

# HOUSE BILL 81

E1  
HB 406/20 – ENT

(PRE-FILED)

11r0321  
CF SB 122

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By: **Delegates Lehman, Bagnall, Bartlett, Belcastro, Chang, Crutchfield, Henson, Johnson, Krimm, McComas, Ruth, Solomon, Thiam, and K. Young**

Requested: July 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

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## A BILL ENTITLED

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; making a certain violation  
6 a civil offense; establishing certain penalties; providing for the construction of this  
7 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 2020 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**

17 10–623.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) “EXTREME WEATHER CONDITIONS” MEANS TEMPERATURES**  
2 **BELOW 32 DEGREES FAHRENHEIT OR ABOVE 90 DEGREES FAHRENHEIT, OR DURING**  
3 **AN ACTIVE WEATHER WARNING ISSUED BY THE NATIONAL WEATHER SERVICE.**

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

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

9           **(6) (I) “SUITABLE SHELTER” MEANS A STRUCTURE THAT:**

- 10                               1.    **IS PROPERLY VENTILATED;**
- 11                               2.    **HAS A SOLID FLOOR THAT IS RAISED OFF THE**  
12 **GROUND;**
- 13                               3.    **HAS A WEATHERPROOF ROOF;**
- 14                               4.    **HAS FOUR WALLS, ONE OF WHICH CONTAINS A**  
15 **DOORWAY;**
- 16                               5.    **HAS INSULATION TO ALLOW A DOG TO MAINTAIN ITS**  
17 **NORMAL BODY TEMPERATURE; AND**
- 18                               6.    **IS SUITABLE FOR THE SPECIES, AGE, CONDITION,**  
19 **SIZE, AND TYPE OF DOG.**

20           **(II) “SUITABLE SHELTER” DOES NOT INCLUDE:**

- 21                               1.    **A CRAWL SPACE THAT IS UNDER A BUILDING OR PART**  
22 **OF A BUILDING;**
- 23                               2.    **THE SPACE UNDER A VEHICLE;**
- 24                               3.    **A FLOOR CONSISTING OF WIRE OR CHAIN LINK; OR**
- 25                               4.    **A STRUCTURE MADE FROM CARDBOARD OR OTHER**  
26 **MATERIALS THAT ARE EASILY DEGRADED BY THE ELEMENTS.**

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

- 28                               (1)    that unreasonably limits the movement of the dog;

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

9           **(C)    EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON**

10 **MAY NOT LEAVE A DOG OUTSIDE AND UNATTENDED FOR LONGER THAN 30 MINUTES**

11 **WITHOUT ACCESS TO CONTINUOUS SUITABLE SHELTER DURING EXTREME WEATHER**

12 **CONDITIONS.**

13           **(D)    THE PROHIBITION IN SUBSECTION (C) OF THIS SECTION DOES NOT**

14 **APPLY IF THE DOG IS LAWFULLY AND ACTIVELY ENGAGED IN:**

- 15           **(1)    HUNTING;**
- 16           **(2)    LIVESTOCK HERDING;**
- 17           **(3)    SLEDDING;**
- 18           **(4)    SPORTING; OR**
- 19           **(5)    TRAINING.**

20           **[(c)] (E)    (1)    A person who violates SUBSECTION (B) OF this section is guilty**

21 **of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a**

22 **fine not exceeding \$1,000 or both.**

23           **(2)    A VIOLATION OF SUBSECTION (C) OF THIS SECTION IS A CIVIL**

24 **OFFENSE PUNISHABLE BY:**

- 25                   **(I)    FOR A FIRST VIOLATION, A WARNING;**
- 26                   **(II)   FOR A SECOND VIOLATION, A CIVIL PENALTY OF UP TO \$500;**
- 27 **AND**

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

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

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2021.