

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 626

(Delegate Gilchrist, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Agriculture - Animal Shelters - Standards of Care and Protocol Implementation
and Enforcement

This bill requires the Maryland Department of Agriculture (MDA), by January 1, 2018, to adopt minimum standards of care for dogs and cats in animal shelters. The standards must be consistent with the most recent (1) Association of Shelter Veterinarians' (ASV) *Guidelines for Standards of Care in Animal Shelters* and (2) guidelines for standards of care in animal shelters prepared by the Professional Animal Workers of Maryland (PAWS). An animal shelter must follow (1) those adopted standards and (2) the written protocol for reclaiming animals from the shelter which it was required to establish under Chapter 267 of 2016. A violation of the bill's requirements is subject to an existing civil penalty established under Chapter 267. MDA must adopt regulations to enforce the bill and Chapter 267 by January 1, 2018.

The bill takes effect June 1, 2017.

Fiscal Summary

State Effect: The bill can be implemented by MDA with existing resources, provided that there is relatively limited noncompliance with the minimum standards of care adopted by MDA. A greater amount of noncompliance, and associated follow-up inspections and enforcement actions, may require an additional part-time inspector. Revenues are not materially affected.

Local Effect: Local government expenditures may increase in some jurisdictions if the bill's requirement that animal shelters follow the minimum standards of care adopted by MDA requires expenditures that otherwise do not occur under Chapter 267 of 2016. The extent of any impact cannot be reliably determined at this time.

Small Business Effect: Minimal or none.

Analysis

Current Law: Chapter 267 of 2016 requires an animal shelter to establish and make publicly available by January 1, 2017 (1) a written veterinary care protocol; (2) a written protocol for reclaiming animals from the shelter; and (3) an annual summary of intake and disposition data.

“Animal shelter” means (1) a county or municipal animal control facility; (2) an organization that contracts with a county or municipality for animal control; or (3) an organization that shelters animals and has received a grant from the Spay/Neuter Fund (which funds programs that facilitate and promote the provision of spay and neuter services for cats and dogs) during the previous year.

Veterinary Care Protocol

By January 1, 2017, an animal shelter must establish a written veterinary care protocol for dogs and cats that addresses sheltered dogs’ and cats’ health, safety, and well-being. The protocol must be consistent with guidelines set forth in the most recent ASV *Guidelines for Standards of Care in Animal Shelters* with respect to basic care, sanitation, population management, disease control and prevention, behavioral health and mental well-being, and euthanasia. The protocol must also be updated as necessary to reasonably accommodate any subsequent updates to the guidelines and must be made available to the public and MDA on request. An animal shelter may disregard its written veterinary care protocol for a dog or cat that is deemed to be too vicious or dangerous to permit safe handling.

Protocol for Reclaiming Animals and Intake and Disposition Data

By January 1, 2017, an animal shelter must establish and make available to the public on the animal shelter’s website or in a conspicuous location within the animal shelter’s facility (1) a specified written protocol for reclaiming animals from the animal shelter and (2) an annual summary of intake and disposition data reported to MDA under an existing reporting requirement under provisions governing the Spay/Neuter Fund.

Penalty

A person who violates the provisions of Chapter 267 is subject to a civil penalty of not more than \$500.

Background: ASV is an international organization that has a mission of advancing and supporting the practice of shelter medicine in order to improve community animal health and well-being. ASV’s *Guidelines for Standards of Care in Animal Shelters* referenced in Chapter 267 of 2016 and the bill are intended to serve as a source of evidence-based

information and support for organizations seeking to provide the most humane care possible for animals. Background information in the guidelines (which were published in 2010) indicates that the care of animals in shelters is not standardized or regulated at the national level and regulations are inconsistent and often inadequately monitored at the state and local levels. The guidelines are based on the Five Freedoms for Animal Welfare created in 1965 in the United Kingdom: (1) freedom from hunger and thirst; (2) freedom from discomfort; (3) freedom from pain, injury, or disease; (4) freedom to express normal behavior; and (5) freedom from fear and distress.

PAWS is an association of animal control agencies and humane organizations in the State.

Local Fiscal Effect: Local government expenditures may increase in some jurisdictions if the bill's requirement that animal shelters follow the minimum standards of care adopted by MDA requires expenditures that otherwise do not occur under Chapter 267 of 2016. One jurisdiction, out of a small number contacted, indicates the potential for additional costs for veterinary services if required to follow the standards adopted by MDA. Other jurisdictions contacted do not expect any increase in costs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Baltimore City; Kent, Montgomery, Washington, and Worcester counties; Association of Shelter Veterinarians, *Guidelines for Standards of Care in Animal Shelters* (2010); Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2017
md/lgc Third Reader - March 18, 2017
Revised - Amendment(s) - March 18, 2017

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