

HOUSE BILL 57

M4, L1

0lr0517

(PRE-FILED)

By: **Delegate Chang**

Requested: August 14, 2019

Introduced and read first time: January 8, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Animal Shelters – Standards of Operation**

3 FOR the purpose of requiring a certain animal shelter to conform certain protocols with
4 certain provisions of law; requiring a certain animal shelter to take reasonable steps
5 to achieve a certain save rate of animals that are impounded; requiring an animal
6 shelter to make certain animals available to be reclaimed by an owner for at least a
7 certain number of days; authorizing an animal shelter to place a certain animal in
8 foster care or transfer the animal to a certain person at a certain time under certain
9 circumstances; requiring an animal shelter to allow an owner to reclaim an animal
10 under certain circumstances and to reclaim the animal at a certain location under
11 certain circumstances; establishing that certain requirements do not apply to an
12 animal that is impounded under certain circumstances; requiring an animal shelter,
13 within a certain period of time, to check a certain animal for certain identification;
14 requiring an animal shelter to take certain steps to identify an animal; prohibiting
15 an animal shelter from prohibiting or obstructing the adoption or transfer of an
16 animal based on certain characteristics; prohibiting an animal shelter from
17 euthanizing an animal within a certain period of time under certain circumstances;
18 requiring an animal shelter, within a certain number of days, to notify or make a
19 reasonable attempt to notify a certain person before the use of euthanasia on an
20 animal; prohibiting an animal shelter from euthanizing an animal unless it fulfills
21 certain notification requirements; prohibiting an animal shelter from euthanizing an
22 animal until the animal shelter has made certain verifications; requiring a certain
23 animal shelter to operate in accordance with certain provisions of law; providing for
24 the application of this Act; making certain technical changes; and generally relating
25 to standards of operation for animal shelters.

26 BY repealing and reenacting, without amendments,

27 Article – Agriculture

28 Section 2–1701

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2016 Replacement Volume and 2019 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Agriculture
4 Section 2–1704
5 Annotated Code of Maryland
6 (2016 Replacement Volume and 2019 Supplement)

7 BY adding to
8 Article – Agriculture
9 Section 2–1705.1
10 Annotated Code of Maryland
11 (2016 Replacement Volume and 2019 Supplement)

12 BY adding to
13 Article – Local Government
14 Section 13–110
15 Annotated Code of Maryland
16 (2013 Volume and 2019 Supplement)

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

19 **Article – Agriculture**

20 2–1701.

21 In this subtitle, “animal shelter” means:

22 (1) A county or municipal animal control facility;

23 (2) An organization that contracts with a county or municipality for animal
24 control; or

25 (3) An organization that shelters animals and has received a grant from
26 the Spay/Neuter Fund under Subtitle 16 of this title during the previous year.

27 2–1704.

28 (a) [On or before January 1, 2017,] **IN ACCORDANCE WITH § 2–1705.1 OF THIS**
29 **SUBTITLE**, an animal shelter shall establish and make available to the public on the
30 animal shelter’s [Web site] **WEBSITE** or in a conspicuous location within the animal
31 shelter’s facility:

32 (1) A written protocol for reclaiming animals from the animal shelter that
33 includes:

- 1 (i) The minimum holding period for stray animals;
- 2 (ii) The hours of operation during which an animal may be reclaimed
3 by the animal's owner or caregiver;
- 4 (iii) The fees associated with reclaiming an animal; and
- 5 (iv) Any identification or documentation that must be provided to the
6 animal shelter before an animal may be reclaimed; and
- 7 (2) An annual summary of intake and disposition data reported to the
8 Department in accordance with § 2-1602 of this title.
- 9 (b) An animal shelter shall follow its written protocol for reclaiming animals.

10 **2-1705.1.**

11 (A) THIS SECTION DOES NOT APPLY TO AN ANIMAL THAT IS EXPERIENCING
12 IRREMIEDIABLE PHYSICAL SUFFERING.

13 (B) EACH ANIMAL SHELTER IN THE STATE SHALL TAKE REASONABLE STEPS
14 TO ACHIEVE A SAVE RATE OF 90% OF THE ANIMALS THAT ARE IMPOUNDED.

15 (C) AN ANIMAL SHELTER SHALL MAKE AN ANIMAL AVAILABLE TO BE
16 RECLAIMED BY AN OWNER FOR A PERIOD OF AT LEAST 4 BUSINESS DAYS AFTER THE
17 DATE THAT THE ANIMAL IS IMPOUNDED IF:

18 (1) THE ANIMAL IS IMPOUNDED AS A STRAY WITH IDENTIFICATION;
19 OR

20 (2) THE ANIMAL SHELTER HAS IDENTIFIED THE OWNER OF THE
21 IMPOUNDED ANIMAL.

22 (D) AN ANIMAL SHELTER SHALL MAKE AN ANIMAL AVAILABLE TO BE
23 RECLAIMED BY AN OWNER FOR A PERIOD OF AT LEAST 3 BUSINESS DAYS AFTER THE
24 DATE THAT THE ANIMAL IS IMPOUNDED IF:

25 (1) THE ANIMAL IS IMPOUNDED AS A STRAY WITHOUT
26 IDENTIFICATION; OR

27 (2) THE ANIMAL SHELTER HAS NOT IDENTIFIED THE OWNER OF THE
28 IMPOUNDED ANIMAL.

29 (E) (1) NOTWITHSTANDING SUBSECTIONS (C) AND (D) OF THIS SECTION,

1 IF AN ANIMAL SHELTER KEEPS AND MAKES AVAILABLE TO THE PUBLIC ON THE
2 ANIMAL SHELTER'S WEBSITE OR AT THE ANIMAL SHELTER'S FACILITY A
3 PHOTOGRAPH OF AND INFORMATION ABOUT AN ANIMAL, THE ANIMAL SHELTER
4 MAY, AT ANY TIME:

5 (I) PLACE THE ANIMAL IN FOSTER CARE; OR

6 (II) TRANSFER THE ANIMAL TO ANOTHER ANIMAL RESCUE
7 ORGANIZATION OR ANIMAL SHELTER.

8 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IF AN
9 OWNER HAS MET ALL APPLICABLE REQUIREMENTS TO RECLAIM AN ANIMAL, THE
10 ANIMAL SHELTER SHALL:

11 (I) PERMIT THE OWNER TO RECLAIM THE ANIMAL WITHIN THE
12 TIME PERIOD SPECIFIED IN SUBSECTION (C) OR (D), AS APPLICABLE; AND

13 (II) AT THE OPTION OF THE OWNER, MAKE THE ANIMAL
14 AVAILABLE TO BE RECLAIMED BY THE OWNER AT THE ANIMAL SHELTER THAT
15 ORIGINALLY IMPOUNDED THE ANIMAL.

16 (F) IF AN OWNER SURRENDERS AN ANIMAL TO AN ANIMAL SHELTER, THE
17 ANIMAL SHELTER SHALL ALLOW THE OWNER TO RECLAIM THE ANIMAL WITHIN 3
18 BUSINESS DAYS AFTER THE DATE THE ANIMAL IS SURRENDERED IF THE ANIMAL HAS
19 NOT BEEN ADOPTED OR TRANSFERRED TO ANOTHER FACILITY DURING THAT TIME.

20 (G) THE HOLDING PERIODS UNDER THIS SECTION DO NOT APPLY TO AN
21 ANIMAL THAT IS IMPOUNDED FOR THE SOLE PURPOSE OF STERILIZATION.

22 (H) (1) WITHIN 24 HOURS AFTER AN ANIMAL IS IMPOUNDED, AN ANIMAL
23 SHELTER SHALL MAKE A REASONABLE ATTEMPT TO CHECK THE ANIMAL FOR
24 IDENTIFICATION, INCLUDING MICROCHIPS, IDENTIFICATION TAGS, OR LICENSES.

25 (2) EACH DAY, AN ANIMAL SHELTER SHALL REVIEW ALL AVAILABLE
26 LISTS OF ANIMALS REPORTED LOST AND FOUND AND DETERMINE WHETHER AN
27 IMPOUNDED ANIMAL MATCHES THE DESCRIPTION OF A REPORTED ANIMAL.

28 (3) AN ANIMAL SHELTER SHALL MAKE AVAILABLE ON THE ANIMAL
29 SHELTER'S WEBSITE A PHOTOGRAPH OF AND INFORMATION ABOUT EACH
30 IMPOUNDED ANIMAL SO THAT AN OWNER MAY REASONABLY BE ABLE TO RECOGNIZE
31 AND RECLAIM THE ANIMAL.

32 (4) IF AN ANIMAL SHELTER IDENTIFIES AN OWNER OF AN ANIMAL,

1 THE ANIMAL SHELTER SHALL NOTIFY THE OWNER OF THE LOCATION OF THE ANIMAL
2 AND HOW TO RECLAIM THE ANIMAL.

3 (I) AN ANIMAL SHELTER MAY NOT PROHIBIT OR OTHERWISE OBSTRUCT
4 THE ADOPTION OR TRANSFER OF AN ANIMAL BASED ON THE ANIMAL'S BREED,
5 BREED MIX, SPECIES, AGE, COLOR, APPEARANCE, OR SIZE.

6 (J) IN ADDITION TO ANY PROTOCOL ADOPTED IN ACCORDANCE WITH §
7 2-1705 OF THIS SUBTITLE, AN ANIMAL SHELTER MAY NOT EUTHANIZE AN ANIMAL
8 WITHIN 7 BUSINESS DAYS AFTER THE DATE THAT THE ANIMAL IS IMPOUNDED.

9 (K) AT LEAST 2 BUSINESS DAYS BEFORE AN ANIMAL IS SCHEDULED TO BE
10 EUTHANIZED, AN ANIMAL SHELTER SHALL:

11 (1) GIVE OR MAKE A REASONABLE ATTEMPT TO GIVE NOTICE BY
12 VERIFIABLE WRITTEN OR ELECTRONIC COMMUNICATION THAT THE ANIMAL IS
13 SCHEDULED TO BE EUTHANIZED TO:

14 (I) ANY RESCUE ORGANIZATION OR OTHER ANIMAL SHELTER
15 THAT PREVIOUSLY HAS REQUESTED TO BE NOTIFIED BEFORE AN ANIMAL IS
16 EUTHANIZED;

17 (II) UNLESS A LICENSED VETERINARIAN CERTIFIES THAT
18 THERE IS EVIDENCE OF NEGLECT OR ANIMAL CRUELTY, THE OWNER WHO
19 SURRENDERED THE ANIMAL; AND

20 (III) IF THE ANIMAL IS A STRAY, THE INDIVIDUAL WHO
21 SURRENDERED THE ANIMAL; AND

22 (2) IF AN INDIVIDUAL DESCRIBED IN THIS SUBSECTION REQUESTS TO
23 RECLAIM THE ANIMAL, GIVE POSSESSION OF THE ANIMAL TO THAT INDIVIDUAL.

24 (L) AN ANIMAL SHELTER MAY NOT EUTHANIZE AN ANIMAL UNTIL THE
25 ANIMAL SHELTER HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (K) OF
26 THIS SECTION.

27 (M) IN ADDITION TO ANY OTHER REQUIREMENT, AN ANIMAL SHELTER MAY
28 NOT EUTHANIZE AN ANIMAL UNTIL THE ANIMAL SHELTER HAS VERIFIED THAT:

29 (1) THERE ARE NO EMPTY CAGES, KENNELS, OR OTHER LIVING
30 ENVIRONMENTS IN THE SHELTER;

31 (2) THERE IS NO ADDITIONAL ROOM AVAILABLE FOR TEMPORARY

1 CAGES, KENNELS, OR LIVING ENVIRONMENTS IN THE SHELTER;

2 (3) THE ANIMAL THAT IS SCHEDULED TO BE EUTHANIZED IS UNABLE
3 TO SHARE A CAGE, KENNEL, OR LIVING ENVIRONMENT WITH ANOTHER ANIMAL;

4 (4) THE ANIMAL SHELTER HAS MADE A REASONABLE ATTEMPT TO
5 FIND A FOSTER HOME FOR THE ANIMAL AND THERE IS NO FOSTER HOME AVAILABLE;

6 (5) THE ANIMAL SHELTER HAS FULFILLED THE NOTICE
7 REQUIREMENTS OF THIS SECTION AND THE INDIVIDUAL WHO SURRENDERED THE
8 STRAY ANIMAL, THE FORMER OWNER, OR POTENTIAL RESCUE GROUPS HAVE NOT
9 ACCEPTED OR RECLAIMED THE ANIMAL;

10 (6) THE ANIMAL CANNOT BE TRANSFERRED TO ANOTHER SHELTER
11 THAT HAS ROOM TO HOUSE THE ANIMAL;

12 (7) THE ANIMAL IS NOT A HEALTHY CAT THAT MAY BE STERILIZED
13 AND THEN RELEASED; AND

14 (8) THE DIRECTOR OF THE ANIMAL SHELTER CERTIFIES IN WRITING
15 THAT THERE IS NO ALTERNATIVE TO EUTHANASIA.

16 Article – Local Government

17 13–110.

18 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN ANIMAL
19 SHELTER UNDER THIS SUBTITLE SHALL OPERATE IN ACCORDANCE WITH THE
20 PROVISIONS OF § 2–1705.1 OF THE AGRICULTURE ARTICLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2020.