

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 1055

(Senator Kramer)

Education, Energy, and the Environment

Environment and Transportation

Agriculture - Roosters - Restrictions

This bill prohibits, with specified exceptions, a person from keeping more than five “roosters” per acre or more than a total of 25 roosters on a single “property,” beginning January 1, 2026, unless authorized by the Maryland Department of Agriculture (MDA). A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 or an injunction, as specified; existing administrative penalties also apply to violations of the bill. MDA must adopt regulations to carry out the bill and may work in cooperation with a local animal control officer or law enforcement officer to enforce the bill. The bill must not be construed to require MDA to conduct additional inspections beyond those inspections required by law.

Fiscal Summary

State Effect: MDA advises that it can issue exceptions to the bill’s prohibition and coordinate with local animal control and law enforcement officers to enforce the bill using existing budgeted resources. Any penalties assessed for violations of the bill are not anticipated to materially affect State revenues.

Local Effect: Local government expenditures for local animal control and law enforcement agencies may increase in some jurisdictions, as discussed below. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Property” means a parcel of land or a combination of parcels of land operating as a single unit. “Rooster” means a male chicken that is at least six months old, has fully developed an adult plumage, or is capable of crowing.

The bill’s prohibition does not apply to:

- commercial poultry producers;
- a public school or nonpublic school that receives State funds;
- a government-operated animal shelter;
- an animal welfare organization; or
- a member of a 4-H or Future Farmers of America (FFA) program if, on request of an animal control officer, an officer of a county humane society, or a police officer, the member provides in writing proof of membership in a 4-H or FFA program and authorization from the county in which the roosters are located that specifies (1) the reason for keeping more than five roosters per acre or more than 25 roosters on a property; (2) the number of roosters that may be kept; (3) the breed of each rooster that may be kept; (4) the duration of time each rooster may be kept; and (5) the address of the property where each rooster may be kept.

A person who violates the bill is (1) guilty of a misdemeanor and subject to a fine of up to \$1,000 *or* (2) subject to enforcement under § 3-119 of the Agriculture Article, which authorizes MDA to bring an action for an injunction against a violator. In any action for injunction, any finding of MDA after a hearing shall be *prima facie* evidence of each fact found. On a showing that any person is violating – or is about to violate the bill – an injunction must be granted without the necessity of showing a lack of adequate remedy at law. In circumstances of an emergency creating conditions of imminent danger to animal health, MDA may institute an action for an immediate injunction, as specified. Existing administrative penalties that apply to violations of Title 3 of the Agriculture Article also apply to violations of the bill.

The bill does not affect the authority of a county, municipality, or unit of local government to enact and enforce more stringent standards or requirements related to roosters or limit or supersede any other county, municipal, or State law, rule, or regulation that provides more stringent requirements regarding the keeping of roosters.

Current Law:

General Powers of the Secretary of Agriculture

The Secretary of Agriculture may exercise or perform any power, duty, responsibility, or function, which any position or unit within MDA may exercise or perform, except as specified. The Secretary has general supervision, direction, and control of the provisions of the Agriculture Article and generally of all matters in any way affecting or relating to the fostering, protection, and development of the agricultural interests of the State.

Regulation of Infectious and Contagious Poultry Diseases

Under Title 3, Subtitle 1 of the Agriculture Article, the Secretary of Agriculture is charged with protecting the health of the domestic animals of the State from all contagious or infectious diseases. For this purpose, the Secretary is authorized to (1) adopt and enforce quarantine, sanitary, or other rules and regulations deemed necessary; (2) make and prosecute diligent inquiries in counties to ascertain the exact condition of the health of livestock; and (3) prohibit the importation from another state of specified animals and detain animals for inspection or quarantine.

To prevent the spread of contagious or infectious diseases, the Secretary (or the Secretary's agent) may:

- at any time, visit the location where there is reason to believe any contagious or infectious disease may exist;
- test any animal for any contagious disease by any method;
- order every animal, which has been exposed to a contagious or infectious disease, to be isolated in a manner necessary to prevent the spread of the disease;
- order any location where any contagious or infectious disease has existed or presently exists to be quarantined, as specified;
- issue any order deemed necessary or expedient to prevent the communication of any infectious or contagious disease from the quarantined area;
- issue an order requiring the destruction of any animal infected with or exposed to an infectious or contagious disease, as specified;
- issue an order requiring disinfection of every building, premises, vehicle, and every object, which may breed or convey any infectious or contagious disease;
- destroy any building or article that is contaminated and incapable of proper disinfection;
- modify, cancel, or withdraw the terms of any order issued to prevent the spread of contagious or infectious diseases; and

- institute a livestock patrol along the State borders to prevent any livestock affected with any contagious or infectious disease from being brought into the State contrary to the laws regulating shipment of livestock into the State.

The Secretary may order any sheriff, deputy sheriff, or other law enforcement officer of the State or of any county to provide information or assist in the execution or enforcement of any MDA order.

The Secretary (or the Secretary's agent) is also authorized to prohibit the shipment of livestock or poultry into an area in which a contagious disease eradication is being carried out, and the Secretary may quarantine any animals that have been brought into the area and require that they be tested, as specified.

Regulation of Poultry to Protect Animal Health and Control Avian Influenza

Under Title 3, Subtitle 8 of the Agriculture Article, except as provided by the Secretary of Agriculture, a person who keeps poultry must register with the Secretary. The registration form must include (1) the name of the poultry keeper; (2) the location of the property on which the poultry is kept; (3) the type of poultry; and (4) any other related information required by the Secretary.

Enforcement

MDA may bring an action for an injunction against any person violating the provisions of Title 3, Subtitle 1 of the Agriculture Article (Regulation of Infectious and Contagious Livestock and Poultry Diseases) or violating any valid order or quarantine issued by MDA. In any action for an injunction brought by MDA, any finding of MDA after a hearing must be *prima facie* evidence of each fact found.

On a showing by MDA that any person is violating or is about to violate the provisions of that subtitle or is violating or is about to violate any valid order or quarantine issued by MDA, an injunction must be granted without the necessity of showing a lack of adequate remedy at law. In circumstances of an emergency creating conditions of imminent danger to animal health, MDA may institute an action for an immediate injunction to halt any activity causing the danger, as specified.

In lieu of or in addition to any penalty provided under Title 3 of the Agriculture Article, the Secretary may impose an administrative penalty of up to \$10,000 on any person who violates any provision of the title. Any penalties collected under this provision are deposited into the Animal Health Fund.

Cockfighting

Title 10, Subtitle 6 of the Criminal Law Article contains several offenses concerning the improper treatment of animals, including cockfighting.

Aggravated Cruelty to Animals – Cockfights: In general, a person may not (1) use or allow the use of a fowl, cock, or other bird to fight with another animal; (2) possess, with the intent to unlawfully use, an implement of cockfighting; (3) arrange or conduct a fight in which a fowl, cock or other bird fights with another fowl, cock, or other bird; (4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or (5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird. A person who violates any of these prohibitions is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment for up to three years and/or a maximum fine of \$5,000. As a condition of sentencing, the court may (1) order a defendant convicted of violating these provisions to participate in and pay for psychological counseling and pay, in addition to any other fines and costs, all reasonable costs occurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant and (2) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

Attending a Cockfight: A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird. A violator is guilty of a misdemeanor and on conviction is subject to imprisonment for up to one year and/or a maximum fine of \$2,500. As a condition of sentencing, the court may order a defendant convicted of violating this provision to participate in and pay for psychological counseling.

Local Expenditures: The bill authorizes MDA to work in cooperation with a local animal control officer or law enforcement officer to enforce the bill. To the extent MDA requests local involvement with enforcement, local government expenditures may increase in some jurisdictions. For example, Prince George's County advises that one additional animal control officer is necessary to coordinate with MDA to enforce the bill's provisions, and that county expenditures increase by approximately \$85,400 in the first year of implementation, increasing to approximately \$138,500 by the fifth year of implementation.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1030 (Delegate Allen) - Environment and Transportation.

Information Source(s): Baltimore City; Howard and Prince George's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Agriculture; Department of State Police; Department of Legislative Services

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Analysis by: Amberly E. Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510