

SENATE BILL 314

D3, M4

6lr0799

By: **Senator Waldstreicher**

Introduced and read first time: January 22, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Immunity From Liability – Donation of Pet Supplies**

3 FOR the purpose of establishing a certain immunity from liability for a person who donates
4 a pet item or dispenses a donated pet item; authorizing the State Department of
5 Agriculture to inspect donated commercial feed and establish procedures for
6 handling donated commercial feed; and generally relating to civil liability and the
7 donation of pet items.

8 BY repealing and reenacting, without amendments,
9 Article – Agriculture
10 Section 1–101(a), (d), and (g) and 6–101(a) and (d)
11 Annotated Code of Maryland
12 (2016 Replacement Volume and 2025 Supplement)

13 BY adding to
14 Article – Agriculture
15 Section 6–106.1
16 Annotated Code of Maryland
17 (2016 Replacement Volume and 2025 Supplement)

18 BY adding to
19 Article – Courts and Judicial Proceedings
20 Section 5–634.1
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2025 Supplement)

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

25 **Article – Agriculture**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1–101.

2 (a) In this article the following words have the meanings indicated.

3 (d) “Department” means the State Department of Agriculture.

4 (g) “Person” includes the State, any county, municipal corporation or other
5 political subdivision of the State, or any of their units, or an individual, receiver, trustee,
6 guardian, executor, administrator, fiduciary, or representative of any kind, or any
7 partnership, firm, association, public or private corporation, or any other entity, unless
8 otherwise provided.

9 6–101.

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

11 (d) “Commercial feed” means a material or combination of materials distributed,
12 or intended for distribution, for use as feed, or for mixing in feed for any animal other than
13 man including feed prepared and distributed for consumption by dogs and cats, or any
14 domesticated animal normally maintained in a cage or tank, including gerbils, hamsters,
15 canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles,
16 except:

17 (1) Unmixed whole seeds and physically altered entire unmixed seeds that
18 are not chemically altered or adulterated;

19 (2) Commodities such as hay, straw, stover, silage, cobs, husks, hulls, and
20 individual chemical compounds or substances when the commodities, compounds, or
21 substances are not intermixed with other materials or adulterated; or

22 (3) A material or combination of materials that is exempt from this
23 definition in regulations adopted by the Secretary.

24 **6–106.1.**

25 **(A) THE DEPARTMENT MAY:**

26 **(1) INSPECT FOR WHOLESOMENESS ANY COMMERCIAL FEED**
27 **DONATED TO A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION; AND**

28 **(2) ESTABLISH PROCEDURES FOR HANDLING COMMERCIAL FEED**
29 **DONATED TO ANY NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION.**

30 **(B) A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY UNDER §**
31 **5–634.1 OF THE COURTS ARTICLE FOR ANY ACT OR OMISSION THAT AFFECTS THE**
32 **NATURE, AGE, CONDITION, OR PACKAGING OF THE DONATED COMMERCIAL FEED.**

Article – Courts and Judicial Proceedings

5–634.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PERSON” INCLUDES THE STATE, ANY COUNTY, MUNICIPAL CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY OF THEIR UNITS, OR AN INDIVIDUAL, A RECEIVER, A TRUSTEE, A GUARDIAN, AN EXECUTOR, AN ADMINISTRATOR, A FIDUCIARY, OR A REPRESENTATIVE OF ANY KIND, OR ANY PARTNERSHIP, FIRM, ASSOCIATION, PUBLIC OR PRIVATE CORPORATION, OR OTHER ENTITY.

(3) (I) “PET ITEM” MEANS ANY APPARENTLY FIT TANGIBLE PET SUPPLY THAT MEETS ALL QUALITY AND LABELING STANDARDS IMPOSED BY FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS EVEN IF THE ITEM MAY NOT BE READILY MARKETABLE DUE TO APPEARANCE, AGE, FRESHNESS, GRADE, SURPLUS, OR OTHER CONDITION.

(II) “PET ITEM” INCLUDES APPARENTLY FIT COMMERCIAL FEED AS DEFINED IN § 6–101 OF THE AGRICULTURE ARTICLE.

(B) UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT, A PERSON IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION THAT AFFECTS THE NATURE, AGE, CONDITION, OR PACKAGING OF A DONATED PET ITEM IF THE PERSON IN GOOD FAITH:

(1) DONATED THE PET ITEM FOR USE OR DISTRIBUTION BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION OR A UNIT OF STATE OR LOCAL GOVERNMENT; OR

(2) DISPENSED THE DONATED PET ITEM ON BEHALF OF A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION OR A UNIT OF STATE OR LOCAL GOVERNMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.