

HOUSE BILL 1463

M4

7lr2084

By: **Delegates Frush, Angel, Chang, Ciliberti, Healey, Luedtke, Malone, Robinson, Rosenberg, Saab, Vogt, and Waldstreicher**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Veterinary Practitioners – Animal Cruelty and Animal Fighting – Reporting**

3 FOR the purpose of repealing certain provisions of law requiring the State Board of
4 Veterinary Medical Examiners to adopt regulations encouraging a veterinary
5 practitioner to report suspected instances of certain animal cruelty to certain
6 agencies; repealing certain provisions of law providing immunity from civil liability
7 for a veterinary practitioner who reports suspected animal cruelty to certain
8 agencies; requiring a veterinary practitioner who has reason to believe that an
9 animal that has been treated by the veterinary practitioner has been subjected to
10 cruelty or fighting in violation of certain provisions of law to report the suspected
11 animal cruelty or animal fighting to a certain law enforcement agency or county
12 animal control agency in a certain manner; authorizing the Board to impose certain
13 disciplinary actions on a veterinary practitioner for failure to comply with certain
14 animal cruelty and animal fighting reporting requirements; providing immunity
15 from civil liability or criminal prosecution for a veterinary practitioner who reports
16 suspected animal cruelty or animal fighting or participates in an investigation of
17 suspected animal cruelty or animal fighting; and generally relating to the reporting
18 of animal cruelty and animal fighting by veterinary practitioners.

19 BY repealing and reenacting, without amendments,

20 Article – Agriculture
21 Section 2–301(a), (d), (h), and (i)
22 Annotated Code of Maryland
23 (2016 Replacement Volume)

24 BY repealing

25 Article – Agriculture
26 Section 2–304(f)
27 Annotated Code of Maryland
28 (2016 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Agriculture
3 Section 2–310(10) and (11)
4 Annotated Code of Maryland
5 (2016 Replacement Volume)

6 BY adding to
7 Article – Agriculture
8 Section 2–310(12) and 2–313.1
9 Annotated Code of Maryland
10 (2016 Replacement Volume)

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–424
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2016 Supplement)

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

18 **Article – Agriculture**

19 2–301.

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

21 (d) “License” means a license to practice veterinary medicine in the State.

22 (h) “Veterinarian” means any person who is a graduate of a college of veterinary
23 medicine.

24 (i) “Veterinary practitioner” means a licensed and registered veterinarian
25 engaged in the practice of veterinary medicine.

26 2–304.

27 [(f) (1) The Board shall adopt regulations encouraging a veterinary
28 practitioner to report suspected instances of animal cruelty, including suspected animal
29 fighting, to a local law enforcement or county animal control agency.

30 (2) A veterinary practitioner shall be immune from any civil liability that
31 results from a report in good faith to a local law enforcement or county animal control
32 agency under this subsection.]

33 2–310.

1 The Board may refuse, suspend, or revoke any application or license, and censure or
2 place on probation any licensee after a hearing, if the veterinarian or veterinary
3 practitioner:

4 (10) Is determined by four members to be professionally incompetent as a
5 veterinary practitioner; [or]

6 (11) Is disciplined by a licensing authority of another state, including the
7 suspension or revocation of a license to practice veterinary medicine, for an act that would
8 be grounds for disciplinary action under this section; OR

9 (12) FAILS TO COMPLY WITH ANIMAL CRUELTY OR ANIMAL FIGHTING
10 REPORTING REQUIREMENTS UNDER § 2-313.1 OF THIS SUBTITLE.

11 2-313.1.

12 (A) A VETERINARY PRACTITIONER WHO HAS REASON TO BELIEVE THAT AN
13 ANIMAL THAT HAS BEEN TREATED BY THE VETERINARY PRACTITIONER HAS BEEN
14 SUBJECTED TO CRUELTY OR FIGHTING IN VIOLATION OF § 10-604, § 10-606, §
15 10-607, OR § 10-608 OF THE CRIMINAL LAW ARTICLE SHALL REPORT THE
16 SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING TO THE APPROPRIATE LAW
17 ENFORCEMENT AGENCY OR COUNTY ANIMAL CONTROL AGENCY IN A TIMELY
18 MANNER.

19 (B) A VETERINARY PRACTITIONER WHO MAKES A REPORT UNDER
20 SUBSECTION (B) OF THIS SECTION SHALL INCLUDE IN THE REPORT:

21 (1) THE NAME, AGE, AND LOCATION OF THE ANIMAL;

22 (2) THE NAME AND HOME ADDRESS OF THE OWNER OR CUSTODIAN OF
23 THE ANIMAL;

24 (3) THE LOCATION OF THE ANIMAL;

25 (4) THE NATURE AND EXTENT OF THE SUSPECTED ANIMAL CRUELTY
26 OR ANIMAL FIGHTING, INCLUDING ANY EVIDENCE OR INFORMATION AVAILABLE TO
27 THE VETERINARY PRACTITIONER CONCERNING POSSIBLE PREVIOUS INSTANCES OF
28 ANIMAL CRUELTY OR ANIMAL FIGHTING; AND

29 (5) ANY OTHER INFORMATION THAT WOULD HELP DETERMINE:

30 (I) THE CAUSE OF THE SUSPECTED ANIMAL CRUELTY OR
31 ANIMAL FIGHTING; AND

1 **(II) THE IDENTITY OF ANY INDIVIDUAL RESPONSIBLE FOR THE**
 2 **SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING.**

3 **(C) A VETERINARY PRACTITIONER WHO REPORTS IN GOOD FAITH**
 4 **SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING OR PARTICIPATES IN AN**
 5 **INVESTIGATION OF SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING IS IMMUNE**
 6 **FROM:**

7 **(1) CIVIL LIABILITY THAT RESULTS FROM THE REPORT OR**
 8 **PARTICIPATION IN THE INVESTIGATION; OR**

9 **(2) CRIMINAL PROSECUTION FOR THE REPORT OR PARTICIPATION IN**
 10 **THE INVESTIGATION.**

11 **Article – Courts and Judicial Proceedings**

12 5–424.

13 A licensed veterinary practitioner is immune from any civil liability that results
 14 from:

15 (1) The actions of a licensed acupuncturist that practices in accordance
 16 with § 2–301(g)(11) of the Agriculture Article;

17 (2) The actions of a person that:

18 (i) Is licensed, certified, or otherwise authorized to practice a health
 19 occupation under the Health Occupations Article; and

20 (ii) Is authorized to practice the health occupation on an animal in
 21 accordance with § 2–304 of the Agriculture Article; [or]

22 (3) A report in good faith of suspected animal cruelty **OR ANIMAL**
 23 **FIGHTING** to a local law enforcement or county animal control agency under [~~§ 2–304(f)~~] **§**
 24 **2–313.1** of the Agriculture Article; **OR**

25 **(4) THE LICENSED VETERINARY PRACTITIONER’S PARTICIPATION IN**
 26 **AN INVESTIGATION OF SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING AS**
 27 **PROVIDED IN § 2–313.1(C) OF THE AGRICULTURE ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 29 October 1, 2017.