

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 443
Judiciary

(Delegate Kramer, *et al.*)

Crimes Relating to Animals - Unauthorized Use of Dogs and Cats in Research
Facilities - Penalties

This bill establishes prohibitions and requirements applicable to “research facilities” in the State that use dogs or cats for “scientific research purposes.”

A “research facility” includes a higher education research facility, a scientific research facility, and a medical research facility. “Scientific research purposes” includes investigation, experimentation, instruction, and testing.

Fiscal Summary

State Effect: The bill’s penalty provisions are not expected to materially affect State finances. The Office of the Attorney General can handle the bill’s requirements with existing resources.

Local Effect: The bill’s penalty provisions are not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Bill Summary: A research facility in which dogs or cats are used for research purposes may not knowingly use for scientific research purposes (1) a dog sold by a Class B dealer licensed under the federal Animal Welfare Act (AWA); (2) a dog or cat obtained from random sources, including auctions, flea markets, and animal shelters; or (3) a dog or cat that has undergone a devocalization surgery. The prohibition, however, may not be

construed as prohibiting the use of a dog or cat for research purposes if the dog or cat was obtained by the research facility on or before January 1, 2015.

To reduce to a minimum the number of dogs and cats used for scientific research purposes, a facility must use scientifically reliable and relevant methods that do not involve the use of dogs or cats to the extent possible and in a manner that does not compromise the objectives of the research.

A dog or cat at a research facility may be euthanized only by a lethal injection of sodium pentobarbital administered by, or under the direct supervision of, a veterinarian licensed in the State.

An operator, employee, or agent of a research facility who violates the bill's prohibitions on the use of dogs or cats obtained from specified sources or the bill's euthanization provision is guilty of a misdemeanor and is subject to a fine of up to \$1,000 for a first offense and a fine of up to \$5,000 for a second or subsequent offense.

The Attorney General must investigate alleged violations of the bill and may prosecute violations.

Current Law/Background:

Animal Welfare Act

Under AWA, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) regulates commercial animal dealers, exhibitors (circuses, zoos, etc.), research facilities, and commercial businesses that transport animals. Research facilities that use or intend to use live animals in research, tests, or experiments must be licensed and registered with USDA and are inspected by APHIS at least once per year. A facility must also appoint an Institutional Animal Care and Use Committee (IACUC), consisting of at least (1) a chairman; (2) a veterinarian who has program responsibility for activities involving animals at the research facility; and (3) a member who is not in any way affiliated with the facility and not an immediate family member of a person who is affiliated with the facility. IACUC is responsible for reviewing the facility's program for humane care and use of animals and inspecting the research facility's animal facilities every six months, along with various other responsibilities.

With regard to regulation of commercial animal dealers, AWA regulations establish two classes of licensed dealers – Class A and Class B dealers. A Class A dealer's business consists only of animals that are bred and raised on the premises in a closed or stable colony and animals acquired for the sole purpose of maintaining or enhancing the breeding colony. A Class B dealer's business consists of the purchase and/or resale of any animal.

A Humane Society of the United States fact sheet on Class B dealers cites concerns about the origin of the animals sold for research by Class B dealers and the level of care provided for the animals. According to the fact sheet, there are very few Class B dealers, and only a small percentage of animals used in research are obtained from Class B dealers.

Additional Information

Prior Introductions: HB 1347 of 2014, a similar bill, received an unfavorable report from the House Environmental Matters Committee. Its cross filed, SB 862, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Maryland State Commission on Criminal Sentencing Policy, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), University System of Maryland, Humane Society of the United States, Department of Legislative Services

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md/kdm

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