

HOUSE BILL 216

D3, M4

(7lr0529)

ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Delegates Lam, Afzali, Barve, Chang, Ebersole, Glass, Grammer, Hill, Hixson, Jameson, Kaiser, Krebs, Krimm, Luedtke, McDonough, A. Miller, Morhaim, Patterson, Stein, Waldstreicher, B. Wilson, and K. Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Emergency Veterinary Care – Immunity From Liability**

3 FOR the purpose of providing that certain prohibitions relating to the practice of veterinary
4 medicine do not apply to certain acts or omissions for which a person may not be held
5 civilly liable; providing immunity from civil liability for a certain person providing
6 veterinary aid, care, or assistance to an animal under certain circumstances; making
7 certain stylistic changes; and generally relating to liability for acts or omissions in
8 giving emergency veterinary care.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 2–313(a) and 2–314
12 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 (2016 Replacement Volume)

2 BY repealing

3 Article – Courts and Judicial Proceedings

4 Section 5–614

5 Annotated Code of Maryland

6 (2013 Replacement Volume and 2016 Supplement)

7 BY adding to

8 Article – Courts and Judicial Proceedings

9 Section 5–614

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2016 Supplement)

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

14 **Article – Agriculture**

15 2–313.

16 (a) **(1) THIS SUBSECTION DOES NOT APPLY TO AN ACT OR OMISSION IN**
17 **GIVING EMERGENCY VETERINARY AID, CARE, OR ASSISTANCE FOR WHICH A PERSON**
18 **MAY NOT BE HELD CIVILLY LIABLE UNDER § 5–614 OF THE COURTS ARTICLE.**

19 **(2) A person may not:**

20 **[(1)] (I) Practice veterinary medicine unless [he] THE PERSON is**
21 **licensed, registered, and authorized to engage in the practice under the provisions of this**
22 **subtitle;**

23 **[(2)] (II) Practice veterinary medicine under a name other than the one**
24 **on [his] THE PERSON’S license and registration, or induce any person to so practice in**
25 **violation of this subtitle;**

26 **[(3)] (III) Practice veterinary medicine unless [his] THE PERSON’S license**
27 **and registration are displayed in [his] THE PERSON’S regularly established office and**
28 **place of practice;**

29 **[(4)] (IV) Own, maintain, conduct, operate, or manage a veterinary office,**
30 **veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital, unless [(i)**
31 **he]:**

32 **1. THE PERSON is a licensed veterinarian[.]; or[(ii) the]**

1 **2. THE** office or hospital is under the direct supervision and
2 control of a licensed and registered veterinarian and a licensed or registered veterinarian
3 is employed in the office or hospital;

4 **[(5)] (V)** Advertise any veterinary office, veterinary dental office,
5 veterinary hospital, or a dog, cat, or animal hospital except in accordance with the rules
6 and regulations of the Board;

7 **[(6)] (VI)** Except as provided in subsections (b) and (c) of this section,
8 practice veterinary medicine and sell or dispense any medication, which is not in the
9 original manufacturer's container;

10 **[(7)] (VII)** Advertise as a Board registered veterinary technician unless
11 registered with the Board as required by this subtitle; or

12 **[(8)] (VIII)** Practice as a veterinary technician unless employed by a
13 veterinary practitioner.

14 2-314.

15 A person licensed by the State of Maryland to provide veterinary care [or], a student
16 of veterinary medicine who works under the responsible direct supervision of a veterinary
17 practitioner as defined by § 2-301(c) of this subtitle [who, for no fee or compensation,
18 renders veterinary aid, care, or assistance in an emergency situation in which the owner or
19 custodian of the animal is not available to grant permission], **OR A VETERINARY**
20 **TECHNICIAN REGISTERED BY THE STATE UNDER § 2-309 OF THIS SUBTITLE** shall
21 have the immunity from liability described under § 5-614 of the Courts and Judicial
22 Proceedings Article.

23 **Article – Courts and Judicial Proceedings**

24 [5-614.

25 A person licensed by the State to provide veterinary care or a student of veterinary
26 medicine who works under the responsible direct supervision of a veterinary practitioner
27 as defined by § 2-301(c) of the Agriculture Article who, for no fee or compensation, renders
28 veterinary aid, care, or assistance in an emergency situation in which the owner or
29 custodian of the animal is not available to grant permission, is not liable for any civil
30 damages as the result of any professional act or omission by the person not amounting to
31 gross negligence.]

32 **5-614.**

33 **(A) THIS SECTION APPLIES TO:**

1 (1) AN INDIVIDUAL LICENSED BY THE STATE TO PROVIDE
2 VETERINARY CARE, A STUDENT OF VETERINARY MEDICINE WHO WORKS UNDER THE
3 RESPONSIBLE DIRECT SUPERVISION OF A VETERINARY PRACTITIONER AS DEFINED
4 BY § 2-301(C) OF THE AGRICULTURE ARTICLE, OR A VETERINARY TECHNICIAN
5 REGISTERED BY THE STATE UNDER § 2-309 OF THE AGRICULTURE ARTICLE;

6 (2) AN INDIVIDUAL WHO IS LICENSED BY THIS STATE TO PROVIDE
7 MEDICAL CARE;

8 (3) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER
9 FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT
10 AGENCY, OR A CORPORATE FIRE DEPARTMENT;

11 (4) A VOLUNTEER FIRE DEPARTMENT OR AMBULANCE AND RESCUE
12 SQUAD WHOSE MEMBERS HAVE IMMUNITY; ~~AND~~

13 (5) A CORPORATION WHEN ITS FIRE DEPARTMENT PERSONNEL ARE
14 IMMUNE UNDER ITEM ~~(2)~~ (3) OF THIS SUBSECTION; AND

15 (6) AN INDIVIDUAL EMPLOYED OR DESIGNATED BY A LOCAL
16 GOVERNMENT AS AN ANIMAL CONTROL OFFICER WHILE RESPONDING IN THE
17 INDIVIDUAL'S OFFICIAL CAPACITY TO A CALL IN THE COMMUNITY.

18 (B) A PERSON IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN GIVING
19 ANY VETERINARY AID, CARE, OR ASSISTANCE TO AN ANIMAL WHERE THE OWNER OR
20 CUSTODIAN OF THE ANIMAL IS NOT AVAILABLE TO GRANT PERMISSION IF:

21 (1) THE ACT OR OMISSION IS NOT ONE OF GROSS NEGLIGENCE;

22 (2) THE VETERINARY AID, CARE, OR ASSISTANCE IS PROVIDED
23 WITHOUT FEE OR OTHER COMPENSATION FROM THE OWNER OR CUSTODIAN OF THE
24 ANIMAL; AND

25 (3) THE VETERINARY AID, CARE, OR ASSISTANCE IS PROVIDED:

26 (i) AT THE SCENE OF AN EMERGENCY;

27 (ii) IN TRANSIT TO A VETERINARY FACILITY; OR

28 (iii) THROUGH COMMUNICATIONS WITH LICENSED VETERINARY
29 PERSONNEL PROVIDING EMERGENCY VETERINARY ASSISTANCE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.