

HOUSE BILL 445

M4, E1

01r0545

By: **Delegates Charkoudian, Cardin, Feldmark, Gilchrist, Healey, Ivey, Kelly, Lierman, Lopez, Moon, Shetty, Stein, Stewart, and Terrasa**

Introduced and read first time: January 23, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Animal Welfare – Declawing Cats – Prohibited Acts**

3 FOR the purpose of prohibiting a veterinary practitioner, except under certain
4 circumstances, from performing certain declawing procedures on a cat; requiring the
5 State Board of Veterinary Medical Examiners to impose certain disciplinary actions
6 on a veterinary practitioner for failure to comply with a certain prohibition;
7 prohibiting a person from performing certain declawing procedures on a cat;
8 establishing certain penalties for certain violations; authorizing certain entities to
9 enforce certain penalties for certain violations; defining certain terms; and generally
10 relating to declawing procedures performed on cats.

11 BY repealing and reenacting, without amendments,
12 Article – Agriculture
13 Section 2–301(a) and 2–310.1
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2019 Supplement)

16 BY adding to
17 Article – Agriculture
18 Section 2–301(b–4) and (g–1) and 2–313.2
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Agriculture
23 Section 2–310
24 Annotated Code of Maryland
25 (2016 Replacement Volume and 2019 Supplement)

26 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law
2 Section 10–625.1
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2019 Supplement)

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

7 **Article – Agriculture**

8 2–301.

9 (a) In this subtitle the following words have the meanings indicated.

10 **(B–4) (1) “DECLAWING PROCEDURE” MEANS:**

11 **(I) AN ONYCHECTOMY, A DACTYLECTOMY, A PHALANGECTOMY,**
12 **OR ANY OTHER PROCEDURE THAT REMOVES A PORTION OF THE PAW OR DIGIT OF AN**
13 **ANIMAL IN ORDER TO REMOVE A CLAW;**

14 **(II) A TENDONECTOMY OR ANY OTHER PROCEDURE THAT CUTS**
15 **OR MODIFIES THE TENDON OF THE LIMB, PAW, OR DIGIT OF AN ANIMAL IN ORDER TO**
16 **PROHIBIT THE EXTENSION OF A CLAW; OR**

17 **(III) ANY PROCEDURE THAT PREVENTS THE NORMAL**
18 **FUNCTIONING OF ONE OR MORE CLAWS OF AN ANIMAL.**

19 **(2) “DECLAWING PROCEDURE” DOES NOT INCLUDE NAIL FILING,**
20 **NAIL TRIMMING, OR THE PLACEMENT OF TEMPORARY NAIL CAPS ON ONE OR MORE**
21 **CLAWS OF AN ANIMAL.**

22 **(G–1) (1) “THERAPEUTIC PURPOSE” MEANS TO ADDRESS A PHYSICAL OR**
23 **MEDICAL CONDITION THAT COMPROMISES THE HEALTH OR WELL–BEING OF AN**
24 **ANIMAL.**

25 **(2) “THERAPEUTIC PURPOSE” DOES NOT INCLUDE COSMETIC OR**
26 **AESTHETIC REASONS OR REASONS OF CONVENIENCE IN THE KEEPING OR HANDLING**
27 **OF THE ANIMAL.**

28 2–310.

29 **(A)** The Board may refuse, suspend, or revoke any application or license, and
30 censure or place on probation any licensee after a hearing, if the veterinarian or veterinary
31 practitioner:

1 (1) Is unable to practice veterinary medicine competently due to a physical
2 or mental disability;

3 (2) Is convicted of a violation of any federal or State law relating to
4 prescription drugs, a controlled dangerous substance under Title 5, Subtitle 4 of the
5 Criminal Law Article, or a controlled substance as defined by 21 U.S.C. § 812;

6 (3) Is convicted of a felony, or of a crime involving moral turpitude;

7 (4) Is convicted of violating any provision of this subtitle, any unlawful or
8 fraudulent practice, or any fraudulent, misleading, or deceptive representation or
9 advertising concerning his professional qualifications or the quality of materials or drugs
10 used by him in his professional work or in the treatment of animals;

11 (5) Has a final judgment entered against him in a civil malpractice case
12 involving gross personal negligence;

13 (6) Obtains the license by fraud or misrepresentation, either in the
14 application, or in passing the examination;

15 (7) Is guilty of employing or permitting to practice veterinary medicine any
16 person who does not hold a license to practice veterinary medicine in the State;

17 (8) Fails to comply with Board rules or regulations after receiving a license;

18 (9) Is grossly negligent or deliberately cruel to an animal;

19 (10) Is determined by four members to be professionally incompetent as a
20 veterinary practitioner;

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

24 (12) Fails to comply with animal cruelty or animal fighting reporting
25 requirements under § 2–313.1 of this subtitle.

26 **(B) THE BOARD SHALL REFUSE, SUSPEND, OR REVOKE ANY APPLICATION**
27 **OR LICENSE, AND CENSURE OR PLACE ON PROBATION ANY LICENSEE AFTER A**
28 **HEARING, IF THE VETERINARIAN OR VETERINARY PRACTITIONER FAILS TO COMPLY**
29 **WITH THE CAT DECLAWING PROHIBITION UNDER § 2–313.2 OF THIS SUBTITLE.**

30 2–310.1.

31 (a) In lieu of or in addition to suspension of the license, the Board may impose a
32 penalty of not more than \$5,000 for a first offense.

1 (b) In addition to revocation of the license, the Board may impose a penalty of not
2 more than \$5,000 for a first offense.

3 (c) In addition to suspension or revocation of the license, the Board may impose
4 a penalty of not more than \$10,000 for a second or subsequent offense.

5 (d) Penalties collected by the Board under this section shall be paid into the
6 General Fund of the State.

7 (e) The Board shall establish such rules and regulations as are necessary to carry
8 out the provisions of this section.

9 **2-313.2.**

10 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
11 VETERINARY PRACTITIONER MAY NOT PERFORM A DECLAWING PROCEDURE ON A
12 CAT.

13 (B) A VETERINARY PRACTITIONER MAY PERFORM A DECLAWING
14 PROCEDURE ON A CAT IF THE PROCEDURE IS NECESSARY FOR A THERAPEUTIC
15 PURPOSE.

16 **Article – Criminal Law**

17 **10-625.1.**

18 (A) IN THIS SECTION, “DECLAWING PROCEDURE” HAS THE MEANING
19 STATED IN § 2-301 OF THE AGRICULTURE ARTICLE.

20 (B) EXCEPT AS PROVIDED IN § 2-313.2 OF THE AGRICULTURE ARTICLE, A
21 PERSON MAY NOT PERFORM A DECLAWING PROCEDURE ON A CAT.

22 (C) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

23 (2) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE
24 NOT EXCEEDING \$1,000.

25 (3) THE PROVISIONS OF THIS SECTION MAY BE ENFORCED BY:

26 (I) ANY STATE OR LOCAL LAW ENFORCEMENT OFFICER; OR

27 (II) THE LOCAL ANIMAL CONTROL AUTHORITY FOR THE
28 JURISDICTION WHERE THE VIOLATION OCCURS.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2020.