

HOUSE BILL 216

D3, M4

7lr0529
CF 7lr0712

By: **Delegates Lam, Afzali, Barve, Chang, Ebersole, Glass, Grammer, Hill, Hixson, Jameson, Kaiser, Krebs, Krimm, Luedtke, McDonough, A. Miller, Morhaim, Patterson, Stein, Waldstreicher, B. Wilson, and K. Young**

Introduced and read first time: January 20, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Veterinary Care – Immunity From Liability**

3 FOR the purpose of providing that certain prohibitions relating to the practice of veterinary
4 medicine do not apply to certain acts or omissions for which a person may not be held
5 civilly liable; providing immunity from civil liability for a certain person providing
6 veterinary aid, care, or assistance to an animal under certain circumstances; making
7 certain stylistic changes; and generally relating to liability for acts or omissions in
8 giving emergency veterinary care.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 2–313(a) and 2–314
12 Annotated Code of Maryland
13 (2016 Replacement Volume)

14 BY repealing
15 Article – Courts and Judicial Proceedings
16 Section 5–614
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2016 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 5–614
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Agriculture

2–313.

(a) **(1) THIS SUBSECTION DOES NOT APPLY TO AN ACT OR OMISSION IN GIVING EMERGENCY VETERINARY AID, CARE, OR ASSISTANCE FOR WHICH A PERSON MAY NOT BE HELD CIVILLY LIABLE UNDER § 5–614 OF THE COURTS ARTICLE.**

(2) A person may not:

[(1)] (I) Practice veterinary medicine unless **[he] THE PERSON** is licensed, registered, and authorized to engage in the practice under the provisions of this subtitle;

[(2)] (II) Practice veterinary medicine under a name other than the one on **[his] THE PERSON’S** license and registration, or induce any person to so practice in violation of this subtitle;

[(3)] (III) Practice veterinary medicine unless **[his] THE PERSON’S** license and registration are displayed in **[his] THE PERSON’S** regularly established office and place of practice;

[(4)] (IV) Own, maintain, conduct, operate, or manage a veterinary office, veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital, unless **[(i) he]:**

1. THE PERSON is a licensed veterinarian~~[(i)]~~; or **[(ii) the]**

2. THE office or hospital is under the direct supervision and control of a licensed and registered veterinarian and a licensed or registered veterinarian is employed in the office or hospital;

[(5)] (V) Advertise any veterinary office, veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital except in accordance with the rules and regulations of the Board;

[(6)] (VI) Except as provided in subsections (b) and (c) of this section, practice veterinary medicine and sell or dispense any medication, which is not in the original manufacturer’s container;

[(7)] (VII) Advertise as a Board registered veterinary technician unless registered with the Board as required by this subtitle; or

1 [(8)] (VIII) Practice as a veterinary technician unless employed by a
2 veterinary practitioner.

3 2–314.

4 A person licensed by the State of Maryland to provide veterinary care [or], a student
5 of veterinary medicine who works under the responsible direct supervision of a veterinary
6 practitioner as defined by § 2–301(c) of this subtitle [who, for no fee or compensation,
7 renders veterinary aid, care, or assistance in an emergency situation in which the owner or
8 custodian of the animal is not available to grant permission], **OR A VETERINARY**
9 **TECHNICIAN REGISTERED BY THE STATE UNDER § 2–309 OF THIS SUBTITLE** shall
10 have the immunity from liability described under § 5–614 of the Courts and Judicial
11 Proceedings Article.

12 Article – Courts and Judicial Proceedings

13 [5–614.

14 A person licensed by the State to provide veterinary care or a student of veterinary
15 medicine who works under the responsible direct supervision of a veterinary practitioner
16 as defined by § 2–301(c) of the Agriculture Article who, for no fee or compensation, renders
17 veterinary aid, care, or assistance in an emergency situation in which the owner or
18 custodian of the animal is not available to grant permission, is not liable for any civil
19 damages as the result of any professional act or omission by the person not amounting to
20 gross negligence.]

21 **5–614.**

22 (A) THIS SECTION APPLIES TO:

23 (1) AN INDIVIDUAL LICENSED BY THE STATE TO PROVIDE
24 VETERINARY CARE, A STUDENT OF VETERINARY MEDICINE WHO WORKS UNDER THE
25 RESPONSIBLE DIRECT SUPERVISION OF A VETERINARY PRACTITIONER AS DEFINED
26 BY § 2–301(C) OF THE AGRICULTURE ARTICLE, OR A VETERINARY TECHNICIAN
27 REGISTERED BY THE STATE UNDER § 2–309 OF THE AGRICULTURE ARTICLE;

28 (2) AN INDIVIDUAL WHO IS LICENSED BY THIS STATE TO PROVIDE
29 MEDICAL CARE;

30 (3) A MEMBER OF ANY STATE, COUNTY, MUNICIPAL, OR VOLUNTEER
31 FIRE DEPARTMENT, AMBULANCE AND RESCUE SQUAD, OR LAW ENFORCEMENT
32 AGENCY, OR A CORPORATE FIRE DEPARTMENT;

33 (4) A VOLUNTEER FIRE DEPARTMENT OR AMBULANCE AND RESCUE
34 SQUAD WHOSE MEMBERS HAVE IMMUNITY; AND

1 **(5) A CORPORATION WHEN ITS FIRE DEPARTMENT PERSONNEL ARE**
2 **IMMUNE UNDER ITEM (2) OF THIS SUBSECTION.**

3 **(B) A PERSON IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN GIVING**
4 **ANY VETERINARY AID, CARE, OR ASSISTANCE TO AN ANIMAL WHERE THE OWNER OR**
5 **CUSTODIAN OF THE ANIMAL IS NOT AVAILABLE TO GRANT PERMISSION IF:**

6 **(1) THE ACT OR OMISSION IS NOT ONE OF GROSS NEGLIGENCE;**

7 **(2) THE VETERINARY AID, CARE, OR ASSISTANCE IS PROVIDED**
8 **WITHOUT FEE OR OTHER COMPENSATION; AND**

9 **(3) THE VETERINARY AID, CARE, OR ASSISTANCE IS PROVIDED:**

10 **(I) AT THE SCENE OF AN EMERGENCY;**

11 **(II) IN TRANSIT TO A VETERINARY FACILITY; OR**

12 **(III) THROUGH COMMUNICATIONS WITH PERSONNEL**
13 **PROVIDING EMERGENCY VETERINARY ASSISTANCE.**

14 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
15 **October 1, 2017.**