

HOUSE BILL 545

M4

0lr2586
CF SB 189

By: Delegates Griffith, Adams, Anderton, Arentz, Beitzel, Boyce, Buckel, Charkoudian, Corderman, Ebersole, Hartman, Hornberger, Impallaria, Jacobs, Johnson, Kerr, Kipke, Krebs, Long, Mangione, McComas, McKay, Metzgar, Moon, Otto, Palakovich Carr, Parrott, Reilly, Shetty, Shoemaker, Szeliga, C. Watson, R. Watson, Wilson, and P. Young

Introduced and read first time: January 27, 2020

Assigned to: Health and Government Operations

Reassigned: Environment and Transportation, January 30, 2020

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2020

CHAPTER _____

1 AN ACT concerning

2 **State Board of Veterinary Medical Examiners – ~~Practicing Veterinary Medicine~~**
3 **~~Without a License~~ – Cease and Desist Order Orders and Civil ~~Penalty~~ Penalties**

4 FOR the purpose of authorizing, under certain circumstances, the State Board of
5 Veterinary Medical Examiners to issue a cease and desist order ~~and impose a certain~~
6 ~~civil penalty~~ against a person who practices, attempts to practice, or offers to practice
7 veterinary medicine ~~without a license issued by the Board~~ in violation of certain
8 provisions of law or takes certain actions; authorizing the Board to impose a certain
9 civil penalty under certain circumstances; requiring the Board to provide to a certain
10 person a certain notice and an opportunity for a hearing before a certain penalty is
11 imposed; providing that a certain person may seek certain review of a certain order
12 or penalty; providing that a certain action is in addition to, and not instead of, certain
13 disciplinary actions or a certain action for injunctive relief; requiring the Board to
14 adopt certain regulations; authorizing certain sanctions established by certain
15 regulations to include a certain civil penalty; requiring the Board to pay certain
16 penalties into the General Fund of the State; and generally relating to the State
17 Board of Veterinary Medical Examiners.

18 BY adding to
19 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 2-313.2
2 Annotated Code of Maryland
3 (2016 Replacement Volume and 2019 Supplement)

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

6 **Article – Agriculture**

7 **2-313.2.**

8 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND ON REVIEW AND
9 APPROVAL OF THE SECRETARY OR THE SECRETARY'S DESIGNEE, THE BOARD MAY
10 ISSUE A CEASE AND DESIST ORDER ~~AND IMPOSE A CIVIL PENALTY~~ AGAINST A
11 PERSON WHO ~~PRACTICES~~:

12 (1) PRACTICES, ATTEMPTS TO PRACTICE, OR OFFERS TO PRACTICE
13 VETERINARY MEDICINE ~~WITHOUT A LICENSE~~ IN VIOLATION OF § 2-313(A) OF THIS
14 SUBTITLE; OR

15 (2) TAKES AN ACTION:

16 (I) FOR WHICH THE BOARD DETERMINES THERE IS A
17 PREPONDERANCE OF EVIDENCE OF GROUNDS FOR DISCIPLINE UNDER § 2-310 OR §
18 2-313 OF THIS SUBTITLE; OR

19 (II) THAT POSES A SERIOUS RISK TO THE HEALTH, SAFETY, AND
20 WELFARE OF AN ANIMAL PATIENT.

21 (B) (1) IN LIEU OF A CEASE AND DESIST ORDER UNDER SUBSECTION (A)
22 OF THIS SECTION, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING:

23 (I) \$5,000 FOR A FIRST OFFENSE; AND

24 (II) \$10,000 FOR A SECOND OR SUBSEQUENT OFFENSE.

25 ~~(B) (1) A CIVIL PENALTY IMPOSED UNDER THIS SECTION MAY NOT~~
26 ~~EXCEED \$5,000 FOR EACH VIOLATION.~~

27 (2) IN SETTING THE AMOUNT OF A CIVIL PENALTY, THE BOARD SHALL
28 CONSIDER:

29 (I) THE SERIOUSNESS OF THE VIOLATION;

30 (II) THE HARM CAUSED BY THE VIOLATION;

1 (III) THE GOOD FAITH OF THE VIOLATOR;

2 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

3 AND

4 (V) ANY OTHER RELEVANT FACTORS.

5 (3) BEFORE A CIVIL PENALTY IS IMPOSED UNDER THIS SUBSECTION,
6 THE BOARD SHALL PROVIDE TO THE PERSON ON WHOM THE CIVIL PENALTY WILL
7 BE IMPOSED NOTICE OF THE ALLEGED VIOLATION AND AN OPPORTUNITY FOR A
8 HEARING.

9 (C) A PERSON AGAINST WHOM A CEASE AND DESIST ORDER IS ISSUED OR A
10 CIVIL PENALTY IS IMPOSED UNDER THIS SECTION MAY SEEK REVIEW OF THE ORDER
11 OR PENALTY UNDER THE ADMINISTRATIVE PROCEDURE ACT.

12 (D) AN ACTION FOR A CEASE AND DESIST ORDER OR A CIVIL PENALTY
13 IMPOSED UNDER THIS SECTION IS IN ADDITION TO, AND NOT INSTEAD OF,
14 DISCIPLINARY ACTIONS AUTHORIZED UNDER § 2-310 OF THIS SUBTITLE OR AN
15 ACTION FOR INJUNCTIVE RELIEF UNDER § 2-315 OF THIS SUBTITLE.

16 (E) (1) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE
17 PROVISIONS OF THIS SECTION, INCLUDING HEARING PROCEDURES AND SANCTIONS
18 FOR VIOLATIONS OF A CEASE AND DESIST ORDER.

19 (2) THE SANCTIONS ESTABLISHED BY REGULATIONS ADOPTED
20 UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE A CIVIL PENALTY
21 CONSISTENT WITH SUBSECTION (B) OF THIS SECTION.

22 ~~(E)~~ (F) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
23 SECTION INTO THE GENERAL FUND OF THE STATE.

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