

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

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; requiring the Board to adopt certain
18 regulations; and generally relating to the reporting of animal cruelty and animal
19 fighting by veterinary practitioners.

20 BY repealing and reenacting, without amendments,

21 Article – Agriculture

22 Section 2–301(a), (d), (h), and (i)

23 Annotated Code of Maryland

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 (2016 Replacement Volume)

2 BY repealing

3 Article – Agriculture

4 Section 2–304(f)

5 Annotated Code of Maryland

6 (2016 Replacement Volume)

7 BY repealing and reenacting, with amendments,

8 Article – Agriculture

9 Section 2–310(10) and (11)

10 Annotated Code of Maryland

11 (2016 Replacement Volume)

12 BY adding to

13 Article – Agriculture

14 Section 2–310(12) and 2–313.1

15 Annotated Code of Maryland

16 (2016 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article – Courts and Judicial Proceedings

19 Section 5–424

20 Annotated Code of Maryland

21 (2013 Replacement Volume and 2016 Supplement)

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

23 That the Laws of Maryland read as follows:

24 **Article – Agriculture**

25 2–301.

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

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

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

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

32 2–304.

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

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

7 2-310.

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

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

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

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

18 **2-313.1.**

19 **(A) A VETERINARY PRACTITIONER WHO HAS REASON TO BELIEVE THAT AN**
20 **ANIMAL THAT HAS BEEN TREATED BY THE VETERINARY PRACTITIONER HAS BEEN**
21 **SUBJECTED TO CRUELTY OR FIGHTING IN VIOLATION OF § 10-604, § 10-606, §**
22 **10-607, OR § 10-608 OF THE CRIMINAL LAW ARTICLE SHALL REPORT THE**
23 **SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING TO THE APPROPRIATE LAW**
24 **ENFORCEMENT AGENCY OR COUNTY ANIMAL CONTROL AGENCY IN A TIMELY**
25 **MANNER.**

26 **(B) A VETERINARY PRACTITIONER WHO MAKES A REPORT UNDER**
27 **SUBSECTION ~~(B)~~ (A) OF THIS SECTION SHALL INCLUDE IN THE REPORT:**

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

29 **(2) THE NAME AND HOME ADDRESS OF THE OWNER OR CUSTODIAN OF**
30 **THE ANIMAL;**

31 **(3) THE LOCATION OF THE ANIMAL;**

1 (4) THE NATURE AND EXTENT OF THE SUSPECTED ANIMAL CRUELTY
2 OR ANIMAL FIGHTING, INCLUDING ANY EVIDENCE OR INFORMATION AVAILABLE TO
3 THE VETERINARY PRACTITIONER CONCERNING POSSIBLE PREVIOUS INSTANCES OF
4 ANIMAL CRUELTY OR ANIMAL FIGHTING; AND

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

6 (i) THE CAUSE OF THE SUSPECTED ANIMAL CRUELTY OR
7 ANIMAL FIGHTING; AND

8 (ii) THE IDENTITY OF ANY INDIVIDUAL RESPONSIBLE FOR THE
9 SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING.

10 (c) A VETERINARY PRACTITIONER WHO REPORTS IN GOOD FAITH
11 SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING OR PARTICIPATES IN AN
12 INVESTIGATION OF SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING IS IMMUNE
13 FROM:

14 (1) CIVIL LIABILITY THAT RESULTS FROM THE REPORT OR
15 PARTICIPATION IN THE INVESTIGATION; OR

16 (2) CRIMINAL PROSECUTION FOR THE REPORT OR PARTICIPATION IN
17 THE INVESTIGATION.

18 (d) THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING:

19 (1) CONFIDENTIALITY PROCEDURES FOR PROTECTING THE
20 IDENTITY OF THE VETERINARY PRACTITIONER MAKING A REPORT UNDER THIS
21 SECTION;

22 (2) CONFIDENTIALITY PROCEDURES FOR PROTECTING THE
23 SUBSTANCE OF A REPORT MADE UNDER THIS SECTION AND ANY RECORDS
24 ASSOCIATED WITH THE REPORT; AND

25 (3) CONDITIONS UNDER WHICH THE SUBSTANCE OF A REPORT MAY
26 BE DISCLOSED.

27 Article – Courts and Judicial Proceedings

28 5–424.

29 A licensed veterinary practitioner is immune from any civil liability that results
30 from:

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

3 (2) The actions of a person that:

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

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

8 (3) A report in good faith of suspected animal cruelty **OR ANIMAL**
9 **FIGHTING** to a local law enforcement or county animal control agency under [~~§ 2-304(f)~~] **§**
10 **2-313.1** of the Agriculture Article; **OR**

11 **(4) THE LICENSED VETERINARY PRACTITIONER’S PARTICIPATION IN**
12 **AN INVESTIGATION OF SUSPECTED ANIMAL CRUELTY OR ANIMAL FIGHTING AS**
13 **PROVIDED IN § 2-313.1(C) OF THE AGRICULTURE ARTICLE.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.