

# HOUSE BILL 443

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5lr0609

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By: **Delegates Kramer, Barkley, Dumais, Fraser-Hidalgo, Kaiser, McComas,  
Morales, Platt, and Valderrama**

Introduced and read first time: February 9, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes Relating to Animals – Unauthorized Use of Dogs and Cats in Research**  
3 **Facilities – Penalties**

4 FOR the purpose of prohibiting certain research facilities from knowingly using certain  
5 dogs and cats for scientific research purposes; requiring certain research facilities to  
6 reduce the use of dogs and cats in a certain manner under certain circumstances;  
7 authorizing certain euthanasia for certain dogs and cats used for scientific research  
8 purposes; establishing certain penalties for a violation of this Act; requiring the  
9 Attorney General to investigate certain violations; authorizing the Attorney General  
10 to prosecute certain violations; providing for the construction of this Act; defining  
11 certain terms; and generally relating to dogs and cats used in research facilities.

12 BY adding to

13 Article – Criminal Law

14 Section 10–626

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2014 Supplement)

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

19 **Article – Criminal Law**

20 **10–626.**

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

23 **(2) “RESEARCH FACILITY” INCLUDES:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) A HIGHER EDUCATION RESEARCH FACILITY;

2 (II) A SCIENTIFIC RESEARCH FACILITY; AND

3 (III) A MEDICAL RESEARCH FACILITY.

4 (3) "SCIENTIFIC RESEARCH PURPOSES" INCLUDES:

5 (I) INVESTIGATION;

6 (II) EXPERIMENTATION;

7 (III) INSTRUCTION; AND

8 (IV) TESTING.

9 (B) (1) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE  
10 USE OF A DOG OR CAT FOR SCIENTIFIC RESEARCH PURPOSES IF THE DOG OR CAT  
11 WAS OBTAINED BY THE RESEARCH FACILITY ON OR BEFORE JANUARY 1, 2015.

12 (2) A RESEARCH FACILITY MAY NOT KNOWINGLY USE FOR SCIENTIFIC  
13 RESEARCH PURPOSES:

14 (I) A DOG SOLD BY A CLASS B DEALER LICENSED UNDER THE  
15 FEDERAL ANIMAL WELFARE ACT;

16 (II) A DOG OR CAT OBTAINED FROM RANDOM SOURCES,  
17 INCLUDING AUCTIONS, FLEA MARKETS, AND ANIMAL SHELTERS; OR

18 (III) A DOG OR CAT THAT HAS UNDERGONE A DEVOCALIZATION  
19 SURGERY.

20 (C) A RESEARCH FACILITY SHALL ENSURE THAT THE NUMBER OF DOGS AND  
21 CATS USED FOR SCIENTIFIC RESEARCH PURPOSES BE REDUCED TO A MINIMUM BY  
22 USING SCIENTIFICALLY RELIABLE AND RELEVANT METHODS THAT DO NOT INVOLVE  
23 THE USE OF DOGS OR CATS:

24 (1) TO THE EXTENT POSSIBLE; AND

25 (2) IN A MANNER THAT DOES NOT COMPROMISE THE OBJECTIVES OF  
26 THE RESEARCH.

1           **(D) A DOG OR CAT AT A RESEARCH FACILITY MAY BE EUTHANIZED ONLY BY**  
2 **A LETHAL INJECTION OF SODIUM PENTOBARBITAL ADMINISTERED BY A**  
3 **VETERINARIAN LICENSED IN THE STATE OR UNDER THE DIRECT SUPERVISION OF A**  
4 **VETERINARIAN LICENSED IN THE STATE.**

5           **(E) AN OPERATOR, EMPLOYEE, OR AGENT OF A RESEARCH FACILITY WHO**  
6 **VIOLATES SUBSECTIONS (B) OR (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR**  
7 **AND ON CONVICTION IS SUBJECT TO:**

8                   **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000; AND**

9                   **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING**  
10 **\$5,000.**

11           **(F) (1) THE ATTORNEY GENERAL SHALL INVESTIGATE AN ALLEGED**  
12 **VIOLATION OF THIS SECTION.**

13                   **(2) IF THE ATTORNEY GENERAL FINDS THAT A VIOLATION OF THIS**  
14 **SECTION HAS OCCURRED, THE ATTORNEY GENERAL MAY PROSECUTE THE**  
15 **VIOLATION.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2015.