

HOUSE BILL 1205

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9lr2256

By: **Delegate Ivey**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Animal Welfare – Instruction, Living**
3 **Space, and Penalty**

4 FOR the purpose of requiring that certain schools provide instruction on the humane
5 treatment and protection of companion, domestic, and wild animals; requiring a
6 school that keeps a certain animal on the premises to provide an appropriate living
7 space for the animal that meets certain standards; prohibiting an individual from
8 feeding a live animal to another animal under certain circumstances; requiring that
9 an individual who violates a certain provision of law is guilty of a certain crime;
10 defining certain terms; and generally relating to instruction in animal welfare in
11 public and nonpublic schools.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 10–606
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2018 Supplement)
17 (As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

18 BY adding to
19 Article – Education
20 Section 7–125
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2018 Supplement)

23 Preamble

24 WHEREAS, Instruction in the humane treatment of animals is an important part of
25 a student’s education because students frequently encounter animals in their daily lives;
26 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, A dedicated curriculum that teaches the benefits of humane interactions
2 between humans and animals will encourage students to have compassion and empathy
3 for all living things; and

4 WHEREAS, Many teachers keep animals in their classrooms to educate students
5 about responsible handling of animals, and the animals in those classrooms rarely receive
6 adequate care or enrichment; and

7 WHEREAS, Animals kept in classrooms are often subject to environments that cause
8 the animal stress and anxiety; and

9 WHEREAS, Students may learn an appreciation of and receive exposure to
10 companion and wild animals in the classroom without exposing those animals to
11 inadequate living conditions; now, therefore,

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

14 **Article – Criminal Law**

15 10–606.

16 (a) A person may not:

17 (1) intentionally:

18 (i) mutilate;

19 (ii) torture;

20 (iii) cruelly beat; or

21 (iv) cruelly kill an animal;

22 (2) cause, procure, or authorize an act prohibited under item (1) of this
23 subsection; or

24 (3) except in the case of self–defense, intentionally inflict bodily harm,
25 permanent disability, or death on an animal owned or used by a law enforcement unit.

26 (b) (1) A person who violates this section is guilty of the felony of aggravated
27 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a
28 fine not exceeding \$5,000 or both.

29 (2) As a condition of sentencing, the court may:

30 (i) order a defendant convicted of violating this section to

1 participate in and pay for psychological counseling; and

2 (ii) prohibit a defendant from owning, possessing, or residing with
3 an animal for a specified period of time.

4 Article – Education

5 7–125.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) “ANIMAL” HAS THE MEANING STATED IN § 10–601 OF THE
9 CRIMINAL LAW ARTICLE.

10 (3) “SCHOOL” MEANS:

11 (I) A PUBLIC SCHOOL IN THE STATE; OR

12 (II) A NONPUBLIC SCHOOL THAT PARTICIPATES IN
13 STATE–FUNDED EDUCATION PROGRAMS.

14 (B) (1) EACH SCHOOL SHALL PROVIDE STUDENTS WITH INSTRUCTION ON
15 THE HUMANE TREATMENT AND THE PROTECTION OF COMPANION ANIMALS,
16 DOMESTIC ANIMALS, AND WILD ANIMALS.

17 (2) THE INSTRUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION MAY INCLUDE:

19 (I) ORGANIZED VISITS TO A LOCAL ANIMAL SHELTER;

20 (II) NONINVASIVE OBSERVATION OF A WILD ANIMAL IN THE
21 NATURAL HABITAT OF THE ANIMAL BEING OBSERVED;

22 (III) LESSONS ON VARIOUS ECOSYSTEMS AND THE WAY ANIMALS
23 INTERACT WITH THOSE ECOSYSTEMS; AND

24 (IV) THE ARRANGEMENT OF GUEST SPEAKERS FROM A
25 WILDLIFE REHABILITATION GROUP, A ZOO, OR ANY OTHER SIMILAR ORGANIZATION
26 THAT HAS AN EDUCATIONAL COMPONENT TO ITS MISSION.

27 (C) (1) EACH SCHOOL THAT KEEPS AN ANIMAL ON THE PREMISES SHALL
28 PROVIDE AN APPROPRIATE LIVING SPACE FOR THE ANIMAL.

1 **(2) THE LIVING SPACE FOR AN ANIMAL SHALL:**

2 **(I) PROVIDE SUFFICIENT SPACE SO THAT THE ANIMAL MAY**
3 **ENGAGE IN NORMAL BEHAVIOR FOR THE SPECIES;**

4 **(II) HAVE PROPER VENTILATION, LIGHTING, AND**
5 **TEMPERATURE CONTROL FOR THE ANIMAL BEING KEPT;**

6 **(III) HAVE ADEQUATE FOOD AND CLEAN DRINKING WATER**
7 **ACCESSIBLE TO THE ANIMAL;**

8 **(IV) BE CLEAN AND MAINTAINED ON A REGULAR BASIS; AND**

9 **(V) BE LOCATED IN AN AREA THAT MINIMIZES THE STRESS OF**
10 **AND DISTURBANCES TO THE ANIMAL.**

11 **(D) (1) AN INDIVIDUAL MAY NOT FEED A LIVE ANIMAL TO ANOTHER**
12 **ANIMAL IN THE PRESENCE OF STUDENTS WHILE ON SCHOOL PREMISES.**

13 **(2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION**
14 **APPLIES TO THE FEEDING OF AN ANIMAL THAT IS KEPT BY, ASSOCIATED WITH, OR**
15 **SPONSORED BY A SCHOOL.**

16 **(3) AN INDIVIDUAL WHO VIOLATES PARAGRAPH (1) OF THIS**
17 **SUBSECTION IS GUILTY OF AGGRAVATED ANIMAL CRUELTY UNDER § 10-601 OF THE**
18 **CRIMINAL LAW ARTICLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2019.