

Chapter 267

(House Bill 494)

AN ACT concerning

**Agriculture – Animal Shelters – Uniform Standards of Operation and Care
(Animal Shelters Standards Act of 2016)**

FOR the purpose of requiring an animal shelter to ~~develop and make reasonable efforts to adhere to~~ establish a certain written veterinary care protocol on or before a certain date; establishing certain requirements for the written veterinary protocol; ~~requiring an animal shelter to meet certain veterinary care requirements; requiring an animal shelter to maintain certain holding periods for certain stray animals; requiring an animal shelter to take certain steps to determine the identity of an animal in its custody; requiring an animal shelter to make certain efforts to accommodate a person intending to adopt, foster, reclaim, or transfer sheltered animals; specifying certain euthanasia requirements and protocol for an animal shelter; prohibiting an animal shelter from knowingly loaning a humane animal capture trap to the public for a lethal purpose; requiring an animal shelter to obtain certain information from an individual borrowing a humane animal capture trap; requiring an animal shelter to take certain actions for animals reported as lost;~~ authorizing an animal shelter to disregard a certain written veterinary care protocol under certain circumstances; requiring an animal shelter to make a certain written veterinary care protocol available to the public and the Department of Agriculture on request; requiring an animal shelter to establish and make available to the public in a certain manner a certain written protocol for reclaiming lost animals and an annual summary of certain intake and disposition data on or before a certain date; requiring an animal shelter to establish, maintain, and report to the Department of Agriculture in a certain manner a certain list of certain organizations that accept animals for adoption or foster care; requiring an animal shelter to maintain and submit to the Department certain records in a certain manner; requiring an animal shelter to make the records maintained under this Act available to the public in a certain manner; requiring the Department to annually report to the Governor and the General Assembly; making a person who violates certain provisions of this Act guilty of a misdemeanor and subject to a certain fine; authorizing a person to bring a certain civil action; requiring the court to issue a permanent injunction if the court makes a certain finding; providing immunity for an animal shelter under certain circumstances; awarding court costs and attorney's fees to a person who brings a successful action; stating that the circuit court of the county where the violation occurred has jurisdiction to enforce the provisions of this Act; stating that, notwithstanding certain provisions of law, the Department is not required to enforce the requirements of this Act; making a person who violates this Act subject to a certain civil penalty; specifying that certain criminal penalties do not apply to this Act; defining a certain ~~terms~~ term; stating the intent and findings of the General Assembly; and generally relating to animal shelters.

BY adding to

Article – Agriculture

Section ~~2-1712~~ 2-1705 to be under the new subtitle “Subtitle 17.
Animal Shelters”

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 12-101 through 12-103

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 12-104

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

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

Article – Agriculture

SUBTITLE 17. ANIMAL SHELTERS.

2-1701.

~~(A)~~ **IN THIS SUBTITLE ~~THE FOLLOWING WORDS HAVE THE MEANINGS,~~
“ANIMAL SHELTER” MEANS:**

(1) A COUNTY OR MUNICIPAL ANIMAL CONTROL FACILITY;

**(2) AN ORGANIZATION THAT CONTRACTS WITH A COUNTY OR
MUNICIPALITY FOR ANIMAL CONTROL; OR**

**(3) AN ORGANIZATION THAT SHELTERS ANIMALS AND HAS RECEIVED
A GRANT FROM THE SPAY/NEUTER FUND UNDER SUBTITLE 16 OF THIS TITLE
DURING THE PREVIOUS YEAR. ~~INDICATED.~~**

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

~~(i) WHOSE PRIMARY MISSION INVOLVES ANIMAL WELFARE;~~

~~AND~~

~~(H) THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.~~

~~(2) “ANIMAL RESCUE ORGANIZATION” INCLUDES:~~

~~(I) AN ANIMAL ADOPTION ORGANIZATION; AND~~

~~(H) AN ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS.~~

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

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

~~(2) IS OWNED, OPERATED, OR MAINTAINED BY A GOVERNMENTAL ENTITY OR AN ENTITY HAVING A CONTRACT FOR ANIMAL SHELTERING, CARE, OR CONTROL WITH A GOVERNMENTAL ENTITY.~~

~~(D) “GRAVE PHYSICAL SUFFERING” MEANS A CONDITION REFLECTING A POOR PROGNOSIS FOR AN ANIMAL TO BE ABLE TO LIVE WITHOUT SEVERE UNREMITTING PAIN.~~

~~(E) “LICENSED VETERINARIAN” MEANS A VETERINARIAN LICENSED TO PRACTICE VETERINARY MEDICINE IN THE STATE.~~

2-1702.

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

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

2-1703.

(A) ~~AN~~ ON OR BEFORE JANUARY 1, 2017, AN ANIMAL SHELTER SHALL ~~DEVELOP AND MAKE REASONABLE EFFORTS TO ADHERE TO~~ ESTABLISH A WRITTEN VETERINARY CARE PROTOCOL FOR DOGS AND CATS THAT IS CONSISTENT WITH GUIDELINES SET FORTH IN THE MOST RECENT ASSOCIATION OF SHELTER VETERINARIANS’ GUIDELINES FOR STANDARDS OF CARE IN ANIMAL SHELTERS WITH RESPECT TO:

- (1) BASIC CARE;
- (2) SANITATION;
- (3) POPULATION MANAGEMENT;
- (4) DISEASE CONTROL AND PREVENTION;
- (5) BEHAVIORAL HEALTH AND MENTAL WELL-BEING; AND
- (6) EUTHANASIA.

(B) THE WRITTEN VETERINARY CARE PROTOCOL SHALL INCLUDE:

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

(2) A PLAN FOR:

- (I) QUALITY OF LIFE ENRICHMENT;
- (II) VETERINARY CARE;
- (III) PREVENTION AND CONTROL OF CONTAGIOUS AND OTHER DISEASES; AND
- (IV) ANY OTHER HEALTH AND ENVIRONMENTAL FACTORS THAT MATERIALLY AFFECT ~~IMPOUNDED ANIMALS' AND SHELTERED ANIMALS'~~ SHELTERED DOGS' AND CATS' HEALTH, SAFETY, AND WELL-BEING.

(C) AN ANIMAL SHELTER MAY DISREGARD ITS WRITTEN VETERINARY CARE PROTOCOL FOR A DOG OR CAT THAT IS DEEMED TO BE TOO VICIOUS OR DANGEROUS TO PERMIT SAFE HANDLING.

(D) AN ANIMAL SHELTER SHALL UPDATE ITS WRITTEN VETERINARY CARE PROTOCOL AS NECESSARY TO REASONABLY ACCOMMODATE ANY SUBSEQUENT UPDATES TO THE ASSOCIATION OF SHELTER VETERINARIANS' GUIDELINES FOR STANDARDS OF CARE IN ANIMAL SHELTERS.

(E) ON REQUEST, AN ANIMAL SHELTER SHALL MAKE ITS WRITTEN VETERINARY CARE PROTOCOL AVAILABLE TO THE PUBLIC AND THE DEPARTMENT.

~~2-1704.~~

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

~~2-1705.~~

~~(A) THIS SECTION DOES NOT APPLY TO:~~

~~(1) HOLDING AN OWNER SURRENDERED ANIMAL; OR~~

~~(2) HOLDING AN ANIMAL THAT IS BEING RECLAIMED BY THE ANIMAL'S OWNER OR CAREGIVER.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ANIMAL SHELTER SHALL HOLD STRAY ANIMALS IN ITS CARE FOR A MINIMUM HOLDING PERIOD OF 72 HOURS FROM INTAKE, NOT INCLUDING DAYS THE ANIMAL SHELTER IS CLOSED TO THE PUBLIC.~~

~~(2) AN ANIMAL SHELTER MAY PLACE AT ANY TIME STRAY ANIMALS IN ITS CARE THAT ARE UNDER 12 WEEKS OLD IN FOSTER CARE OR WITH AN ANIMAL RESCUE ORGANIZATION.~~

~~(C) IF AN ANIMAL IS NOT RECLAIMED WITHIN THE ANIMAL SHELTER'S HOLDING PERIOD, THE ANIMAL SHELTER MAY:~~

~~(1) ALLOW THE ANIMAL TO BE ADOPTED; OR~~

~~(2) TRANSFER THE ANIMAL TO ANOTHER ANIMAL SHELTER OR ANIMAL RESCUE ORGANIZATION.~~

~~2-1706.~~

~~(A) (1) AN ANIMAL SHELTER SHALL INSPECT EVERY ANIMAL TAKEN INTO CUSTODY FOR ALL CURRENTLY ACCEPTABLE METHODS OF IDENTIFICATION WITHIN 24 HOURS OF INTAKE, INCLUDING:~~

~~(I) MICROCHIPS;~~

~~(II) IDENTIFICATION TAGS;~~

~~(III) TATTOOS;~~

~~(IV) LICENSES; AND~~~~(V) ANY OTHER METHOD COMMONLY USED TO ASCERTAIN THE IDENTITY OF THE ANIMAL'S OWNER OR CAREGIVER.~~~~(2) IF AN ANIMAL SHELTER DETERMINES THE IDENTITY OF AN ANIMAL TAKEN INTO CUSTODY, THE SHELTER SHALL MAKE REASONABLE ATTEMPTS TO NOTIFY THE OWNER WITHIN 24 HOURS AFTER INTAKE.~~~~(B) (1) AN ANIMAL SHELTER SHALL USE DUE DILIGENCE TO DETERMINE PROOF OF OWNERSHIP AND IDENTITY FOR AN OWNER SURRENDERED ANIMAL.~~~~(2) OWNER SURRENDERED ANIMALS SHALL BE RECEIVED DURING THE ANIMAL SHELTER'S ORDINARY BUSINESS HOURS OR BY APPOINTMENT.~~~~2-1707.~~~~AN ANIMAL SHELTER SHALL MAKE REASONABLE EFFORTS TO ACCOMMODATE A PERSON INTENDING TO ADOPT, FOSTER, RECLAIM, OR TRANSFER SHELTERED ANIMALS BY HAVING HOURS OF OPERATION DURING THE EVENINGS AND WEEKENDS.~~~~2-1708.~~~~(A) SUBJECT TO § 2-1703 OF THIS SUBTITLE, AN ANIMAL SHELTER PERFORMING EUTHANASIA ON THE PREMISES OF THE ANIMAL SHELTER OR THROUGH A SEPARATE ENTITY SHALL HAVE A CURRENT WRITTEN PROTOCOL STATING THE CRITERIA FOR DETERMINING WHICH ANIMALS MAY BE EUTHANIZED AND THE PROCEDURE FOR EUTHANASIA.~~~~(B) (1) AN ANIMAL SHELTER MAY EUTHANIZE A DOG, A CAT, OR ANY OTHER ANIMAL UNDER THE FOLLOWING CIRCUMSTANCES:~~~~(i) 1. THERE ARE NO EMPTY CAGES OR OTHER APPROPRIATE LIVING SPACE FOR THE ANIMAL AT THE ANIMAL SHELTER;~~~~2. THERE ARE NO ANIMAL RESCUE ORGANIZATIONS APPROVED BY THE ANIMAL SHELTER UNDER § 2-1710(B) OF THIS SUBTITLE THAT ARE WILLING OR ABLE TO ACCEPT THE ANIMAL;~~~~3. THERE IS NO REASONABLE ALTERNATIVE AVAILABLE;~~~~AND~~

~~4. THE ANIMAL SHELTER HAS FULLY COMPLIED WITH THE HOLDING PERIODS AND IDENTIFICATION PROCEDURES UNDER §§ 2-1705 AND 2-1706 OF THIS SUBTITLE;~~

~~(H) AN ANIMAL IS SUFFERING GRAVELY OR A LICENSED VETERINARIAN DEEMS EUTHANASIA IS MEDICALLY NECESSARY; OR~~

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

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

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

~~(1) THE NEED ARISES DURING AN EMERGENCY;~~

~~(2) THE NEED ARISES OUTSIDE THE ANIMAL SHELTER'S REGULAR HOURS OF OPERATION; OR~~

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

~~(D) (1) ANIMAL BEHAVIOR TESTING MAY NOT BE THE SOLE REASON USED TO DETERMINE THAT A CAT MAY BE EUTHANIZED.~~

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

~~(H) ANIMAL BEHAVIOR TESTING MAY BE THE SOLE REASON TO DETERMINE THAT A DOG MAY BE EUTHANIZED IF:~~

~~1. THE DOG HAS BEEN DEEMED "DANGEROUS" UNDER STATE OR LOCAL LAW AND ALL APPEALS HAVE BEEN EXHAUSTED;~~

~~2. THE DOG HAS A HISTORY OF UNPROVOKED BITING THAT HAS RESULTED IN INJURY TO A HUMAN BEING OR ANOTHER ANIMAL; OR~~

~~3. THE DOG IS A CLEAR AND PRESENT DANGER.~~

~~(E) AN OWNER SURRENDERED ANIMAL MAY NOT BE EUTHANIZED WITHIN THE FIRST 24 HOURS FROM THE ANIMAL'S INTAKE UNLESS THE ANIMAL IS BEING SURRENDERED FOR OR IN THE EVENT OF:~~

- ~~(1) OWNER REQUESTED EUTHANASIA;~~
- ~~(2) GRAVE PHYSICAL SUFFERING;~~
- ~~(3) MEDICAL NECESSITY; OR~~
- ~~(4) BEING A CLEAR AND PRESENT DANGER.~~

~~2-1709.~~

~~(A) AN ANIMAL SHELTER MAY NOT KNOWINGLY LOAN A HUMANE ANIMAL CAPTURE TRAP TO THE PUBLIC FOR A LETHAL PURPOSE.~~

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

- ~~(1) THE INDIVIDUAL'S PHOTO IDENTIFICATION AND CURRENT CONTACT INFORMATION; AND~~
- ~~(2) THE IDENTIFICATION NUMBER OF THE HUMANE ANIMAL CAPTURE TRAP BORROWED.~~

~~2-1710.~~

~~(A) AN ANIMAL SHELTER SHALL:~~

- ~~(1) MAINTAIN A CURRENT LIST OF ALL ANIMALS REPORTED AS LOST;~~
- ~~(2) ATTEMPT TO MATCH LOST ANIMALS WITH THOSE REPORTED TO HAVE BEEN FOUND AND WITH THOSE IN THE ANIMAL SHELTER'S CUSTODY;~~
- ~~(3) USE DUE DILIGENCE, INCLUDING INTERNET-BASED RESOURCES, TO NOTIFY THE PUBLIC OF ALL STRAY ANIMALS IN THE CUSTODY OF THE ANIMAL SHELTER;~~
- ~~(4) ALLOW ALL ANIMALS IN THE CUSTODY OF THE ANIMAL SHELTER TO BE PHOTOGRAPHED WITH SUFFICIENT DETAIL FOR PURPOSES OF IDENTIFICATION, NOT INCLUDING ANIMALS THAT ARE BEING:~~

~~(I) HELD FOR CRIMINAL OR DOMESTIC VIOLENCE INVESTIGATIONS;~~

~~(II) HELD FOR OWNER REQUESTED EUTHANASIA; AND~~

~~(III) RETURNED TO THE ANIMAL'S OWNER; AND~~

~~(5) ESTABLISH~~

2-1704.

ON OR BEFORE JANUARY 1, 2017, AN ANIMAL SHELTER SHALL ESTABLISH AND MAKE AVAILABLE TO THE PUBLIC ON THE ANIMAL SHELTER'S WEB SITE OR IN A CONSPICUOUS LOCATION WITHIN THE ANIMAL SHELTER'S FACILITY A:

(1) A WRITTEN PROTOCOL FOR RECLAIMING ANIMALS FROM THE ANIMAL SHELTER THAT INCLUDES:

(I) THE MINIMUM HOLDING PERIOD FOR STRAY ANIMALS;

(II) THE HOURS OF OPERATION DURING WHICH AN ANIMAL MAY BE RECLAIMED BY THE ANIMAL'S OWNER OR CAREGIVER;

(III) THE FEES ASSOCIATED WITH RECLAIMING AN ANIMAL; AND

(IV) ANY IDENTIFICATION OR DOCUMENTATION THAT MUST BE PROVIDED TO THE ANIMAL SHELTER BEFORE AN ANIMAL MAY BE RECLAIMED; AND

(2) AN ANNUAL SUMMARY OF INTAKE AND DISPOSITION DATA REPORTED TO THE DEPARTMENT IN ACCORDANCE WITH § 2-1602 OF THIS TITLE.

2-1705.

(A) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500.

(B) THE CRIMINAL PENALTIES UNDER TITLE 12, SUBTITLE 1 OF THIS ARTICLE DO NOT APPLY TO THIS SUBTITLE.

~~(B) (1) AN ANIMAL SHELTER SHALL ESTABLISH, MAINTAIN, AND REPORT TO THE DEPARTMENT AT A FREQUENCY AND IN A MANNER REQUIRED BY THE DEPARTMENT A LIST OF ANIMAL RESCUE ORGANIZATIONS APPROVED BY THE ANIMAL SHELTER TO ACCEPT ANIMALS FOR THE PURPOSE OF ADOPTION OR FOSTER CARE.~~

~~(2) THE LIST SHALL INCLUDE:~~

~~(i) THE SPECIES, TYPES, AND BREEDS OF ANIMALS ABOUT WHICH THE ORGANIZATION WISHES TO BE CONTACTED; AND~~

~~(ii) ANY OTHER INFORMATION THAT FACILITATES FOSTERING OR ADOPTING SHELTERED ANIMALS.~~

~~2-1711.~~

~~(A) (1) AN ANIMAL SHELTER SHALL MAINTAIN AND SUBMIT TO THE DEPARTMENT, AT A FREQUENCY AND IN A MANNER DETERMINED BY THE DEPARTMENT, RECORDS SPECIFYING THE FOLLOWING INFORMATION FOR EACH ANIMAL SEIZED, IMPOUNDED, OR OTHERWISE TAKEN INTO CUSTODY:~~

~~(i) INTAKE INFORMATION, INCLUDING THE DATE AND LOCATION OF WHEN AND WHERE THE ANIMAL WAS FOUND;~~

~~(ii) THE ANIMAL'S SPECIES AND GENDER AND WHETHER THE ANIMAL IS OVER 12 WEEKS OF AGE;~~

~~(iii) ALL SIGNIFICANT VETERINARY, BEHAVIORAL, AND OTHER CARE PROVIDED WHILE IN THE ANIMAL SHELTER;~~

~~(iv) IF THE ANIMAL IS EUTHANIZED, THE REASON FOR EUTHANASIA AND THE DATE EUTHANIZED;~~

~~(v) IF THE ANIMAL IS TRANSFERRED TO AN ANIMAL RESCUE ORGANIZATION OR TO A THIRD PARTY, THE NAME OF THE ORGANIZATION AND DATE TRANSFERRED;~~

~~(vi) IF THE ANIMAL IS RECLAIMED BY ITS OWNER, THE DATE RECLAIMED AND THE INFORMATION OF THE PERSON RECLAIMING THE ANIMAL; AND~~

~~(vii) ANY INTERNAL ACCESSION, TRACKING, OR OTHER SERIALIZED NUMBER USED TO IDENTIFY INDIVIDUAL ANIMALS IN THE ANIMAL SHELTER.~~

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

~~(i) IN THEIR ORIGINAL FORM;~~

~~(II) IN AN EASILY ACCESSIBLE FORMAT; AND~~

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

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

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

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

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

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

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

~~(II) IN A CONSPICUOUS LOCATION WITHIN THE ANIMAL SHELTER'S FACILITY.~~

~~(C) (1) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THAT SUMMARIZES THE INFORMATION REPORTED TO THE DEPARTMENT BY AN ANIMAL SHELTER UNDER § 2-1710(B) OF THIS SUBTITLE AND SUBSECTION (A)(1) OF THIS SECTION.~~

~~(2) THE DEPARTMENT MAY PREPARE AND SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN CONJUNCTION WITH THE REPORT REQUIRED UNDER § 2-1602(I) OF THIS TITLE.~~

~~2-1712.~~

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

~~(2) EACH INDIVIDUAL ANIMAL HARMED SHALL BE A SEPARATE VIOLATION.~~

~~(3) A CRIMINAL ACTION FOR VIOLATION OF § 2-1708 OF THIS SUBTITLE SHALL BE PROSECUTED BY THE STATE'S ATTORNEY OF THE COUNTY IN WHICH THE VIOLATION OCCURRED.~~

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

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

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

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

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

~~(F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING TO THE EXERCISE OF THE DEPARTMENT'S ENFORCEMENT AUTHORITY, THE DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS SUBTITLE.~~

12-101.

Any person who violates any provision of this article is guilty of a misdemeanor. Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12-102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12-103.

In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12-101 and 12-102 of this subtitle.

12-104.

This title does not apply to a violation of:

- (1) Title 1, Subtitle 3 of this article; AND**
- (2) TITLE 2, SUBTITLE 17 OF THIS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 26, 2016.