

SENATE BILL 67

M4, E1

(PRE-FILED)

2lr0636
CF HB 22

By: **Senator Kagan**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2022

CHAPTER _____

1 AN ACT concerning

2 **Animal Welfare – Declawing Cats – Prohibited Acts**

3 FOR the purpose of prohibiting a veterinary practitioner, except under certain
4 circumstances, from performing certain declawing procedures on a cat; ~~requiring~~
5 authorizing the State Board of Veterinary Medical Examiners to impose certain
6 disciplinary actions on a veterinary practitioner for ~~failure to comply with~~ willful
7 violations of a certain prohibition; prohibiting a person from performing certain
8 declawing procedures on a cat; and generally relating to declawing procedures
9 performed on cats.

10 BY repealing and reenacting, without amendments,
11 Article – Agriculture
12 Section 2–301(a) and 2–310.1
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2021 Supplement)

15 BY adding to
16 Article – Agriculture
17 Section 2–301(b–4) and (g–1) and 2–313.3
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Agriculture

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 Section 2–310
2 Annotated Code of Maryland
3 (2016 Replacement Volume and 2021 Supplement)

4 BY adding to
5 Article – Criminal Law
6 Section 10–625.1
7 Annotated Code of Maryland
8 (2021 Replacement Volume and 2021 Supplement)

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

11 **Article – Agriculture**

12 2–301.

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

14 **(B–4) (1) “DECLAWING PROCEDURE” MEANS:**

15 **(I) AN ONYCHECTOMY, A DACTYLECTOMY, A PHALANGECTOMY,**
16 **OR ANY OTHER PROCEDURE THAT REMOVES A PORTION OF THE PAW OR DIGIT OF AN**
17 **ANIMAL IN ORDER TO REMOVE A CLAW;**

18 **(II) A TENDONECTOMY OR ANY OTHER PROCEDURE THAT CUTS**
19 **OR MODIFIES THE TENDON OF THE LIMB, PAW, OR DIGIT OF AN ANIMAL IN ORDER TO**
20 **PROHIBIT THE EXTENSION OF A CLAW; OR**

21 **(III) ANY PROCEDURE THAT PREVENTS THE NORMAL**
22 **FUNCTIONING OF ONE OR MORE CLAWS OF AN ANIMAL.**

23 **(2) “DECLAWING PROCEDURE” DOES NOT INCLUDE NAIL FILING,**
24 **NAIL TRIMMING, OR THE PLACEMENT OF TEMPORARY NAIL CAPS ON ONE OR MORE**
25 **CLAWS OF AN ANIMAL.**

26 **(G–1) (1) “THERAPEUTIC PURPOSE” MEANS TO ADDRESS A PHYSICAL OR**
27 **MEDICAL CONDITION THAT COMPROMISES THE HEALTH OR WELL–BEING OF AN**
28 **ANIMAL.**

29 **(2) “THERAPEUTIC PURPOSE” DOES NOT INCLUDE COSMETIC OR**
30 **AESTHETIC REASONS OR REASONS OF CONVENIENCE IN THE KEEPING OR HANDLING**
31 **OF THE ANIMAL.**

32 2–310.

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

4 (1) Is unable to practice veterinary medicine competently due to a physical
5 or mental disability;

6 (2) Is convicted of a violation of any federal or State law relating to
7 prescription drugs, a controlled dangerous substance under Title 5, Subtitle 4 of the
8 Criminal Law Article, or a controlled substance as defined by 21 U.S.C. § 812;

9 (3) Is convicted of a felony, or of a crime involving moral turpitude;

10 (4) Is convicted of violating any provision of this subtitle, any unlawful or
11 fraudulent practice, or any fraudulent, misleading, or deceptive representation or
12 advertising concerning his professional qualifications or the quality of materials or drugs
13 used by him in his professional work or in the treatment of animals;

14 (5) Has a final judgment entered against him in a civil malpractice case
15 involving gross personal negligence;

16 (6) Obtains the license by fraud or misrepresentation, either in the
17 application, or in passing the examination;

18 (7) Is guilty of employing or permitting to practice veterinary medicine any
19 person who does not hold a license to practice veterinary medicine in the State;

20 (8) Fails to comply with Board rules or regulations after receiving a license;

21 (9) Is grossly negligent or deliberately cruel to an animal;

22 (10) Is determined by four members to be professionally incompetent as a
23 veterinary practitioner;

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

27 (12) Fails to comply with animal cruelty or animal fighting reporting
28 requirements under § 2-313.1 of this subtitle; OR

29 **(13) WILLFULLY VIOLATES THE CAT DECLAWING PROHIBITION UNDER**
30 **§ 2-313.3 OF THIS SUBTITLE.**

~~(B) THE BOARD SHALL 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 FAILS TO COMPLY WITH THE CAT DECLAWING PROHIBITION UNDER § 2-313.3 OF THIS SUBTITLE.~~

2-310.1.

(a) In lieu of or in addition to suspension of the license, the Board may impose a penalty of not more than \$5,000 for a first offense.

(b) In addition to revocation of the license, the Board may impose a penalty of not more than \$5,000 for a first offense.

(c) In addition to suspension or revocation of the license, the Board may impose a penalty of not more than \$10,000 for a second or subsequent offense.

(d) Penalties collected by the Board under this section shall be paid into the General Fund of the State.

(e) The Board shall establish such rules and regulations as are necessary to carry out the provisions of this section.

2-313.3.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A VETERINARY PRACTITIONER MAY NOT PERFORM A DECLAWING PROCEDURE ON A CAT.

(B) A VETERINARY PRACTITIONER MAY PERFORM A DECLAWING PROCEDURE ON A CAT IF THE PROCEDURE IS NECESSARY FOR A THERAPEUTIC PURPOSE.

Article – Criminal Law

10-625.1.

(A) IN THIS SECTION, “DECLAWING PROCEDURE” HAS THE MEANING STATED IN § 2-301 OF THE AGRICULTURE ARTICLE.

(B) EXCEPT AS PROVIDED IN § 2-313.3 OF THE AGRICULTURE ARTICLE, A PERSON MAY NOT PERFORM A DECLAWING PROCEDURE ON A CAT.

(C) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

1 **(2) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE**
2 **NOT EXCEEDING \$1,000.**

3 **(3) THE PROVISIONS OF THIS SECTION MAY BE ENFORCED BY:**

4 **(I) ANY STATE OR LOCAL LAW ENFORCEMENT OFFICER; OR**

5 **(II) THE LOCAL ANIMAL CONTROL AUTHORITY FOR THE**
6 **JURISDICTION WHERE THE VIOLATION OCCURS.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.