

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 573

(Senator Feldman)

Education, Health, and Environmental Affairs

Environment and Transportation

Local Government - Regulation of Animals - Kennel Licenses

This bill lowers the threshold applicable, statewide, to when a person must obtain a kennel license from a local licensing agency. Specifically, the bill requires a person to obtain a kennel license from the local licensing agency if the person *either* (1) owns or has custody of 6 (down from 15) or more unspayed female dogs over the age of six months kept for the purposes of breeding the dogs and selling their offspring *or* (2) sells dogs from six or more litters in a year. Under current law, only a kennel that meets both criteria must be licensed, unless the local licensing agency has more stringent requirements.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: Local government revenues increase minimally to the extent that additional kennel licenses are issued under the bill. However, current law expressly establishes that local governments may adopt stricter kennel licensing ordinances. Counties that currently have requirements at or exceeding those in the bill are unaffected. Expenditures are not materially affected.

Small Business Effect: Potential minimal. Some small businesses that breed dogs may be required to purchase a kennel license under the bill. Many existing small businesses are not affected.

Analysis

Current Law/Background:

Kennel License for Dog Breeders

Chapter 297 of 2011 requires a person, in all counties and Baltimore City, to obtain a kennel license if the person (1) owns or has custody of 15 or more unspayed female dogs over the age of six months kept for the purposes of breeding the dogs and selling their offspring *and* (2) sells dogs from six or more litters in a year. However, the law expressly establishes that local governments are not prohibited from enacting more stringent kennel licensing ordinances.

For each kennel license issued in a county, the county must collect and maintain a record of the name and address of the licensee, the number of dogs maintained, and the number of puppies sold in the preceding year.

By January 15 of each year, each county is required to report the information collected for the preceding year to the Department of Labor, Licensing, and Regulation (DLLR); however, DLLR does not have this data, as it has not been reported by the counties since 2012.

According to research conducted by the Department of Legislative Services, most counties issue very few licenses each year. Anne Arundel County reported the largest number: 156 licenses as of January 2017, but that amount includes anyone with five or more dogs, pet shops, groomers, and boarding facilities. No other county reported more than 37 licenses, and most reported significantly fewer than that. The license fees also are not consistent across counties. Most kennel fees appear to be in the range of \$50 to \$200, but some counties have significantly higher fees, depending on the number of dogs.

Inspection of Dog Businesses

To determine if dogs are being treated inhumanely in violation of any law, an authorized director of a humane society, accompanied by a sheriff or a deputy sheriff, with prior written notice, may inspect premises (1) where a person is engaged in the business of buying, selling, trading, or breeding dogs or (2) of a kennel where 25 or more dogs are kept. These premises inspection provisions do not apply to premises:

- where dogs are kept or bred solely for medical or related research or laboratory tests;
- operated by a licensed and regularly practicing veterinarian; or
- where hunting dogs are housed, if the buying, selling, trading, or breeding is incidental to the main purposes of housing, keeping, and using dogs.

Animal Welfare Act

The federal Animal Welfare Act (AWA) of 1966 regulates certain animal activities, including commercial dog and cat breeding. AWA defines the minimum standards of care for dogs, cats, and certain other species of animals bred for commercial resale and exhibition. It also requires that certain commercial breeders be licensed and routinely inspected by the U.S. Department of Agriculture.

Many dogs sold as pets in the United States are bred in commercial dog-breeding facilities that mass-produce dogs for sale to pet stores (often called puppy mills). Substandard conditions are commonly reported at these facilities. Similar types of operations exist for other animals kept as pets or used as feed for other animals. Due to the frequently poor breeding conditions, puppies bred by commercial breeders can be ill-tempered and may suffer from poor health.

Additional Information

Prior Introductions: None.

Cross File: HB 334 (Delegate Kramer, *et al.*) - Environment and Transportation.

Information Source(s): Department of Labor, Licensing, and Regulation; Judiciary (Administrative Office of the Courts); Harford, Montgomery, and Talbot counties; Maryland Association of Counties; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2017
fn/mcr Third Reader - March 16, 2017
Revised - Amendment(s) - March 16, 2017

Analysis by: Stephen M. Ross

Direct Inquiries to:
(410) 946-5510
(301) 970-5510