

HOUSE BILL 16

E1
HB 81/21 – ENT

(PRE-FILED)

2lr0449
CF 2lr0784

By: **Delegates Lehman, Bagnall, Belcastro, Boyce, Krimm, Ruth, and Solomon**

Requested: September 9, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Unattended Dogs – Extreme Weather Conditions and Heat**

3 FOR the purpose of prohibiting a person from leaving a dog outside and unattended for
4 longer than a certain period without access to certain suitable shelter or suitable
5 shade during certain weather conditions or temperatures, subject to certain
6 exceptions; and generally relating to leaving unattended dogs outside.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 10–623

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2021 Supplement)

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

14 **Article – Criminal Law**

15 10–623.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Collar” means a device constructed of nylon, leather, or similar
18 material specifically designed to be used around the neck of a dog.

19 **(3) (I) “EXTREME WEATHER CONDITIONS” MEANS**
20 **TEMPERATURES BELOW 32 DEGREES FAHRENHEIT OR CONDITIONS DURING AN**
21 **ACTIVE WEATHER WARNING OR ADVISORY ISSUED BY THE NATIONAL WEATHER**
22 **SERVICE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) "EXTREME WEATHER CONDITIONS" DOES NOT INCLUDE
2 MARINE WARNINGS OR ADVISORIES ISSUED BY THE NATIONAL WEATHER SERVICE.

3 [(3)] (4) "Restraint" means a chain, rope, tether, leash, cable, or other
4 device that attaches a dog to a stationary object or trolley system.

5 (5) "SPORTING" MEANS ANY ATHLETIC COMPETITION, SKILL
6 COMPETITION, OBEDIENCE COMPETITION, OR OTHER COMPETITION INTENDED FOR
7 THE PARTICIPATION OF DOGS.

8 (6) "SUITABLE SHADE" MEANS AN AREA COMPLETELY PROTECTED
9 FROM THE DIRECT SUN THAT IS ACCESSIBLE AND FULLY COVERS A DOG.

10 (7) (I) "SUITABLE SHELTER" MEANS A STRUCTURE THAT:

11 1. IS PROPERLY VENTILATED;

12 2. HAS A SOLID FLOOR THAT IS RAISED OFF THE GROUND
13 OR A SOLID FLOOR THAT IS PROPERLY INSULATED;

14 3. HAS A WEATHERPROOF ROOF;

15 4. HAS FOUR WALLS, ONE OF WHICH CONTAINS A
16 DOORWAY;

17 5. HAS INSULATION TO ALLOW A DOG TO MAINTAIN ITS
18 NORMAL BODY TEMPERATURE; AND

19 6. IS SUITABLE FOR THE SPECIES, AGE, CONDITION,
20 SIZE, AND TYPE OF DOG.

21 (II) "SUITABLE SHELTER" DOES NOT INCLUDE:

22 1. A CRAWL SPACE THAT IS UNDER A BUILDING OR PART
23 OF A BUILDING;

24 2. THE SPACE UNDER A VEHICLE;

25 3. A FLOOR CONSISTING OF WIRE OR CHAIN LINK; OR

26 4. A STRUCTURE MADE FROM CARDBOARD OR OTHER
27 MATERIALS THAT ARE EASILY DEGRADED BY THE ELEMENTS.

28 (b) A person may not leave a dog outside and unattended by use of a restraint:

- 1 (1) that unreasonably limits the movement of the dog;
- 2 (2) that uses a collar that:
- 3 (i) is made primarily of metal; or
- 4 (ii) is not at least as large as the circumference of the dog's neck plus
5 1 inch;
- 6 (3) that restricts the access of the dog to suitable and sufficient clean water
7 or appropriate shelter;
- 8 (4) in unsafe or unsanitary conditions; or
- 9 (5) that causes injury to the dog.

10 **(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON**
11 **MAY NOT LEAVE A DOG OUTSIDE AND UNATTENDED FOR LONGER THAN 30 MINUTES**
12 **WITHOUT ACCESS TO CONTINUOUS:**

13 **(1) SUITABLE SHELTER DURING EXTREME WEATHER CONDITIONS;**
14 **AND**

15 **(2) SUITABLE SHELTER OR SUITABLE SHADE WHEN TEMPERATURES**
16 **ARE ABOVE 90 DEGREES FAHRENHEIT BUT BELOW WHAT IS REQUIRED FOR A HEAT**
17 **ADVISORY.**

18 **(D) THE PROHIBITION IN SUBSECTION (C) OF THIS SECTION DOES NOT**
19 **APPLY IF THE DOG IS LAWFULLY AND ACTIVELY ENGAGED IN:**

- 20 **(1) HUNTING;**
- 21 **(2) LIVESTOCK HERDING OR GUARDING;**
- 22 **(3) SLEDDING;**
- 23 **(4) SPORTING; OR**
- 24 **(5) TRAINING.**

25 **[(c)] (E) (1)** A person who violates **SUBSECTION (B) OF** this section is guilty
26 of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a
27 fine not exceeding \$1,000 or both.

1 **(2) A VIOLATION OF SUBSECTION (C) OF THIS SECTION IS A CIVIL**
2 **OFFENSE PUNISHABLE BY:**

3 **(I) FOR A FIRST VIOLATION, A WARNING;**

4 **(II) FOR A SECOND VIOLATION, A CIVIL PENALTY OF UP TO \$500;**
5 **AND**

6 **(III) FOR A THIRD OR SUBSEQUENT VIOLATION, A CIVIL PENALTY**
7 **OF UP TO \$1,000.**

8 **(F) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A LOCAL**
9 **GOVERNMENT FROM ADOPTING A REQUIREMENT FOR THE HEALTH AND SAFETY OF**
10 **DOGS THAT IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.**

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