual livestock dealer's license from the Secretary. No person may operate a livestock market without first obtaining an annual livestock market license from the Secretary for each market he operates.

(b) (1) An agent of a person who possesses a livestock dealer's license is not required to obtain a livestock dealer's license.

(2) A dealer who possesses a livestock market license is not required to obtain a dealer's license if he sells livestock only at the licensed livestock market.

[(3) A holder of a license issued by the Maryland Horse Industry Board is not required to have a license under this subtitle, but shall comply with all of the other provisions of it.]

(c) Each license shall be issued upon payment of a \$50 fee and shall be effective until June 30, following, unless revoked.

(d) The Secretary shall issue an identification card to each licensee and his agent who shall carry it on his person. The licensee or agent shall display the license at each place of business.

3-304.

The Secretary may refuse to issue a license or may suspend or revoke a license on any of the following grounds:

(1) Fraudulent or deceptive statement on an application for a license;

(2) Conviction of a violation of any of the provisions of this subtitle or the rules or regulations adopted pursuant to it; **OR**

(3) Frequent or numerous violations of departmental rules and regulations]; or

(4) Operating or maintaining a horse riding stable in violation of any provision of Title 2, Subtitle 7 of this article].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.