

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 22

(Delegate Charkoudian, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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Animal Welfare - Declawing Cats - Prohibited Acts

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This bill prohibits a person from performing a declawing procedure on a cat unless the person is a veterinary practitioner (licensed and registered veterinarian), and the procedure is necessary for a therapeutic purpose. The bill establishes sanctions specific to veterinarians and veterinary practitioners that violate the prohibition and a civil fine applicable to any person who violates the prohibition.

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Fiscal Summary

**State Effect:** Enforcement of the bill is expected to be handled with existing resources. General fund revenues may increase minimally beginning in FY 2023 to the extent penalties are collected.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The bill prohibits a veterinary practitioner from performing a declawing procedure on a cat unless the procedure is necessary for a therapeutic purpose. “Therapeutic purpose” is defined as addressing a physical or medical condition that compromises the health or well-being of an animal. Therapeutic purpose does not include cosmetic or aesthetic reasons or reasons of convenience in the keeping or handling of the animal.

The bill authorizes the State Board of Veterinary Medical Examiners (SBVME) to refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, if the veterinarian or veterinary practitioner willfully violates the cat declawing prohibition. Under existing provisions, SBVME may impose a penalty of (1) up to \$5,000, for a first offense, in lieu of or in addition to suspension of a license, or in addition to revocation of a license and (2) up to \$10,000, for a second or subsequent offense, in addition to suspension or revocation of a license. The penalties are paid into the general fund.

The bill also prohibits any person, other than a veterinary practitioner performing a declawing procedure necessary for a therapeutic purpose, from performing a declawing procedure on a cat. A violation of the prohibition is a civil offense and subject to a fine of up to \$1,000. The prohibition may be enforced by any State or local law enforcement officer or the local animal control authority for the jurisdiction where the violation occurs.

### **Current Law:**

#### *State Board of Veterinary Medical Examiners Enforcement Authority*

With respect to veterinarians and veterinary practitioners, the board is authorized to refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, on various grounds, including (1) being unable to practice veterinary medicine competently due to a physical or mental disability; (2) being convicted of a violation of specified State or federal drug-related laws; (3) being convicted of a felony, or of a crime involving moral turpitude; (4) failing to comply with board rules or regulations after receiving a license; and (5) being grossly negligent or deliberately cruel to an animal. The board may also issue a cease and desist order, on review and approval of the Secretary of Agriculture or the Secretary's designee, against a person who takes an action for which the board determines there is a preponderance of evidence of grounds for discipline.

As mentioned above, the board may impose a penalty of (1) up to \$5,000, for a first offense, in lieu of or in addition to suspension of a license, or in addition to revocation of a license and (2) up to \$10,000, for a second or subsequent offense, in addition to suspension or revocation of a license.

#### *Criminal Prohibitions*

Statute prohibits, under the Criminal Law Article, certain procedures performed on dogs or cats but with exceptions for procedures performed under specified circumstances by licensed veterinarians. The prohibited procedures are (1) cropping or cutting off the ear of

a dog; (2) docking or cutting off the tail of a dog; (3) cutting off the dewclaw of a dog; (4) surgically birthing a dog; and (5) surgically devocalizing a dog or cat.

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### **Additional Information**

**Prior Introductions:** HB 445 of 2020, a similar bill, received a hearing in the House Environment and Transportation Committee, but no further action was taken.

**Designated Cross File:** SB 67 (Senator Kagan) - Education, Health, and Environmental Affairs.

**Information Source(s):** Baltimore City; Kent, Montgomery, and Worcester counties; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2022  
fnu2/sdk Third Reader - March 18, 2022  
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