

HOUSE BILL 81

E1
HB 406/20 – ENT

(PRE-FILED)

11r0321
CF SB 122

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

Committee Report: Favorable

House action: Adopted

Read second time: February 11, 2021

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; 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.

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

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

6 [(3)] (4) "Restraint" means a chain, rope, tether, leash, cable, or other
7 device that attaches a dog to a stationary object or trolley system.

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

11 (6) (I) "SUITABLE SHELTER" MEANS A STRUCTURE THAT:

12 1. IS PROPERLY VENTILATED;

13 2. HAS A SOLID FLOOR THAT IS RAISED OFF THE
14 GROUND;

15 3. HAS A WEATHERPROOF ROOF;

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

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

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

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

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

25 2. THE SPACE UNDER A VEHICLE;

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

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

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

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

3 (2) that uses a collar that:

4 (i) is made primarily of metal; or

5 (ii) is not at least as large as the circumference of the dog's neck plus
6 1 inch;

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

9 (4) in unsafe or unsanitary conditions; or

10 (5) that causes injury to the dog.

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

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

17 (1) HUNTING;

18 (2) LIVESTOCK HERDING;

19 (3) SLEDDING;

20 (4) SPORTING; OR

21 (5) TRAINING.

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

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

27 (I) FOR A FIRST VIOLATION, A WARNING;

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.