



## House Bill 494

*Agriculture – Animal Shelters – Uniform Standards of Operation and Care  
(Animal Shelter Standards Act of 2016)*

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: February 24, 2016

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** HB 494. Local governments share an interest in ensuring high quality care for animals within their shelters and responding to community needs, but oppose the requirements and punishments set in this bill.

MACo appreciates the efforts of the sponsors and stakeholders to try and resolve certain issues. However, counties remain concerned this bill unfairly targets local shelters by setting onerous standards and unfunded mandates that intrude upon the ability of local shelters to effectively operate.

### **Applicability**

HB 494 endeavors to set uniform standards of operation and care, however it only applies to a portion of the animal shelter community - shelters that are either operated by or under contract with local governments. These shelters serve an important role protecting the health and safety of animals and the local communities. Counties are concerned the limited application of the bill would discourage shelters from contracting with counties to provide these critical services.

### **Unfunded Mandates and Micromanagement**

The bill sets numerous standards for the operation of shelters without providing funding for implementation. This includes extensive requirements for record-keeping and reporting, and for the matching of lost animals. The bill also restricts the ability for a shelter to loan animal-capture traps. These mandates and restrictions create hardships on a shelter's ability to make shelter-specific decisions. Individual budgets and community considerations may limit the capacity for a shelter to adhere to those standards.

### **Penalties and Enforcement**

The criminal penalty provisions are excessive. As there is no intent component, an individual acting in good faith who violates the euthanasia provision would be guilty of a misdemeanor and subject to a \$2,500 fine. This sort of violation is more in line with a professional disciplinary proceeding than a criminal penalty.

The private right of action to enforce the bill is extremely problematic. The bill allows anyone to bring civil action for money damages or to enjoin a violation of this title. This subjects local governments to unnecessary, costly, and frivolous lawsuits. Instead of resources being spent on the operation of shelters and the care of animals, they would be spent defending against claims. As HB 494 excuses the Department of Agriculture from enforcing the requirements of the subtitle, the bill has no enforcement mechanism except for broad civil actions from private individuals.

Local animal shelters are committed to serving the needs of their communities but oppose the mandates set in this bill. MACo urges an **UNFAVORABLE** report on HB 494.