

HOUSE BILL 406

E1

0lr1862
CF SB 627

By: **Delegates Lehman, K. Young, Acevero, Bartlett, Cardin, Carr, Chang, Feldmark, Fraser-Hidalgo, Ivey, Kaiser, Kelly, Krebs, Krimm, R. Lewis, Lierman, Lisanti, Lopez, McIntosh, Palakovich Carr, Pena-Melnyk, Rose, Shoemaker, Solomon, Stein, Valderrama, ~~and Valentino Smith~~ Valentino-Smith, Arentz, Attar, Barve, Charles, Ciliberti, Healey, Holmes, Jalisi, Love, Ruth, Stewart, and Terrasa**

Introduced and read first time: January 23, 2020

Assigned to: Judiciary

Reassigned: Environment and Transportation, February 3, 2020

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Unattended Dogs in Extreme Weather Conditions**

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 during certain
5 extreme weather conditions, subject to certain exceptions; applying making a certain
6 violation a civil offense; establishing certain penalties; providing for the construction
7 of this Act; defining certain terms; and generally relating to leaving unattended dogs
8 outside.

9 BY repealing and reenacting, with amendments,

10 Article – Criminal Law

11 Section 10-623

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2019 Supplement)

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

15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

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 10-623.

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

3 (2) "Collar" means a device constructed of nylon, leather, or similar
4 material specifically designed to be used around the neck of a dog.

5 (3) **"EXTREME WEATHER CONDITIONS" MEANS TEMPERATURES**
6 **BELOW 32 DEGREES FAHRENHEIT OR ABOVE 90 DEGREES FAHRENHEIT, OR DURING**
7 **AN ACTIVE WEATHER WARNING ISSUED BY THE NATIONAL WEATHER SERVICE.**

8 [(3)] (4) "Restraint" means a chain, rope, tether, leash, cable, or other
9 device that attaches a dog to a stationary object or trolley system.

10 (5) **"SPORTING" MEANS ANY ATHLETIC COMPETITION, SKILL**
11 **COMPETITION, OBEDIENCE COMPETITION, OR OTHER COMPETITION INTENDED FOR**
12 **THE PARTICIPATION OF DOGS.**

13 ~~(5)~~ (6) (I) **"SUITABLE SHELTER" MEANS A STRUCTURE THAT:**

14 1. **IS PROPERLY VENTILATED;**

15 2. **HAS A SOLID FLOOR THAT IS RAISED OFF THE GROUND**
16 **~~AT LEAST 2 INCHES;~~**

17 3. **HAS A WEATHERPROOF ROOF;**

18 4. **HAS FOUR WALLS, ONE OF WHICH CONTAINS A**
19 **DOORWAY;**

20 5. **HAS INSULATION ~~OR HEATING SUFFICIENT~~ TO ALLOW**
21 **A DOG TO MAINTAIN ITS NORMAL BODY TEMPERATURE; AND**

22 6. **IS SUITABLE FOR THE SPECIES, AGE, CONDITION,**
23 **SIZE, AND TYPE OF DOG.**

24 (II) **"SUITABLE SHELTER" DOES NOT INCLUDE:**

25 1. **A CRAWL SPACE THAT IS UNDER A BUILDING OR PART**
26 **OF A BUILDING;**

27 2. **THE SPACE UNDER A VEHICLE;**

28 3. **A FLOOR CONSISTING OF WIRE OR CHAIN LINK; OR**

1 **4. A STRUCTURE MADE FROM CARDBOARD OR OTHER**
2 **MATERIALS THAT ARE EASILY DEGRADED BY THE ELEMENTS.**

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

4 (1) that unreasonably limits the movement of the dog;

5 (2) that uses a collar that:

6 (i) is made primarily of metal; or

7 (ii) is not at least as large as the circumference of the dog's neck plus
8 1 inch;

9 (3) that restricts the access of the dog to suitable and sufficient clean water
10 or appropriate shelter;

11 (4) in unsafe or unsanitary conditions; or

12 (5) that causes injury to the dog.

13 **(C) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**
14 **PERSON MAY NOT LEAVE A DOG OUTSIDE AND UNATTENDED FOR LONGER THAN 30**
15 **MINUTES WITHOUT ACCESS TO CONTINUOUS SUITABLE SHELTER DURING EXTREME**
16 **WEATHER CONDITIONS.**

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

19 **(1) HUNTING;**

20 **(2) LIVESTOCK HERDING;**

21 **(3) SLEDDING;**

22 **(4) SPORTING; OR**

23 **(5) TRAINING.**

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

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

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

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

3 **AND**

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.