

Title 15
DEPARTMENT OF AGRICULTURE
Subtitle 01 OFFICE OF THE SECRETARY

15.01.11 Animal Shelters — Minimum Standards of Care

Authority: Agriculture Article, §2-1701 et seq., Annotated Code of Maryland

Notice of Proposed Action

[18-040-P]

The Secretary of Agriculture proposes to adopt new Regulations **.01—.09** under a new chapter, **COMAR Animal Shelters — Minimum Standards of Care**.

Statement of Purpose

The purpose of this action is to set forth minimum standards of care for the following animal shelters that keep dogs and cats: (1) a shelter that is owned by a county or municipality; (2) a nonprofit shelter that a county or municipality contracts with for animal control services; or (3) a shelter that has received a grant from the Maryland Spay and Neuter Grant Program during the previous year.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have an economic impact on shelters that do not currently meet these minimum standards, but that impact is unknown. The biggest possible expense for some shelters will be the requirement that a fire alert system be installed by 2019. Shelters that lack appropriate equipment or have areas in disrepair may be required to invest in repairs and equipment to meet minimal standards.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Unknown
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	Unknown

- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: (+) Unknown

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Many counties have animal shelters that meet or exceed the minimum standards outlined in these regulations. There will be no economic impact to them. There will be an undetermined economic impact on those shelters that do not meet these minimal standards. These regulations, however, do provide local jurisdictions whose shelters do not comply with these minimum standards time to come into compliance before any penalties would be assessed.

D. Regulated Industries or Trade Groups: There are a very small number of nonprofit organizations that have both veterinary hospitals and shelters associated with them that may be impacted by these requirements. The Department believes those few organizations will be impacted only marginally, if at all.

F. Direct and Indirect Effects on Public: County shelters are "open admission" and lack any direct control over the numbers of animals that come through the door, many of which have no known health or behavioral history. The standards in these regulations will protect both animal health and human health while ensuring adequate animal welfare standards are being met and that the people who care for and adopt these animals are doing so in a safe and healthy facility.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Vanessa Orlando, Executive Director, Maryland Department of Agriculture — State Board of Veterinary Medical Examiners, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call (410) 841-5804, or email to vanessa.orlando@maryland.gov, or fax to (410) 841- 5780. Comments will be accepted through March 19, 2018. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to set forth minimum standards of care for the following animal shelters that keep dogs and cats:

- A. A shelter that is owned by a county or municipality;
- B. A shelter that a county or municipality contracts with for animal control services; or
- C. A shelter that has received a grant from the Maryland Spay and Neuter Grants Program during the previous year.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Animal" means a dog or a cat that is kept temporarily or permanently at an animal shelter.

(2) “Animal enrichment” means providing an animal with social contact, mental stimulation, physical activity and other activities that allow the animal to demonstrate species typical behavior and enhanced well-being.

(3) “Animal shelter” or “shelter” means a physical structure that provides temporary or permanent housing for animals and is owned by a local government, or by an organization that counties or municipalities contract with for animal control services, or by an organization that shelters animals and received a grant from the Maryland Spay and Neuter Grants Program during the previous year.

(4) “Department” means Maryland Department of Agriculture.

(5) “Drop box” means an unattended receptacle where live animals can be placed by the public for later shelter intake.

(6) “Fully clean” means to disinfect an area or an item with chemical agents that kill harmful micro-organisms.

(7) “Primary animal enclosure” means any structure used consistently to restrict an animal to a limited amount of space, such as a room, pen, crate, cage, kennel, or compartment.

(8) “Responsible individual” means the shelter’s responsible individual as defined by COMAR 15.14.04.06.

(9) “Run” or “dog run” means a dedicated area, either indoors or outdoors, that is enclosed by a fence or gate, where dogs may move about untethered and unleashed.

(10) “Spot clean” means to clean only a stain or spot and generally involves using mild cleaning agents, such as soaps and detergents.

(11) “Transport carrier” means a portable enclosure designed to temporarily contain an animal that is being transported from one location to another.

(12) “Veterinarian” means a veterinarian who is licensed, registered and in good standing with the Maryland State Board of Veterinary Medical Examiners.

.03 Animal Shelter Buildings.

The responsible individual shall ensure that the shelter is a safe, structurally sound, and sanitary building that meets the following standards:

A. A shelter may not have any structural defects that could cause injury to animals or staff members handling animals;

B. Surfaces in animal areas, such as floors, junctions, walls, doors, shall be made of nonporous material that can easily be disinfected;

C. Ceilings shall be kept in good condition without leaks;

D. All areas where animals are present shall have adequate ventilation and be kept between 60—80 degrees F;

E. By July 1, 2019, all rooms where animals are housed shall have a fire alarm system that will alert authorities of fire or heavy smoke;

F. A shelter shall have written policies and protocols in place to maintain adequate capacity to prevent and eliminate overcrowding; and

G. Upon request, a shelter shall allow the Department to inspect the premises for compliance with this chapter.

.04 Primary Animal Enclosures.

A. The responsible individual shall ensure that any primary animal enclosure is structurally sound and maintained in a safe, working condition at all times; and that it enables animals to remain dry, clean, and shielded from extreme temperatures and weather conditions.

B. A primary animal enclosure shall meet the following standards:

(1) A primary animal enclosure shall provide sufficient space to allow each animal, regardless of size, to:

(a) Hold their tails erect and their heads high when in a normal standing position;

(b) Turn freely and easily stand, sit, stretch, and move their head, without touching the top of the enclosure;

(c) Lie in a resting position with limbs extended; and

(d) Move about and assume a comfortable posture for feeding, drinking, urinating, or defecating;

(2) Food, water bowls, and any other items in the primary animal enclosure may not impede the animal’s ability to stretch out;

(3) A primary enclosure shall allow any animal to sit, sleep, and eat away from areas of its enclosure where it may defecate or urinate;

(4) Latches or other closing devices on a primary animal enclosure shall be secure enough to keep the animal in the enclosure, keep other animals out of the enclosure, and prevent injury, while allowing personnel to easily open the enclosure from the outside and, where applicable, from inside the enclosure;

(5) A primary enclosure, temporary enclosure, and transport carriers that compromise the safety of animals or that have been identified as needing repair are prohibited from being used for permanent or temporary animal housing;

(6) Transport carriers may not be used as a primary enclosure;

(7) All animals housed in outdoor areas, or allowed exercise time in outdoor areas, shall be provided with appropriate shelter from the elements; and

(8) Drop boxes are prohibited except under the following conditions:

(a) Each drop box shall have automatic locking doors that allow only one animal drop-off to be made at each box;

- (b) Bedding and shelter from the weather shall be provided in each drop box, and bedding shall be fully cleaned before and after every use;*
- (c) Fresh food and water shall be provided in each drop box every night, and food bowls and water bowls must be fully cleaned before and after every use;*
- (d) Security cameras shall be installed and periodically monitored by staff;*
- (e) The shelter shall have written protocols in place to ensure that dropped off animals that appear to need medical treatment are examined by a veterinarian immediately; and*
- (f) An animal may not remain in a drop box for more than 12 hours.*

.05 Sanitation Practices.

The responsible individual shall ensure that the shelter building, primary animal enclosures, and all other areas where animals are kept are sanitary and regularly cleaned to reduce disease transmission among animals, protect public human health, increase animal comfort, and meet the following standards:

- A. All primary animal enclosures, food bowls, and water bowls shall be fully cleaned before a new animal is placed in enclosures;*
- B. All animal bedding shall be fully cleaned before being used by a new animal and subsequently fully cleaned, as often as necessary;*
- C. All cages, food bowls, and water bowls shall be spot-cleaned daily and fully cleaned as necessary;*
- D. All floors, junctions, walls, doors, and drains shall be immediately sanitized and fully cleaned after coming into contact with feces, urine, vomit, or an animal known or suspected of having an infectious disease;*
- E. Only cleaners that are safe for animals shall be used to clean primary enclosures, transport carriers, exercise areas, or any area of the shelter where animals are present or likely to be present;*
- F. All chemicals shall be removed from the enclosure prior to placing an animal in the enclosure;*
- G. No animal or animal's drinking water or water bowl shall be left in an enclosure while cleaning chemicals are being used;*
- H. The shelter building and runs shall be kept reasonably free of flies, fleas, mosquitoes, rats, mice, and other vectors or nuisance species;*
- I. All trash cans in areas of a shelter where animals are located shall have lids; and*
- J. Relevant shelter staff shall be trained in the shelters' sanitation protocols, and a written record of that training shall be kept on-site and available for inspection.*

.06 Medical Standards.

The responsible individual shall ensure that all animals are monitored, assessed, examined, and treated for medical conditions in a timely manner as follows:

- A. A veterinarian shall supervise the medical care and medical treatment of all animals in an animal shelter;*
- B. Any surgeries shall be performed in accordance with the Maryland Veterinary Practice Act and in a facility currently licensed and registered by the State Board of Veterinary Medical Examiners;*
- C. Animal shelter staff shall observe animals daily for signs of illness or injury, and obtain treatment, as appropriate;*
- D. Clean water shall be provided to all animals at all times unless otherwise directed by a veterinarian;*
- E. All animals with parasites shall be treated immediately unless otherwise directed by a veterinarian;*
- F. Any animal appearing to be experiencing pain, suffering distress, rapidly deteriorating health, life-threatening problems, or suspected zoonotic disease shall be assessed by a veterinarian as soon as possible or euthanized to prevent further distress or suffering;*
- G. Any animal with a suspected zoonotic disease that does not appear to be experiencing pain, distress, or deteriorating health, but that poses a threat to human health and safety, shall be isolated by the shelter to limit exposure to other animals and people, and shall be assessed by a veterinarian immediately or as soon as possible;*
- H. Any animal that is observed to be experiencing mental suffering, distress, or behavioral deterioration shall be assessed and appropriately treated by a veterinarian in a timely manner or humanely euthanized by the shelter;*
- I. Animals that can be handled safely shall be provided with animal enrichment activities, whenever possible; and*
- J. Animal food that is more than 6 months past the "sell by" date shall not be provided to an animal.*

.07 Equipment.

A. The responsible individual shall ensure that anyone working with animals, including a volunteer, has the equipment necessary to handle all situations in a safe and humane manner, including the following:

- (1) Adequate ear protection, gloves, and other safety equipment to all staff members who handle animals or clean cages; and*
- (2) Equipment that allows staff to restrain animals as humanely as possible while ensuring the safety of both the animal and the handler.*

B. Scanners and Microchip Readers. All animals shall be scanned within 24 hours of arrival at the shelter for microchips unless it is unsafe to do so. Scans shall also be performed prior to surgery, adoption, release to an owner, release to a rescue, and euthanasia.

.08 Record Keeping.

A. The responsible individual shall ensure that records are kept for each animal entering the shelter. Information shall include:

- (1) The animal's species and unique identification number;
- (2) The estimated age of the animal;
- (3) Date of entry into the shelter;
- (4) Date and explanation of all treatments and medical procedures; and
- (5) Final disposition (date and type).

B. All shelters shall have active adoption programs with written protocols available for inspection, as defined in Agriculture Article, §2-1704, Annotated Code of Maryland.

.09 Civil Penalty.

A. The Department may impose a civil penalty on a shelter that violates the requirements of this chapter or Agriculture Article, §2-1704, Annotated Code of Maryland, which requires shelters to adopt a written protocol for reclaiming animals, up to \$500 for each violation.

B. Before imposing any civil penalty under this chapter, the Department shall consider the following:

- (1) The nature and gravity of each violation;
- (2) The willfulness of the violation and the extent to which the existence of the violation was known to the shelter but uncorrected by the shelter; and
- (3) A history of prior violations, if any.

C. The Department shall issue a written notice of violation to the shelter owner upon finding that a violation has occurred or is ongoing. The written notice of violation shall include:

- (1) A statement of the regulation violated by the shelter;
- (2) A description of the evidence of a violation;
- (3) A statement informing the shelter of the right to an informal meeting with the Department;
- (4) The amount of the proposed civil penalty;
- (5) A statement of the remedial action necessary to bring the shelter into compliance; and
- (6) A reasonable amount of time, as determined by the Department, to correct a violation.

D. A shelter may petition the Department for a contested case hearing on a violation and penalty within 30 calendar days of the issuance of the notice of violation by the Department.

E. Unless a shelter requests a contested case hearing, the shelter shall promptly pay the penalty. Payment of a penalty is not a substitute for compliance. If the shelter continues to violate this chapter, the Department may impose additional civil penalties.

JOSEPH BARTENFELDER
Secretary of Agriculture