

# HOUSE BILL 146

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(PRE-FILED)

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By: **Delegates Lehman, Attar, Bagnall, Bartlett, Crutchfield, Forbes, Johnson, D. Jones, Krimm, McComas, Ruth, Solomon, Terrasa, and K. Young**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Agriculture – Spay/Neuter Fund – Extension and ~~Fee on~~**  
3 **Commercial Feed Report**

4 FOR the purpose of ~~altering a certain fee on commercial feed prepared and distributed for~~  
5 ~~consumption by dogs or cats and registered in the State in a certain manner~~  
6 requiring the Department of Agriculture to report, on or before a certain date, to the  
7 General Assembly on the Spay/Neuter Fund; extending the termination provisions  
8 for certain provisions of law relating to the Spay/Neuter Fund; and generally relating  
9 to the Spay/Neuter Fund.

10 BY repealing and reenacting, without amendments,

11 Article – Agriculture

12 Section 2–1602 and 2–1603

13 Annotated Code of Maryland

14 (2016 Replacement Volume and 2020 Supplement)

15 ~~BY repealing and reenacting, with amendments,~~

16 ~~Article – Agriculture~~

17 ~~Section 2–1603~~

18 ~~Annotated Code of Maryland~~

19 ~~(2016 Replacement Volume and 2020 Supplement)~~

20 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Chapter 561 of the Acts of the General Assembly of 2013  
2 Section 3

3 BY repealing and reenacting, with amendments,  
4 Chapter 562 of the Acts of the General Assembly of 2013  
5 Section 3

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

8 **Article – Agriculture**

9 2–1602.

10 (a) There is a Spay/Neuter Fund in the Department.

11 (b) The purpose of the Fund is to reduce animal shelter overpopulation and cat  
12 and dog euthanasia rates by financing grants to local governments and animal welfare  
13 organizations for programs that most efficiently and effectively facilitate and promote the  
14 provision of spay and neuter services for cats and dogs in the State.

15 (c) The Department shall administer the Fund.

16 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of  
17 the State Finance and Procurement Article.

18 (2) The State Treasurer shall hold the Fund separately, and the  
19 Comptroller shall account for the Fund.

20 (e) The Fund consists of:

21 (1) Revenue distributed to the Fund from the fee established under §  
22 2–1603 of this subtitle;

23 (2) Money appropriated in the State budget to the Fund;

24 (3) Any investment earnings of the Fund; and

25 (4) Any other money from any other source accepted for the benefit of the  
26 Fund.

27 (f) (1) The Fund may be used only as described in this subsection.

28 (2) (i) The Fund may be used to finance selected competitive grant  
29 proposals submitted by a local government or an animal welfare organization to facilitate  
30 and promote the provision of spay and neuter services for cats and dogs.

1 (ii) The Department shall solicit and evaluate competitive grant  
2 proposals.

3 (iii) A competitive grant proposal:

4 1. Shall target low-income communities and populations to  
5 the maximum extent possible and detail how that goal is to be accomplished;

6 2. May target feral cat populations if the Department  
7 determines that this targeting does not violate local law;

8 3. Shall efficiently and effectively facilitate and promote the  
9 provision of spay and neuter services for cats and dogs; and

10 4. May include public education and outreach components.

11 (iv) The Department shall evaluate a competitive grant proposal  
12 based on:

13 1. The standards established under subparagraph (iii) of this  
14 paragraph; and

15 2. Any additional standards the Department adopts by  
16 regulation consistent with this section.

17 (v) The Department shall adopt regulations requiring a grant  
18 recipient to report relevant information on how the grant was used, including data on the  
19 number and type of spay or neuter surgeries performed and a description of any public  
20 education and outreach implemented.

21 (3) The Department may use money in the Fund:

22 (i) To finance public education and outreach efforts for the  
23 competitive grant program; and

24 (ii) For the reasonable costs of administering the Fund.

25 (g) (1) The State Treasurer shall invest the money of the Fund in the same  
26 manner as other State money may be invested.

27 (2) Any investment earnings of the Fund shall be paid into the Fund.

28 (h) Beginning January 1, 2014, each county and municipal animal control shelter  
29 and each organization that contracts with a county or municipality for animal control shall  
30 report quarterly to the Department on a form prescribed by the Department describing for  
31 the previous 3 months:

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- 1 (1) The number of cats and dogs taken in;
- 2 (2) The number of cats and dogs disposed of, broken down by method of  
3 disposal, including euthanasia; and
- 4 (3) Any other relevant data the Department requires.
- 5 (i) By August 31, 2014, and each year thereafter, the Department shall submit a  
6 report to the Governor and, in accordance with § 2–1257 of the State Government Article,  
7 the General Assembly that describes the activities financed by the Fund in the previous  
8 fiscal year, including:
- 9 (1) A description of all grant proposals selected for funding and grant  
10 programs implemented;
- 11 (2) A statement of the number of spay and neuter surgeries performed  
12 under each grant proposal selected;
- 13 (3) A description of and accounting for any public education and outreach  
14 efforts made for the benefit of Fund programs; and
- 15 (4) A summary of the information reported to the Department by local  
16 animal control shelters and organizations that contract with local governments for animal  
17 control under subsection (h) of this section.

18 2–1603.

19 (a) (1) In accordance with paragraph (2) of this subsection, the Secretary shall  
20 establish a fee on each brand name or product name of commercial feed that is:

21 (i) Prepared and distributed for consumption by a dog or cat; and

22 (ii) Registered in the State under § 6–107 of this article.

23 (2) The fee established under this subsection is:

24 (i) From October 1, 2013, through September 30, 2014, inclusive,  
25 \$50;

26 (ii) From October 1, 2014, through September 30, 2015, inclusive,  
27 \$75; ~~and~~

28 (iii) ~~After September 30, 2015~~ ~~FROM OCTOBER 1, 2015,~~  
29 ~~THROUGH SEPTEMBER 30, 2022, INCLUSIVE~~, \$100;

30 (iv) ~~FROM OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2027,~~  
31 ~~INCLUSIVE, \$125; AND~~

1                                    ~~(VI) ON OR AFTER OCTOBER 1, 2027, \$150.~~

2            (b)    The fee established under subsection (a) of this section shall be paid by the  
3 person registering the commercial feed in accordance with the collection and reporting  
4 guidelines established by the Department by regulation.

5            (c)    Any fee collected under this section shall be paid into the Fund.

6                                    **Chapter 561 of the Acts of 2013**

7            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2013. It shall remain effective for a period of [9] 19 years and, at the end of  
9 September 30, [2022] 2032, with no further action required by the General Assembly, this  
10 Act shall be abrogated and of no further force and effect.

11                                    **Chapter 562 of the Acts of 2013**

12            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2013. It shall remain effective for a period of [9] 19 years and, at the end of  
14 September 30, [2022] 2032, with no further action required by the General Assembly, this  
15 Act shall be abrogated and of no further force and effect.

16            SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2021,  
17 the Department of Agriculture shall report to the General Assembly, in accordance with §  
18 2-1257 of the State Government Article, on the Spay/Neuter Fund, including:

19                    (1)    spay and neuter programs that are not receiving funding from the  
20 Spay/Neuter Fund;

21                    (2)    the market capacity for increasing the fees assessed on each brand  
22 name or product name of commercial feed under § 2-1603 of the Agriculture Article; and

23                    (3)    a proposed fee structure that can be implemented over the next 5 to 10  
24 years to enhance the revenue generated from the fees assessed under § 2-1603 of the  
25 Agriculture Article.

26            SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 ~~October~~ June 1, 2021.