

HB0545/990415/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 545
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Practicing” in line 2 down through “License –” in line 3; in line 3, strike “Order” and substitute “Orders”; in the same line, strike “Penalty” and substitute “Penalties”; in lines 5 and 6, strike “and impose a certain civil penalty”; in line 7, strike “without a license issued by the Board” and substitute “in violation of certain provisions of law or takes certain actions”; and in line 7, after the semicolon insert “authorizing the Board to impose a certain civil penalty under certain circumstances; requiring the Board to provide to a certain person a certain notice and an opportunity for a hearing before a certain penalty is imposed; providing that a certain person may seek certain review of a certain order or penalty; providing that a certain action is in addition to, and not instead of, certain disciplinary actions or a certain action for injunctive relief; requiring the Board to adopt certain regulations; authorizing certain sanctions established by certain regulations to include a certain civil penalty;”.

AMENDMENT NO. 2

On page 1, in line 21, strike “AND IMPOSE A CIVIL PENALTY”.

On page 2, in line 1, strike “PRACTICES” and substitute “:

(1) PRACTICES;

and in line 2, strike “WITHOUT A LICENSE” and substitute “IN VIOLATION OF § 2-313(A) OF THIS SUBTITLE; OR

(2) TAKES AN ACTION:

(Over)

(I) FOR WHICH THE BOARD DETERMINES THERE IS A PREPONDERANCE OF EVIDENCE OF GROUNDS FOR DISCIPLINE UNDER § 2-310 OR § 2-313 OF THIS SUBTITLE; OR

(II) THAT POSES A SERIOUS RISK TO THE HEALTH, SAFETY, AND WELFARE OF AN ANIMAL PATIENT.

(B) (1) IN LIEU OF A CEASE AND DESIST ORDER UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING:

(I) \$5,000 FOR A FIRST OFFENSE; AND

(II) \$10,000 FOR A SECOND OR SUBSEQUENT OFFENSE”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 3 and 4; after line 12, insert:

“(3) BEFORE A CIVIL PENALTY IS IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL PROVIDE TO THE PERSON ON WHOM THE CIVIL PENALTY WILL BE IMPOSED NOTICE OF THE ALLEGED VIOLATION AND AN OPPORTUNITY FOR A HEARING.

(C) A PERSON AGAINST WHOM A CEASE AND DESIST ORDER IS ISSUED OR A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION MAY SEEK REVIEW OF THE ORDER OR PENALTY UNDER THE ADMINISTRATIVE PROCEDURE ACT.

(D) AN ACTION FOR A CEASE AND DESIST ORDER OR A CIVIL PENALTY IMPOSED UNDER THIS SECTION IS IN ADDITION TO, AND NOT INSTEAD OF,

DISCIPLINARY ACTIONS AUTHORIZED UNDER § 2-310 OF THIS SUBTITLE OR AN ACTION FOR INJUNCTIVE RELIEF UNDER § 2-315 OF THIS SUBTITLE.

(E) (1) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING HEARING PROCEDURES AND SANCTIONS FOR VIOLATIONS OF A CEASE AND DESIST ORDER.

(2) THE SANCTIONS ESTABLISHED BY REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE A CIVIL PENALTY CONSISTENT WITH SUBSECTION (B) OF THIS SECTION.”;

and in line 13, strike “(C)” and substitute “(F)”.