

Chapter 417

(House Bill 1463)

AN ACT concerning

Veterinary Practitioners – Animal Cruelty and Animal Fighting – Reporting

FOR the purpose of repealing certain provisions of law requiring the State Board of Veterinary Medical Examiners to adopt regulations encouraging a veterinary practitioner to report suspected instances of certain animal cruelty to certain agencies; repealing certain provisions of law providing immunity from civil liability for a veterinary practitioner who reports suspected animal cruelty to certain agencies; requiring a veterinary practitioner who has reason to believe that an animal that has been treated by the veterinary practitioner has been subjected to cruelty or fighting in violation of certain provisions of law to report the suspected animal cruelty or animal fighting to a certain law enforcement agency or county animal control agency in a certain manner; authorizing the Board to impose certain disciplinary actions on a veterinary practitioner for failure to comply with certain animal cruelty and animal fighting reporting requirements; providing immunity from civil liability or criminal prosecution for a veterinary practitioner who reports suspected animal cruelty or animal fighting or participates in an investigation of suspected animal cruelty or animal fighting; requiring the Board to adopt certain regulations; and generally relating to the reporting of animal cruelty and animal fighting by veterinary practitioners.

BY repealing and reenacting, without amendments,

Article – Agriculture
Section 2–301(a), (d), (h), and (i)
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing

Article – Agriculture
Section 2–304(f)
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Agriculture
Section 2–310(10) and (11)
Annotated Code of Maryland
(2016 Replacement Volume)

BY adding to

Article – Agriculture
Section 2–310(12) and 2–313.1

Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–424
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

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

Article – Agriculture

2–301.

- (a) In this subtitle the following words have the meanings indicated.
- (d) “License” means a license to practice veterinary medicine in the State.
- (h) “Veterinarian” means any person who is a graduate of a college of veterinary medicine.
- (i) “Veterinary practitioner” means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

2–304.

[(f) (1) The Board shall adopt regulations encouraging a veterinary practitioner to report suspected instances of animal cruelty, including suspected animal fighting, to a local law enforcement or county animal control agency.

(2) A veterinary practitioner shall be immune from any civil liability that results from a report in good faith to a local law enforcement or county animal control agency under this subsection.]

2–310.

The Board may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, if the veterinarian or veterinary practitioner:

(10) Is determined by four members to be professionally incompetent as a veterinary practitioner; [or]

(11) Is disciplined by a licensing authority of another state, including the suspension or revocation of a license to practice veterinary medicine, for an act that would be grounds for disciplinary action under this section; OR

(12) FAILS TO COMPLY WITH ANIMAL CRUELTY OR ANIMAL FIGHTING REPORTING REQUIREMENTS UNDER § 2-313.1 OF THIS SUBTITLE.

2-313.1.

(A) A VETERINARY PRACTITIONER WHO HAS REASON TO BELIEVE THAT AN ANIMAL THAT HAS BEEN TREATED BY THE VETERINARY PRACTITIONER HAS BEEN SUBJECTED TO CRUELTY OR FIGHTING IN VIOLATION OF § 10-604, § 10-606, § 10-607, OR § 10-608 OF THE CRIMINAL LAW ARTICLE SHALL REPORT THE SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR COUNTY ANIMAL CONTROL AGENCY IN A TIMELY MANNER.

(B) A VETERINARY PRACTITIONER WHO MAKES A REPORT UNDER SUBSECTION ~~(B)~~ (A) OF THIS SECTION SHALL INCLUDE IN THE REPORT:

(1) THE NAME, AGE, AND LOCATION OF THE ANIMAL;

(2) THE NAME AND HOME ADDRESS OF THE OWNER OR CUSTODIAN OF THE ANIMAL;

(3) THE LOCATION OF THE ANIMAL;

(4) THE NATURE AND EXTENT OF THE SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING, INCLUDING ANY EVIDENCE OR INFORMATION AVAILABLE TO THE VETERINARY PRACTITIONER CONCERNING POSSIBLE PREVIOUS INSTANCES OF ANIMAL CRUELTY OR ANIMAL FIGHTING; AND

(5) ANY OTHER INFORMATION THAT WOULD HELP DETERMINE:

(i) THE CAUSE OF THE SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING; AND

(ii) THE IDENTITY OF ANY INDIVIDUAL RESPONSIBLE FOR THE SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING.

(C) A VETERINARY PRACTITIONER WHO REPORTS IN GOOD FAITH SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING OR PARTICIPATES IN AN INVESTIGATION OF SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING IS IMMUNE FROM:

(1) CIVIL LIABILITY THAT RESULTS FROM THE REPORT OR PARTICIPATION IN THE INVESTIGATION; OR

(2) CRIMINAL PROSECUTION FOR THE REPORT OR PARTICIPATION IN THE INVESTIGATION.

(D) THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING:

(1) CONFIDENTIALITY PROCEDURES FOR PROTECTING THE IDENTITY OF THE VETERINARY PRACTITIONER MAKING A REPORT UNDER THIS SECTION;

(2) CONFIDENTIALITY PROCEDURES FOR PROTECTING THE SUBSTANCE OF A REPORT MADE UNDER THIS SECTION AND ANY RECORDS ASSOCIATED WITH THE REPORT; AND

(3) CONDITIONS UNDER WHICH THE SUBSTANCE OF A REPORT MAY BE DISCLOSED.

Article – Courts and Judicial Proceedings

5-424.

A licensed veterinary practitioner is immune from any civil liability that results from:

(1) The actions of a licensed acupuncturist that practices in accordance with § 2-301(g)(11) of the Agriculture Article;

(2) The actions of a person that:

(i) Is licensed, certified, or otherwise authorized to practice a health occupation under the Health Occupations Article; and

(ii) Is authorized to practice the health occupation on an animal in accordance with § 2-304 of the Agriculture Article; [or]

(3) A report in good faith of suspected animal cruelty **OR ANIMAL FIGHTING** to a local law enforcement or county animal control agency under [**§ 2-304(f)**] **§ 2-313.1** of the Agriculture Article; **OR**

(4) THE LICENSED VETERINARY PRACTITIONER'S PARTICIPATION IN AN INVESTIGATION OF SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING AS PROVIDED IN § 2-313.1(C) OF THE AGRICULTURE ARTICLE.

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

Approved by the Governor, May 4, 2017.