



# Montgomery County

## Office of Intergovernmental Relations

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HB 912

DATE: February 25, 2026

SPONSOR: Delegate Guyton, *et al.*

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: Support With Amendments (Montgomery County Office of Animal Services)

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### Local Government – Trap-Neuter-Return Policies for Community Cats – Requirements and Restrictions (Ash’s Law)

The Montgomery County Office of Animal Services supports House Bill 912 with the adoption of several critical amendments which we believe will improve the bill’s objectives to humanely manage Maryland’s community cat population.

Montgomery County is a pioneer of humane, progressive animal management that Ash’s Law seeks to champion. With a live release rate for cats that consistently exceeds 95%, one of the highest in the State, the County’s record proves that non-lethal strategies work. This has been achieved not through a single, rigid policy, but through a sophisticated, multi-faceted approach that includes robust partnerships with nonprofit Trap-Neuter-Return (TNR) organizations and the County’s own carefully managed Return to Field (RTF) program.

It is from this position of shared goals and proven success that Montgomery County Office of Animal Services submits this statement. House Bill 912 has the potential to be a landmark piece of legislation. However, in its current form, the bill’s rigid, one-size-fits-all mandate would dismantle the very programs that make our County a model for the State. It replaces professional discretion with a blunt instrument, creates serious legal liabilities for the citizens it aims to help, and ignores the complex realities that our officers face every day.

With the following suggested amendments, Montgomery County Office of Animal Services respectfully believes that Ash’s Law could not only be the first law of its kind in the nation but also the most effective and legally sound:

**1. Preserve the Professional Discretion that Saves Lives.**

- **The Problem:** The bill’s mandate to return every healthy ear-tipped cat to its original location is dangerously oversimplified. Taking away agency discretion will

place animal safety at risk, as it is not reasonable to assume all animals or the environment they come from is an appropriate placement. Our RTF program empowers our trained staff to assess each cat and its unique circumstances to determine the best, most humane outcome. This may be a return to its original colony, but it could also be placement in a new home, or relocation as a “working cat” in a barn environment through our successful barn cat program. This discretion is critical. Should we return a cat to a dilapidated property that is about to be demolished? To a hoarding situation where the caregiver is overwhelmed? To a territory where it is being attacked by other animals? The current bill would force our officers to do just that, turning a humane intention into a death sentence.

- **Amendment:** Amend the preemption clause to create a “gold standard” provision, allowing local jurisdictions with established, high-performing animal management programs to maintain the operational flexibility and professional discretion needed to ensure the best outcome for each individual animal.

## 2. Protect Caregivers from Unintended Criminal Liability.

- **The Problem:** As written, the bill creates a legal trap for the compassionate citizens it aims to protect. While it rightly exempts caregivers from the abandonment statute, it fails to address the far more serious conflict with Maryland’s primary animal cruelty and neglect law (Criminal Law § 10-604). That statute requires anyone with “charge or custody” of an animal to provide “necessary veterinary care” and shelter. Consider the elderly resident on a fixed income who feeds a community cat daily. If that cat develops a tooth abscess or a respiratory infection, has that resident now assumed “custody” and become criminally liable for failing to provide veterinary care they cannot afford? This legal ambiguity could have a chilling effect, forcing well-meaning residents to stop providing care for fear of prosecution.
- **Amendment:** Amend the bill to provide an explicit and targeted exemption for community cat caregivers from the “adequate care” provisions of the statute for abuse of neglect of an animal (Criminal Law § 10-604) when they are acting in accordance with an authorized TNR program. We believe that this is the single most critical amendment needed to give caregivers the legal certainty they deserve.

## 3. Create a Clear, Workable Definition of a “Community Cat.”

- **The Problem:** The bill fails to draw a clear line between a truly unowned community cat and a lost or roaming owned pet. Imagine an Animal Services Officer finding a friendly, ear-tipped cat. Is it a community cat that must be returned to the street under the bill’s mandate? Or is it a beloved family pet that was adopted after being ear-tipped, and whose frantic family is searching for it? The bill provides no mechanism for the officer to make this distinction, creating operational chaos and risking tragic outcomes where lost pets are not reunited with their families.
- **Amendment:** Amend the bill to create a clear, rebuttable legal presumption that a cat found outdoors without a collar, microchip, or other form of identification is a community cat. This provides a clear, objective standard for officers in the field while still allowing for an owned pet to be identified and returned home.

Montgomery County is proof that the vision behind Ash's Law is achievable. The County has done it, and the County's Office of Animal Services urges the Committee to consider adopting the suggested amendments that could transform the bill from a well-intentioned effort into a powerful, effective, and legally sound law that will serve as a model for the nation.

MARYLAND GENERAL ASSEMBLY

2026 Regular Session

**HOUSE BILL 912**

Local Government – Trap-Neuter-Return Policies for Community Cats –  
Requirements and Restrictions (Ash’s Law)

**AS AMENDED PER MONTGOMERY COUNTY OFFICE OF ANIMAL SERVICES**

**MARKUP LEGEND:** **BOLD UNDERLINE** = New text in the original bill (SB 750 as introduced)  
**BOLD DOUBLE UNDERLINE (BLUE)** = New text added by Montgomery County proposed amendments  
~~**STRIKETHROUGH (RED)**~~ = Original bill text stricken by Montgomery County proposed amendments  
Existing law that is not being changed is shown in regular type.

AN ACT concerning Local Government – Trap-Neuter-Return Policies for Community Cats – Requirements and Restrictions

FOR the purpose of prohibiting certain provisions of law relating to the abandonment of a domestic animal from being construed to apply to a person providing care to a community cat under a trap-neuter-return policy; **CLARIFYING THAT A COMMUNITY CAT CAREGIVER IS NOT DEEMED TO HAVE CHARGE OR CUSTODY OF A COMMUNITY CAT FOR PURPOSES OF CERTAIN PROVISIONS OF LAW RELATING TO ABUSE OR NEGLECT OF AN ANIMAL**; requiring counties and municipalities to authorize certain trap-neuter-return policies for community cats; establishing certain minimum requirements for the policies; **ESTABLISHING A REBUTTABLE PRESUMPTION FOR THE CLASSIFICATION OF COMMUNITY CATS**; **EXPANDING THE MANDATE OF THE SPAY AND NEUTER GRANTS PROGRAM TO INCLUDE COMMUNITY CAT MANAGEMENT PROGRAMS**; defining certain terms; and generally relating to trap-neuter-return policies for community cats.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10-612  
Annotated Code of Maryland

**BY repealing and reenacting, with amendments,**  
**Article – Criminal Law**  
**Section 10-604**  
**Annotated Code of Maryland**

BY adding to  
Article – Local Government  
Section 1-1321  
Annotated Code of Maryland

**BY repealing and reenacting, with amendments,**  
**Article – Agriculture**  
**Sections 2-1301 and 2-1303**  
**Annotated Code of Maryland**

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**SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,**

That the Laws of Maryland read as follows:

*Article – Criminal Law*

**10-612.**

**(A) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS PROVIDING CARE TO A COMMUNITY CAT UNDER A TRAP-NEUTER-RETURN POLICY IN ACCORDANCE WITH § 1-1321 OF THE LOCAL GOVERNMENT ARTICLE.**

**(B)** A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with intent to abandon the animal.

**(C)** A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

**Note:** Section 1 is the original bill text. It exempts TNR caregivers from the abandonment statute (§ 10-612). No amendments to this section.

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**SECTION 2. AND BE IT FURTHER ENACTED,**

**That the Laws of Maryland read as follows:**

*Article – Criminal Law*

**10-604. Abuse or neglect of animal.**

(a) A person may not:


- (1) overdrive or overload an animal;
- (2) deprive an animal of necessary sustenance;
- (3) inflict unnecessary suffering or pain on an animal;
- (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or
- (5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, proper air, proper space, proper shelter, or proper protection from the weather.

(b)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

- (i) participate in and pay for psychological counseling; and
- (ii) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

**(c) FOR PURPOSES OF THIS SECTION, A PERSON WHO PROVIDES CARE TO A COMMUNITY CAT UNDER A TRAP-NEUTER-RETURN POLICY IN ACCORDANCE WITH § 1-1321 OF THE LOCAL GOVERNMENT ARTICLE IS NOT DEEMED TO HAVE CHARGE OR CUSTODY OF THE COMMUNITY CAT.** 

**AMENDMENT 1 — Cruelty & Neglect Liability Protection.** *This new section resolves the conflict between TNR practices and Maryland’s cruelty/neglect statute. Modeled on Delaware law (Title 11, § 1325), it clarifies that a TNR caregiver is not deemed to have “charge or custody” of a community cat, preventing the application of indoor pet care standards to free-roaming cats.*

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**SECTION 3. AND BE IT FURTHER ENACTED,**

**That the Laws of Maryland read as follows:**

**Article – Local Government**

**1-1321.**

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

**(2) (I) “COMMUNITY CAT” MEANS A FREE-ROAMING CAT THAT MAY BE CARED FOR BY ONE OR MORE RESIDENTS OF THE IMMEDIATE AREA WITHIN WHICH THE CAT IS LOCATED.**

**(II) “COMMUNITY CAT” INCLUDES A FERAL CAT.** 

**(III) FOR THE PURPOSES OF THIS SUBTITLE, THERE IS A REBUTTABLE PRESUMPTION THAT A CAT IS A COMMUNITY CAT IF THE CAT IS FOUND OUTDOORS AND LACKS A COLLAR, TAG, MICROCHIP, OR OTHER DISCERNIBLE OWNER IDENTIFICATION.**

**AMENDMENT 2 — Cat Classification.** Establishes a clear, objective standard for animal control officers to distinguish community cats from owned pets. Modeled on Delaware's "discernible owner identification" standard. The presumption is rebuttable, meaning an owner can always reclaim their pet by providing evidence of ownership.

**(3) "COMMUNITY CAT CAREGIVER" MEANS A PERSON WHO PROVIDES CARE, INCLUDING PROVIDING FOOD, SHELTER, OR MEDICAL CARE, TO A COMMUNITY CAT UNDER A TRAP-NEUTER-RETURN POLICY.**

**(4) "EARTIP" MEANS THE PROCEDURE OF REMOVING THE DISTAL ONE-QUARTER OF A CAT'S LEFT EAR, PERFORMED USING ANESTHESIA AND UNDER THE SUPERVISION OF A LICENSED VETERINARIAN, THAT IS DESIGNED TO IDENTIFY THE CAT AS STERILIZED AND VACCINATED FOR RABIES.**

**(5) "TRAP-NEUTER-RETURN" MEANS THE PROCESS OF HUMANELY TRAPPING, STERILIZING, VACCINATING FOR RABIES, AND EARTIPPING A COMMUNITY CAT AND RETURNING THE COMMUNITY CAT TO THE LOCATION WHERE THE CAT WAS ORIGINALLY TRAPPED.**

**(B) THIS SECTION APPLIES TO ALL COUNTIES AND MUNICIPALITIES.**

**(C) EACH COUNTY AND MUNICIPALITY SHALL AUTHORIZE A TRAP-NEUTER-RETURN POLICY THAT MEETS THE FOLLOWING MINIMUM REQUIREMENTS:**

**(1) THE POLICY MAY NOT REQUIRE A COMMUNITY CAT CAREGIVER TO REGISTER WITH OR OBTAIN CERTIFICATION FROM ANY PERSON OR ENTITY.**

**(2) THE POLICY SHALL AUTHORIZE THE TRAPPING OF COMMUNITY CATS FOR THE PURPOSE OF STERILIZATION, RABIES VACCINATION, AND EARTIPPING IN ACCORDANCE WITH FEDERAL AND STATE LAW.**

**(3) THE POLICY SHALL AUTHORIZE A COMMUNITY CAT CAREGIVER TO RECLAIM AN IMPOUNDED COMMUNITY CAT WITHOUT PROOF OF OWNERSHIP FOR THE PURPOSE OF:**

**(I) CARRYING OUT TRAP-NEUTER-RETURN; OR**

**(II) RETURNING AN EARTIPPED COMMUNITY CAT TO THE LOCATION WHERE THE CAT WAS ORIGINALLY TRAPPED.**

**(4) UNLESS VETERINARY CARE IS REQUIRED, AN EARTIPPED COMMUNITY CAT THAT IS RECEIVED BY A LOCAL ANIMAL SHELTER OR TRAPPED SHALL BE RETURNED TO THE LOCATION WHERE THE CAT WAS ORIGINALLY TRAPPED.**

**(5) TRAP-NEUTER-RETURN SHALL BE THE PREFERRED DISPOSITION FOR AN IMPOUNDED COMMUNITY CAT.**

~~**(D) THIS SECTION SUPERSEDES AND PREEMPTS ANY LAW, ORDINANCE, POLICY, OR REGULATION OF ANY LOCAL GOVERNMENT BODY, AND ANY POLICY OR RULE OF ANY PERSON OR CORPORATION, THAT PROHIBITS OR RESTRICTS THE PRACTICE OF A TRAP-NEUTER-RETURN POLICY.**~~

**ESTABLISHES A MINIMUM STANDARD FOR THE REGULATION OF TRAP-NEUTER-RETURN POLICIES IN THE STATE. THIS SUBTITLE DOES NOT PROHIBIT A COUNTY OR MUNICIPALITY FROM ENACTING A LAW, ORDINANCE, OR REGULATION THAT:**

**(1) IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SUBTITLE; OR**

**(2) ALLOWS AN ANIMAL SHELTER IN A JURISDICTION WITH A LIVE RELEASE RATE FOR CATS OF 90% OR HIGHER, AS DOCUMENTED IN THE MOST RECENT ANNUAL REPORT BY THE DEPARTMENT OF AGRICULTURE, TO UTILIZE AN INDIVIDUALIZED ASSESSMENT TO DETERMINE THE MOST APPROPRIATE DISPOSITION FOR A COMMUNITY CAT, INCLUDING RETURN-TO-FIELD, ADOPTION, OR PLACEMENT IN A WORKING CAT PROGRAM.**

**AMENDMENT 3 — Preservation of Local Discretion.** Replaces the broad “ceiling” preemption clause with a “floor” preemption that establishes the bill as a minimum standard. Allows local governments to enact more stringent protections (e.g., buffer zones near wildlife areas or schools, per the Pinellas County, FL model) and preserves the authority of high-performing jurisdictions (90%+ live release rate) to maintain individualized assessment programs such as Montgomery County’s Return-to-Field initiative.

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**SECTION 2. AND BE IT FURTHER ENACTED,**

**That the Laws of Maryland read as follows:**

***Article – Agriculture***

**§ 2-1602. Spay/Neuter Fund.**

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

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

**AMENDMENT 4 — State Funding Mechanism.** Expands the mandate of Maryland’s existing Spay and Neuter Fund (est. 2014, up to \$1M annually, funded by pet food dealer fees) to explicitly include grants for community cat management and TNR programs. This avoids creating a duplicative new fund and leverages existing state infrastructure.

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**SECTION 5. AND BE IT FURTHER ENACTED,**

That this Act shall take effect October 1, 2026.

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**SUMMARY OF AMENDMENTS:**

**Amendment 1 (Section 2):**Resolves the conflict between TNR and Maryland’s cruelty/neglect statute (§ 10-604) by clarifying that caregivers do not have “charge or custody” of community cats. *Based on Delaware Title 11, § 1325.*

**Amendment 2 (Section 3, § 1-1321(A)(2)(II)):**Creates a rebuttable presumption for classifying community cats based on the absence of discernible owner identification. *Based on Delaware “discernible owner identification” standard.*

**Amendment 3 (Section 3, § 1-1321(C)):**Converts the preemption clause from a “ceiling” to a “floor,” preserving local authority for more stringent protections and individualized assessment programs. *Based on ASPCA preemption framework and Pinellas County, FL model.*

**Amendment 4 (Section 4):**Expands the existing Maryland Spay and Neuter Fund to include community cat management grants. *Leverages existing state infrastructure (Agriculture Article §§ 2-1602).*