

# HOUSE BILL 1481

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EMERGENCY BILL

8lr3216

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By: **Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim**

Introduced and read first time: February 18, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 29, 2008

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2008

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

1 AN ACT concerning

2 **State Board of Veterinary Medical Examiners – Animal Control Facilities –**  
3 **License to Administer Scheduled Drugs to Animals**

4 FOR the purpose of repealing the authority of the State Board of Veterinary Medical  
5 Examiners to issue a special permit to a certain humane society or animal  
6 shelter to administer a certain drug to euthanize animals; authorizing the  
7 Board to issue a license, on application of an animal control facility, to allow the  
8 facility to administer certain drugs to sedate or euthanize animals; requiring  
9 the application to designate one individual responsible for the drugs;  
10 establishing an annual fee for the license; authorizing the Board to reject an  
11 application or suspend or revoke a license for certain reasons in accordance with  
12 certain procedures; requiring a licensed facility to comply with certain employee  
13 training requirements; authorizing a member of the Board or the Board's  
14 designated inspector to enter a licensed facility at any reasonable hour to  
15 enforce certain regulations; requiring the Board, in consultation with the  
16 Department of Health and Mental Hygiene to adopt regulations; repealing a  
17 provision that exempts a certain humane society or animal shelter with a  
18 special permit from certain registration requirements; defining a certain term;  
19 altering a certain definition; making this Act an emergency measure; and  
20 generally relating to animal control facilities and a license to administer  
21 scheduled drugs to animals.

22 BY repealing and reenacting, with amendments,  
23 Article – Agriculture  
24 Section 2–305

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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 Annotated Code of Maryland  
2 (2007 Replacement Volume)

3 BY repealing and reenacting, with amendments,  
4 Article – Criminal Law  
5 Section 5–101(d)  
6 Annotated Code of Maryland  
7 (2002 Volume and 2007 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Law  
10 Section 10–601(a) and (d)  
11 Annotated Code of Maryland  
12 (2002 Volume and 2007 Supplement)

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

15 **Article – Agriculture**

16 2–305.

17 (A) IN THIS SECTION, “ANIMAL CONTROL FACILITY” MEANS A HUMANE  
18 SOCIETY, AS DEFINED IN § 10–601 OF THE CRIMINAL LAW ARTICLE, OR A  
19 COUNTY OR MUNICIPAL DESIGNATED ANIMAL SHELTER.

20 (B) The Board, [upon] ON terms and conditions [it finds proper, shall]  
21 SATISFACTORY TO THE BOARD, MAY issue A LICENSE to [any humane society, as  
22 defined by § 10–601 of the Criminal Law Article, or county or municipal designated  
23 animal shelter which submits an application, a special permit authorizing purchase,  
24 possession, and use of sodium pentobarbital to euthanize injured, sick, homeless, and  
25 unwanted domestic animals] AN ANIMAL CONTROL FACILITY TO ALLOW THE  
26 ANIMAL CONTROL FACILITY TO ADMINISTER DRUGS NEEDED TO SEDATE,  
27 EUTHANIZE, OR SEDATE AND EUTHANIZE ANIMALS.

28 (C) (1) (I) THE OWNER OF AN ANIMAL CONTROL FACILITY SHALL  
29 APPLY FOR THE LICENSE.

30 (II) THE BOARD SHALL ISSUE A LICENSE IN THE NAME OF  
31 THE OWNER OF AN ANIMAL CONTROL FACILITY.

32 (2) The [permit] APPLICATION shall designate [the sole person  
33 responsible] ONE INDIVIDUAL AT THE FACILITY RESPONSIBLE FOR THE DRUGS.

34 (3) The [application for the special permit and the annual renewal of  
35 the permit shall be accompanied by a fee set by the Board. Any organization that has

1 received a permit pursuant to this section is exempted from the registration  
2 requirement of §§ 5-301 and 5-304 of the Criminal Law Article as to pentobarbital]  
3 **ANNUAL LICENSE FEE IS \$100.**

4 **(D) IN ACCORDANCE WITH PROCEDURES SET OUT IN § 2-311 OF THIS**  
5 **SUBTITLE, THE BOARD MAY:**

6 **(1) REJECT AN APPLICATION FOR A LICENSE; OR**

7 **(2) SUSPEND OR REVOKE A LICENSE FOR FAILURE TO COMPLY**  
8 **WITH THE BOARD'S REGULATIONS.**

9 **(E) AN ANIMAL CONTROL FACILITY LICENSED UNDER THIS SECTION**  
10 **SHALL COMPLY WITH THE BOARD'S REQUIREMENTS RELATING TO EMPLOYEE**  
11 **TRAINING.**

12 **(F) A MEMBER OF THE BOARD, OR THE BOARD'S DESIGNATED**  
13 **INSPECTOR, MAY ENTER AN ANIMAL CONTROL FACILITY LICENSED UNDER THIS**  
14 **SECTION AT ANY REASONABLE HOUR TO ENFORCE THE BOARD'S REGULATIONS.**

15 **(G) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND**  
16 **MENTAL HYGIENE, THE BOARD SHALL ADOPT REGULATIONS NECESSARY TO**  
17 **CARRY OUT THIS SECTION.**

18 **Article - Criminal Law**

19 5-101.

20 (d) (1) "Authorized provider" means:

21 (i) a person licensed, registered, or otherwise allowed to  
22 administer, distribute, dispense, or conduct research on a controlled dangerous  
23 substance in the State in the course of professional practice or research; or

24 (ii) a pharmacy, laboratory, hospital, or other institution  
25 licensed, registered, or otherwise allowed to administer, distribute, dispense, or  
26 conduct research on a controlled dangerous substance in the State in the course of  
27 professional practice or research.

28 (2) "Authorized provider" includes:

29 (I) a scientific investigator [and];

30 (II) an individual authorized by the State to practice medicine,  
31 dentistry, or veterinary medicine; **AND**

1 (III) AN ANIMAL CONTROL FACILITY LICENSED UNDER §  
2 **2-305 OF THE AGRICULTURE ARTICLE.**

3 10-601.

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

5 (d) "Humane society" means a society or association incorporated in  
6 Maryland for the prevention of cruelty to animals.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~  
8 June 1, 2008 is an emergency measure, is necessary for the immediate preservation of  
9 the public health or safety, has been passed by a yea and nay vote supported by  
10 three-fifths of all the members elected to each of the two Houses of the General  
11 Assembly, and shall take effect from the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.