SB 314

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 314 (Senator Waldstreicher)
Judicial Proceedings Environment and Transportation

Courts - Immunity From Liability - Donation of Pet Supplies

This bill establishes a limitation on liability regarding the donation of "pet items," including commercial feed, that mirror existing provisions regarding the donation of food. Specifically, unless the act or omission amounts to gross negligence or willful and wanton misconduct, a person may not be held 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, donated the item for use or distribution by, or dispensed the item on behalf of, a nonprofit corporation, organization, or association or a unit of State or local government. In addition, the bill authorizes the Maryland Department of Agriculture (MDA) to (1) inspect for wholesomeness any commercial feed donated to a nonprofit corporation, organization, or association and (2) establish procedures for handling commercial feed donated to any nonprofit corporation, organization, or association.

Fiscal Summary

State Effect: General fund expenditures increase by $84,600 in FY 2027. Future years reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	$0	$0	$0	$0	$0
GF Expenditure	84,600	69,700	73,100	76,600	80,000
Net Effect	($84,600)	($69,700)	($73,100)	($76,600)	($80,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: "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. The term includes apparently fit "commercial feed," as defined in § 6-101 of the Agriculture Article.

Current Law:

Person, Defined

Under § 1-101 of the Agriculture Article, "person" means the State, any county, municipality or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity, unless provided otherwise.

Commercial Feed

Under § 6-101 of the Agriculture Article, "commercial feed" means a material or combination of materials distributed or intended for distribution, for use as feed, or for mixing in feed for any animal, other than man, including feed prepared and distributed for consumption by dogs and cats, or any domesticated animal normally maintained in a cage or tank, as specified, except (1) unmixed whole seeds and physically altered entire unmixed seeds that are not chemically altered or adulterated; (2) commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when the commodities, compounds, or substances are not intermixed with other materials or adulterated; or (3) a material or combination of materials exempt from the definition in regulations adopted by the Secretary of Agriculture.

MDA's State Chemist Section, among other things, regulates the sale and distribution of animal feeds and pet foods in order to enhance and promote agricultural production, protect animals from unsafe products, ensure the sale of effective products, and provide the regulated industry with a competitive marketplace. The State Chemist Section samples, inspects, tests, and analyzes commercial feed distributed in the State to the extent considered necessary to ensure compliance with the law. A distributor generally must register annually each brand name or product name of commercial feed before distributing it in the State, unless it has been registered by another person and the product label has not been altered or changed.

Immunity from Liability for the Donation of Food and Related Inspection Authority

Unless the act or omission amounts to gross negligence or willful and wanton misconduct, a person, including a nonprofit corporation, organization, or association, is not civilly liable for any act or omission that affects the nature, age, condition, or packaging of the donated food if the person in good faith:

- donates food for use or distribution by a nonprofit corporation, organization, or association;
- prepares donated food for use or distribution by a nonprofit corporation, organization, or association;
- serves donated food distributed by a nonprofit corporation, organization, or association; or
- dispenses donated food distributed by a nonprofit corporation, organization, or association.

The limitation on liability described above does not apply to any person, including a nonprofit corporation, organization, or association, who (1) donates food to a nonprofit corporation, organization, or association that sells or offers for sale any donated food; (2) prepares donated food for use or distribution by a nonprofit corporation, organization, or association that sells or offers for sale any donated food; or (3) serves donated food for distribution by a nonprofit corporation, organization, or association that sells or offers for sale any donated food.

The Maryland Department of Health and MDA may (1) inspect for wholesomeness any food donated to a nonprofit corporation, organization, or association and (2) establish procedures for handling food donated to any nonprofit corporation, organization, or association.

State Expenditures: General fund expenditures increase by $84,611 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of hiring one agricultural inspector to perform inspections of donated commercial feed on a complaint basis. It includes a salary, fringe benefits, one-time start-up costs (including the purchase of a vehicle), and ongoing operating expenses. While MDA's State Chemist Section regulates commercial feed, it does not currently conduct inspections of commercial feed that has been donated (*e.g.*, if donated commercial feed causes illness in or death of a pet). As a result, MDA advises that it does not have the resources to conduct inspections for this purpose, even on a complaint basis.

Position	1.0
Salary and Fringe Benefits	$50,570
Vehicle Purchase	23,500
Operating Expenses	10,541
Total FY 2027 State Expenditures	**$84,611**

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The bill is not anticipated to materially affect the finances or operations of the Judiciary.

Additional Information

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

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2026
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