

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 494

(Delegate Miele, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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

This bill requires an animal shelter to establish and make publicly available by January 1, 2017 (1) a veterinary care protocol; (2) a protocol for reclaiming animals from the animal shelter; and (3) an annual summary of intake and disposition data. The bill establishes a civil penalty for violations of the bill's provisions.

Fiscal Summary

State Effect: None. The bill is expected to be enforced by the Maryland Department of Agriculture (MDA) with existing resources. Revenues are not materially affected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: Minimal or none.

Analysis

Bill Summary:

Animal Shelter – Defined

“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 during the previous year.

Veterinary Care Protocol

By January 1, 2017, an animal shelter must establish a specified written veterinary care protocol for dogs and cats that addresses sheltered dogs' and cats' health, safety, and well-being. The protocol must be consistent with guidelines set forth in the most recent Association of Shelter Veterinarian's (ASV) Guidelines for Standards of Care in Animal Shelters with respect to basic care, sanitation, population management, disease control and prevention, behavioral health and mental well-being, and euthanasia. The protocol must also be updated as necessary to reasonably accommodate any subsequent updates to the guidelines and must be made available to the public and MDA on request. 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.

Protocol for Reclaiming Animals and Intake and Disposition Data

By January 1, 2017, an animal shelter must establish and make available to the public on the animal shelter's website or in a conspicuous location within the animal shelter's facility (1) a specified written protocol for reclaiming animals from the animal shelter and (2) an annual summary of intake and disposition data reported to MDA under an existing reporting requirement under provisions governing the Spay/Neuter Fund.

Penalty

A person who violates the bill's provisions is subject to a civil penalty of not more than \$500.

Current Law: The State Board of Veterinary Medical Examiners (SBVME), in addition to licensing and registering veterinarians, licensing and inspecting veterinary hospitals, and registering veterinary technicians, also licenses animal control facilities to allow them to administer drugs needed to sedate, euthanize, or sedate and euthanize animals. "Animal control facility" is defined as a humane society or a county or municipal designated animal shelter. SBVME regulations, among other things, require registration with the Department of Health and Mental Hygiene and the federal Drug Enforcement Administration before purchasing controlled dangerous substances, training on topics including humane methods of euthanasia, specified quality control, and maintenance of records of all animal control activities that involve the use of drugs.

Under State criminal law, an "animal control unit" must dispose of an unclaimed dog or cat only by (1) placing the animal in a suitable home; (2) retaining the animal in the animal control unit; or (3) humanely destroying the animal. A domestic animal impounded by an animal control unit may not be sold, placed, or destroyed until it has been carefully inspected for a tag, tattoo, or other identification to ascertain the owner and (1) 72 hours

have elapsed after notice has been given to the owner; (2) if the owner cannot be notified, 72 hours have elapsed after the animal is impounded; (3) the animal is seriously diseased or severely injured; or (4) the animal is under three months of age. Violations of these provisions are subject to a fine of up to \$500. “Animal control unit” is defined as a local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

Under provisions governing the Spay/Neuter Fund within MDA, each county and municipal animal control shelter and each organization that contracts with a county or municipality for animal control must report to MDA quarterly on (1) the number of cats and dogs taken in; (2) the number of cats and dogs disposed of, broken down by method of disposal, including euthanasia; and (3) any other relevant data the department requires. MDA must submit an annual report to the Governor and General Assembly that includes, among other things, a summary of the information reported to the department by animal control shelters and organizations that contract with local governments for animal control. The Spay/Neuter Fund finances selected competitive grant proposals submitted by a local government or an animal welfare organization to facilitate and promote the provision of spay and neuter services for cats and dogs.

Background: ASV is an international organization that has a mission of advancing and supporting the practice of shelter medicine in order to improve community animal health and well-being. ASV’s Guidelines for Standards of Care in Animal Shelters referenced in the bill are intended to serve as a source of evidence-based information and support for organizations seeking to provide the most humane care possible for animals. Background information in the guidelines (which were published in 2010) indicates that the care of animals in shelters is not standardized or regulated at the national level and regulations are inconsistent and often inadequately monitored at the state and local levels. The guidelines are based on the Five Freedoms for Animal Welfare created in 1965 in the United Kingdom: (1) freedom from hunger and thirst; (2) freedom from discomfort; (3) freedom from pain, injury, or disease; (4) freedom to express normal behavior; and (5) freedom from fear and distress.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Judiciary (Administrative Office of the Courts; Montgomery County; Baltimore City; Maryland Association of

Counties; cities of Frederick and Havre de Grace; State's Attorneys' Association;
Professional Animal Workers of Maryland, Inc.; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2016
md/lgc Revised - House Third Reader - March 25, 2016

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