

SENATE BILL 269

D3, M4

7lr0712
CF HB 216

By: **Senators Lee, Astle, Benson, Conway, Feldman, Guzzone, Hershey, Kagan, Kelley, King, Madaleno, Mathias, Muse, Ready, Rosapepe, Salling, Smith, and Young**

Introduced and read first time: January 20, 2017

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2017

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
13 (2016 Replacement Volume)

14 BY repealing
15 Article – Courts and Judicial Proceedings
16 Section 5–614
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2016 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings

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.



1 Section 5–614
2 Annotated Code of Maryland
3 (2013 Replacement Volume and 2016 Supplement)

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

6 **Article – Agriculture**

7 2–313.

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

11 (2) A person may not:

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

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

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

21 [(4)] (IV) Own, maintain, conduct, operate, or manage a veterinary office,
22 veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital, unless [(i)
23 he]:

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

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

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

31 [(6)] (VI) Except as provided in subsections (b) and (c) of this section,
32 practice veterinary medicine and sell or dispense any medication, which is not in the
33 original manufacturer’s container;

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

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

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

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

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

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

15 **(2) THE VETERINARY AID, CARE, OR ASSISTANCE IS PROVIDED**
16 **WITHOUT FEE OR OTHER COMPENSATION FROM THE OWNER OR CUSTODIAN OF THE**
17 **ANIMAL; AND**

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

19 **(i) AT THE SCENE OF AN EMERGENCY;**

20 **(ii) IN TRANSIT TO A VETERINARY FACILITY; OR**

21 **(iii) THROUGH COMMUNICATIONS WITH LICENSED VETERINARY**
22 **PERSONNEL PROVIDING EMERGENCY VETERINARY ASSISTANCE.**

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