

# HOUSE BILL 876

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By: **Delegates Miele, Hettleman, Bromwell, Aumann, Cassilly, Cluster, Hill, Korman, Lierman, McComas, Metzgar, Pena–Melynk, West, and K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Animal Shelters – Uniform Standards of Operation and Care**  
3 **(Animal Shelter Standards Act of 2015)**

4 FOR the purpose of requiring an animal shelter to develop and adhere to a certain written  
5 veterinary care protocol; establishing certain requirements for the written  
6 veterinary protocol; requiring an animal shelter to meet certain veterinary care  
7 requirements; requiring an animal shelter to maintain certain holding periods;  
8 specifying certain criteria for an animal shelter to seize, impound, or otherwise take  
9 custody of a certain cat; requiring an animal shelter to take certain steps to  
10 determine the identity of an animal in its custody; requiring an animal shelter to  
11 make certain efforts to accommodate a person intending to adopt, foster, or transfer  
12 sheltered animals; specifying certain euthanasia requirements and protocol for an  
13 animal shelter; prohibiting an animal shelter from loaning a humane  
14 animal–capture trap to the public for a lethal purpose; requiring an animal shelter  
15 to obtain certain information from an individual borrowing a humane  
16 animal–capture trap; requiring an animal shelter to take certain actions for animals  
17 reported as lost; requiring an animal shelter to establish and maintain a certain list  
18 of certain organizations that accept animals for adoption, foster care, or feral cat  
19 management; requiring an animal shelter to maintain certain records in a certain  
20 manner; requiring an animal shelter to make the records maintained under this Act  
21 available to the public in a certain manner; making a person who violates certain  
22 provisions of this Act guilty of a misdemeanor and subject to a certain fine;  
23 authorizing a person to bring a certain civil action; requiring the court to issue a  
24 permanent injunction if the court makes a certain finding; requiring that a civil  
25 action under this Act be brought by a certain person; providing immunity for an  
26 animal shelter under certain circumstances; awarding court costs and attorney’s fees  
27 to a person who brings a successful action; stating that the circuit court of the county  
28 where the violation occurred has jurisdiction to enforce the provisions of this Act;  
29 defining certain terms; stating the intent and findings of the General Assembly; and  
30 generally relating to animal shelters.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Agriculture  
3 Section 2–1701 through 2–1712 to be under the new subtitle “Subtitle 17. Animal  
4 Shelters”  
5 Annotated Code of Maryland  
6 (2007 Replacement Volume and 2014 Supplement)

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

9 **Article – Agriculture**

10 **SUBTITLE 17. ANIMAL SHELTERS.**

11 **2–1701.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) (1) “ANIMAL RESCUE ORGANIZATION” MEANS AN ORGANIZATION:

15 (I) WHOSE PRIMARY MISSION INVOLVES ANIMAL WELFARE;

16 AND

17 (II) THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF  
18 THE INTERNAL REVENUE CODE.

19 (2) “ANIMAL RESCUE ORGANIZATION” INCLUDES:

20 (I) AN ANIMAL ADOPTION ORGANIZATION; AND

21 (II) AN ORGANIZATION FORMED FOR THE PREVENTION OF  
22 CRUELTY TO ANIMALS.

23 (C) “ANIMAL SHELTER” MEANS A PUBLIC OR PRIVATE FACILITY THAT:

24 (1) HAS A PHYSICAL STRUCTURE THAT PROVIDES TEMPORARY OR  
25 PERMANENT SHELTER TO STRAY, ABANDONED, ABUSED, OR OWNER–SURRENDERED  
26 ANIMALS; AND

27 (2) IS OWNED, OPERATED, OR MAINTAINED BY A GOVERNMENT  
28 ENTITY OR ENTITY HAVING A CONTRACT FOR ANIMAL SHELTERING, CARE, OR  
29 CONTROL WITH A GOVERNMENT ENTITY.

1 (D) "EAR TIPPED CAT" MEANS A CAT WHOSE LEFT EAR TIP HAS BEEN  
2 REMOVED.

3 (E) "IRREMIEDIABLE PHYSICAL SUFFERING" MEANS A POOR OR GRAVE  
4 PROGNOSIS FOR AN ANIMAL TO BE ABLE TO LIVE WITHOUT SEVERE UNREMITTING  
5 PAIN DESPITE RECEIVING PROMPT, COMPREHENSIVE, AND NECESSARY  
6 VETERINARY CARE.

7 (F) "LICENSED VETERINARIAN" MEANS A VETERINARIAN LICENSED TO  
8 PRACTICE VETERINARY MEDICINE IN THE STATE.

9 2-1702.

10 (A) THE GENERAL ASSEMBLY FINDS THAT ANIMAL SHELTERS PERFORM AN  
11 INTEGRAL COMMUNITY SERVICE.

12 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENHANCE ANIMAL  
13 SHELTER SERVICES BY PROMOTING HUMANE ANIMAL SHELTERING POLICIES AND  
14 STRENGTHENING COMMUNITY SAFETY.

15 2-1703.

16 (A) AN ANIMAL SHELTER SHALL DEVELOP AND ADHERE TO A WRITTEN  
17 VETERINARY CARE PROTOCOL BASED ON THE STANDARDS SET FORTH IN THE MOST  
18 RECENT ASSOCIATION OF SHELTER VETERINARIAN'S GUIDELINES FOR  
19 STANDARDS OF CARE IN ANIMAL SHELTERS.

20 (B) THE WRITTEN VETERINARY CARE PROTOCOL SHALL INCLUDE:

21 (1) STANDARDS THAT ARE NECESSARY TO PROTECT IMPOUNDED  
22 ANIMALS' AND SHELTERED ANIMALS' HEALTH, SAFETY, AND WELL-BEING; AND

23 (2) A PLAN FOR:

24 (I) QUALITY OF LIFE ENRICHMENT;

25 (II) VETERINARY CARE;

26 (III) PREVENTION AND CONTROL OF CONTAGIOUS AND OTHER  
27 DISEASES; AND

1                   **(IV) ANY OTHER HEALTH AND ENVIRONMENTAL FACTORS THAT**  
2 **MATERIALLY AFFECT IMPOUNDED AND SHELTERED ANIMALS' HEALTH, SAFETY, AND**  
3 **WELL-BEING.**

4                   **(C) AN ANIMAL SHELTER SHALL UPDATE ITS WRITTEN VETERINARY CARE**  
5 **PROTOCOL AS NECESSARY TO REASONABLY ACCOMMODATE ANY SUBSEQUENT**  
6 **UPDATES TO THE ASSOCIATION OF SHELTER VETERINARY'S GUIDELINES FOR**  
7 **STANDARDS OF CARE IN ANIMAL SHELTERS.**

8 **2-1704.**

9                   **AN ANIMAL SHELTER SHALL USE DUE DILIGENCE AND REASONABLE EFFORTS**  
10 **TO ENSURE THAT AN ANIMAL NEEDING URGENT CARE RECEIVES THE APPROPRIATE**  
11 **STANDARD OF VETERINARY CARE AS SOON AS POSSIBLE.**

12 **2-1705.**

13                   **(A) (1) (I) THIS PARAGRAPH DOES NOT APPLY TO HOLDING AN EAR**  
14 **TIPPED CAT, A CAT INVOLVED IN A TRAP-NEUTER-RETURN PROGRAM, OR AN**  
15 **OWNER-SURRENDERED ANIMAL.**

16                   **(II) AN ANIMAL SHELTER SHALL HOLD ANIMALS IN ITS CARE**  
17 **FOR A MINIMUM HOLDING PERIOD OF 72 HOURS FROM INTAKE, NOT INCLUDING**  
18 **DAYS THE ANIMAL SHELTER IS CLOSED TO THE PUBLIC.**

19                   **(III) IF AN ANIMAL IS NOT RECLAIMED WITHIN THE ANIMAL**  
20 **SHELTER'S HOLDING PERIOD, THE ANIMAL SHELTER MAY:**

21                                   **1. ALLOW THE ANIMAL TO BE ADOPTED;**

22                                   **2. TRANSFER THE ANIMAL TO ANOTHER ANIMAL**  
23 **SHELTER OR ANIMAL RESCUE ORGANIZATION; OR**

24                                   **3. RETURN THE ANIMAL TO THE FIELD.**

25                   **(2) AN EAR TIPPED CAT SHALL BE RETURNED TO ITS ORIGINAL**  
26 **LOCATION.**

27                   **(B) (1) AN ANIMAL SHELTER MAY NOT SEIZE, IMPOUND, OR OTHERWISE**  
28 **TAKE CUSTODY OF AN EAR TIPPED CAT OR A CAT INVOLVED IN A**  
29 **TRAP-NEUTER-RETURN PROGRAM UNLESS:**

1                   **(I) THE CAT IS THE SUBJECT OF A CRUELTY OR NEGLECT**  
2 **INVESTIGATION; OR**

3                   **(II) THE ANIMAL SHELTER HAS CREDIBLE EVIDENCE THAT THE**  
4 **CAT IS SICK, IS VISIBLY INJURED, OR HAS BEEN EXPOSED TO RABIES.**

5                   **(2) IF AN EAR TIPPED CAT IS SEIZED, IMPOUNDED, OR OTHERWISE**  
6 **COMES INTO AN ANIMAL SHELTER'S CUSTODY, THE ANIMAL SHELTER SHALL:**

7                   **(I) IMMEDIATELY NOTIFY ALL REGISTERED ANIMAL RESCUE**  
8 **ORGANIZATIONS SPECIALIZING IN EAR TIPPED CATS;**

9                   **(II) RETURN THE CAT TO THE FIELD; OR**

10                   **(III) ALLOW THE CAT TO BE ADOPTED.**

11 **2-1706.**

12                   **(A) AN ANIMAL SHELTER SHALL INSPECT EVERY ANIMAL TAKEN INTO**  
13 **CUSTODY FOR ALL CURRENTLY ACCEPTABLE METHODS OF IDENTIFICATION WITHIN**  
14 **24 HOURS OF INTAKE, INCLUDING:**

15                   **(1) EAR TIPPING;**

16                   **(2) MICROCHIP;**

17                   **(3) IDENTIFICATION TAGS;**

18                   **(4) TATTOOS;**

19                   **(5) LICENSE; AND**

20                   **(6) ANY OTHER METHOD COMMONLY USED TO ASCERTAIN THE**  
21 **IDENTITY OF THE ANIMAL'S OWNER OR CAREGIVER.**

22                   **(B) (1) AN ANIMAL SHELTER SHALL USE DUE DILIGENCE TO DETERMINE**  
23 **PROOF OF OWNERSHIP AND IDENTITY FOR AN OWNER-SURRENDERED ANIMAL.**

24                   **(2) OWNER-SURRENDERED ANIMALS SHALL BE RECEIVED DURING**  
25 **THE ANIMAL SHELTER'S ORDINARY BUSINESS HOURS OR BY APPOINTMENT.**

26 **2-1707.**

1 AN ANIMAL SHELTER SHALL MAKE REASONABLE EFFORTS TO ACCOMMODATE  
2 A PERSON INTENDING TO ADOPT, FOSTER, OR TRANSFER SHELTERED ANIMALS BY  
3 HAVING HOURS OF OPERATION DURING THE EVENINGS, WEEKENDS, AND HOLIDAYS.

4 **2-1708.**

5 (A) AN ANIMAL SHELTER PERFORMING EUTHANASIA ON ITS PREMISES OR  
6 THROUGH A SEPARATE ENTITY SHALL HAVE A CURRENT WRITTEN POLICY STATING  
7 THE CRITERIA FOR DETERMINING WHICH ANIMALS MAY BE EUTHANIZED AND THE  
8 PROCEDURE FOR EUTHANASIA.

9 (B) (1) AN ANIMAL SHELTER MAY EUTHANIZE A DOG, A CAT, OR ANY  
10 OTHER ANIMAL IF:

11 (I) 1. THERE ARE NO EMPTY CAGES OR OTHER SUITABLE  
12 LIVING SPACE FOR THE ANIMAL AT THE ANIMAL SHELTER OR AT AN ANIMAL RESCUE  
13 ORGANIZATION THAT ACCEPTS ANIMALS FOR THE PURPOSE OF ADOPTION, FOSTER  
14 CARE, OR FERAL CAT MANAGEMENT;

15 2. THERE IS NO REASONABLE ALTERNATIVE AVAILABLE;  
16 AND

17 3. THE ANIMAL SHELTER HAS FULLY COMPLIED WITH  
18 THE HOLDING PERIODS AND IDENTIFICATION PROCEDURES UNDER §§ 2-1705 AND  
19 2-1706 OF THIS SUBTITLE;

20 (II) AN ANIMAL IS SUFFERING IRREMEADIABLY OR A LICENSED  
21 VETERINARIAN DEEMS EUTHANASIA IS MEDICALLY NECESSARY; OR

22 (III) TO PROTECT THE ANIMAL SHELTER'S STAFF OR OTHER  
23 SHELTERED ANIMALS FROM A CONTAGIOUS DISEASE GENERALLY KNOWN TO CAUSE  
24 DEATH OR SERIOUS PERMANENT BODILY INJURY.

25 (2) THE SIGNATURE OF THE ANIMAL SHELTER MANAGER OR OF THE  
26 MANAGER'S DESIGNEE ON AN ANIMAL'S EUTHANASIA RECORD SHALL BE  
27 PRESUMPTIVE EVIDENCE THAT THE CRITERIA IN PARAGRAPH (1)(I) OF THIS  
28 SUBSECTION HAVE BEEN MET.

29 (C) AN ANIMAL SHELTER'S APPROPRIATELY CERTIFIED STAFF MAY  
30 EUTHANIZE AN ANIMAL IF:

31 (1) THE NEED ARISES DURING AN EMERGENCY;

1           **(2) THE NEED ARISES OUTSIDE THE ANIMAL SHELTER’S REGULAR**  
2 **HOURS OF OPERATION; OR**

3           **(3) A LICENSED VETERINARIAN IS NOT AVAILABLE.**

4           **(D) (1) ANIMAL BEHAVIOR TESTING MAY NOT BE USED TO DETERMINE**  
5 **THAT A CAT MAY BE EUTHANIZED.**

6           **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
7 **PARAGRAPH, ANIMAL BEHAVIOR TESTING MAY NOT BE THE SOLE REASON TO**  
8 **DETERMINE THAT A DOG MAY BE EUTHANIZED.**

9           **(II) ANIMAL BEHAVIOR TESTING MAY BE THE SOLE REASON TO**  
10 **DETERMINE THAT A DOG MAY BE EUTHANIZED IF:**

11                   **1. THE DOG HAS BEEN DEEMED “DANGEROUS” UNDER**  
12 **STATE OR LOCAL LAW AND ALL APPEALS HAVE BEEN EXHAUSTED;**

13                   **2. THE DOG HAS A DOCUMENTED HISTORY OF**  
14 **UNPROVOKED BITING BEFORE THE CURRENT IMPOUNDMENT THAT HAS RESULTED**  
15 **IN SEVERE INJURY TO A HUMAN BEING OR ANOTHER ANIMAL; OR**

16                   **3. THE DOG IS A CLEAR AND PRESENT DANGER.**

17           **(E) AN OWNER–SURRENDERED ANIMAL MAY NOT BE EUTHANIZED WITHIN**  
18 **THE FIRST 24 HOURS FROM THE ANIMAL’S INTAKE UNLESS THE ANIMAL IS BEING**  
19 **SURRENDERED FOR:**

20                   **(1) OWNER–REQUESTED EUTHANASIA;**

21                   **(2) IRREMEADIABLE PHYSICAL SUFFERING;**

22                   **(3) MEDICAL NECESSITY; OR**

23                   **(4) BEING A CLEAR AND PRESENT DANGER.**

24 **2–1709.**

25           **(A) AN ANIMAL SHELTER MAY NOT LOAN A HUMANE ANIMAL–CAPTURE**  
26 **TRAP TO THE PUBLIC FOR A LETHAL PURPOSE.**

1 (B) AN ANIMAL SHELTER SHALL REQUIRE AN INDIVIDUAL WHO IS  
2 BORROWING A HUMANE ANIMAL-CAPTURE TRAP TO PROVIDE THE ANIMAL SHELTER  
3 WITH:

4 (1) THE INDIVIDUAL'S PHOTO IDENTIFICATION AND CURRENT  
5 CONTACT INFORMATION; AND

6 (2) THE IDENTIFICATION NUMBER OF THE HUMANE  
7 ANIMAL-CAPTURE TRAP BORROWED.

8 2-1710.

9 (A) AN ANIMAL SHELTER SHALL:

10 (1) MAINTAIN A CURRENT LIST OF ALL ANIMALS REPORTED AS LOST;

11 (2) ATTEMPT TO MATCH LOST ANIMALS WITH THOSE REPORTED TO  
12 HAVE BEEN FOUND AND WITH THOSE IN THE ANIMAL SHELTER'S CUSTODY;

13 (3) USE DUE DILIGENCE, INCLUDING INTERNET-BASED RESOURCES  
14 AND LOST PET SERVICES, TO NOTIFY THE PUBLIC OF ALL STRAY ANIMALS IN ITS  
15 CUSTODY; AND

16 (4) ALLOW ALL SHELTERED ANIMALS TO BE PHOTOGRAPHED WITH  
17 SUFFICIENT DETAIL FOR PURPOSES OF IDENTIFICATION.

18 (B) (1) AN ANIMAL SHELTER SHALL ESTABLISH AND MAINTAIN A LIST OF  
19 ANIMAL RESCUE ORGANIZATIONS THAT ACCEPT ANIMALS FOR THE PURPOSE OF  
20 ADOPTION, FOSTER CARE, OR FERAL CAT MANAGEMENT.

21 (2) THE LIST SHALL INCLUDE:

22 (I) THE SPECIES, TYPES, AND BREEDS OF ANIMALS ABOUT  
23 WHICH THE ORGANIZATION WISHES TO BE CONTACTED; AND

24 (II) ANY OTHER INFORMATION THAT FACILITATES FOSTERING  
25 OR ADOPTING SHELTERED ANIMALS AND MANAGING FERAL CATS.

26 2-1711.

27 (A) (1) AN ANIMAL SHELTER SHALL MAINTAIN RECORDS SPECIFYING  
28 THE FOLLOWING INFORMATION FOR EACH ANIMAL SEIZED, IMPOUNDED, OR  
29 OTHERWISE TAKEN INTO CUSTODY:

1 (I) INTAKE INFORMATION, INCLUDING THE DATE AND  
2 BEHAVIOR OF THE ANIMAL;

3 (II) THE ANIMAL'S SPECIES, GENDER, AND WHETHER THE  
4 ANIMAL IS OVER 4 MONTHS OF AGE;

5 (III) ALL VETERINARY, BEHAVIORAL, AND OTHER CARE  
6 PROVIDED WHILE IN THE ANIMAL SHELTER;

7 (IV) IF THE ANIMAL IS EUTHANIZED, THE REASON FOR  
8 EUTHANASIA AND THE DATE EUTHANIZED;

9 (V) IF THE ANIMAL IS TRANSFERRED TO AN ANIMAL RESCUE  
10 ORGANIZATION OR TO A THIRD PARTY, THE NAME OF THE ORGANIZATION AND DATE  
11 TRANSFERRED;

12 (VI) IF THE ANIMAL IS RECLAIMED BY ITS OWNER, THE DATE  
13 RECLAIMED AND THE INFORMATION OF THE PERSON RECLAIMING THE ANIMAL; AND

14 (VII) ANY INTERNAL ACCESSION, TRACKING, OR OTHER  
15 SERIALIZED NUMBER USED TO IDENTIFY INDIVIDUAL ANIMALS IN THE ANIMAL  
16 SHELTER.

17 (2) ALL RECORDS MAINTAINED UNDER THIS SUBSECTION SHALL BE  
18 MADE AVAILABLE ON REQUEST TO THE PUBLIC:

19 (I) IN THEIR ORIGINAL FORM;

20 (II) IN AN EASILY ACCESSIBLE FORMAT; AND

21 (III) AT A REASONABLE COST TO THE REQUESTOR.

22 (B) (1) AN ANIMAL SHELTER SHALL MAINTAIN ONGOING RECORDS OF:

23 (I) THE NUMBER OF CATS AND DOGS TAKEN IN; AND

24 (II) THE NUMBER OF CATS AND DOGS DISPOSED OF, BROKEN  
25 DOWN BY METHOD OF DISPOSAL, INCLUDING EUTHANASIA.

26 (2) ALL RECORDS MAINTAINED UNDER THIS SUBSECTION SHALL BE  
27 RETAINED FOR A PERIOD OF 3 YEARS.

1           **(3) ALL RECORDS MAINTAINED UNDER THIS SUBSECTION SHALL BE**  
2 **MADE AVAILABLE TO THE PUBLIC:**

3                   **(I) ON THE ANIMAL SHELTER'S WEB SITE; OR**

4                   **(II) IN A CONSPICUOUS LOCATION WITHIN THE ANIMAL**  
5 **SHELTER'S FACILITY.**

6 **2-1712.**

7           **(A) (1) A PERSON WHO VIOLATES § 2-1708 OF THIS SUBTITLE IS GUILTY**  
8 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**  
9 **\$2,500 PER VIOLATION.**

10           **(2) EACH INDIVIDUAL ANIMAL HARMED SHALL BE A SEPARATE**  
11 **VIOLATION.**

12           **(B) (1) A PERSON MAY BRING A CIVIL ACTION FOR MONEY DAMAGES OR**  
13 **TO ENJOIN A VIOLATION OF THIS SUBTITLE.**

14           **(2) THE COURT SHALL ISSUE A PERMANENT INJUNCTION IF THE**  
15 **COURT FINDS THAT AN ACT SOUGHT TO BE ENJOINED IS A VIOLATION OF THIS**  
16 **SUBTITLE OR OF ANY OTHER LAW.**

17           **(3) A CIVIL ACTION UNDER THIS SUBSECTION SHALL BE PROSECUTED**  
18 **BY THE ATTORNEY GENERAL ON BEHALF OF THE DEPARTMENT, A PUBLIC BODY, OR**  
19 **AN OFFICER AUTHORIZED BY LAW.**

20           **(C) UNLESS AN ANIMAL SHELTER IS GROSSLY NEGLIGENT, THE ANIMAL**  
21 **SHELTER SHALL BE IMMUNE FROM ANY CLAIM FOR PERSONAL INJURY OR**  
22 **PROPERTY DAMAGE ARISING FROM AN ADOPTION, A TRANSFER, OR THE FOSTERING**  
23 **OF AN ANIMAL IN THE ANIMAL SHELTER'S CUSTODY, INCLUDING A CLAIM BROUGHT**  
24 **BY A THIRD PARTY.**

25           **(D) IF, IN AN ACTION UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE**  
26 **COURT FINDS THAT A PERSON VIOLATED THIS SUBTITLE, THE COURT SHALL AWARD**  
27 **THE PERSON WHO BROUGHT THE ACTION COURT COSTS AND ATTORNEY'S FEES.**

28           **(E) THE CIRCUIT COURT OF THE COUNTY WHERE THE VIOLATION**  
29 **OCCURRED SHALL HAVE JURISDICTION TO ENFORCE THE PROVISIONS OF THIS**  
30 **SUBTITLE.**

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