

HOUSE BILL 216

D3, M4

7lr0529
CF SB 269

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2017

CHAPTER _____

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

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.



Section 5–614
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

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

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[.]; 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;

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

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

5 2-314.

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

14 Article – Courts and Judicial Proceedings

15 [5-614.

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

23 **5-614.**

24 (A) THIS SECTION APPLIES TO:

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

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

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

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

(5) A CORPORATION WHEN ITS FIRE DEPARTMENT PERSONNEL ARE IMMUNE UNDER ITEM (2) OF THIS SUBSECTION; AND

(6) AN INDIVIDUAL EMPLOYED OR DESIGNATED BY A LOCAL GOVERNMENT AS AN ANIMAL CONTROL OFFICER WHILE RESPONDING IN THE INDIVIDUAL'S OFFICIAL CAPACITY TO A CALL IN THE COMMUNITY.

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

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

(2) THE VETERINARY AID, CARE, OR ASSISTANCE IS PROVIDED WITHOUT FEE OR OTHER COMPENSATION FROM THE OWNER OR CUSTODIAN OF THE ANIMAL; AND

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

(I) AT THE SCENE OF AN EMERGENCY;

(II) IN TRANSIT TO A VETERINARY FACILITY; OR

(III) THROUGH COMMUNICATIONS WITH LICENSED VETERINARY PERSONNEL PROVIDING EMERGENCY VETERINARY ASSISTANCE.

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