



MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: March 30, 2016 **BILL NO.:** HB 594

SUBJECT: **HUMANE ADOPTION OF COMPANION ANIMALS USED
IN RESEARCH ACT OF 2016**

COMMITTEE: **SENATE EDUCATION, HEALTH, AND
ENVIRONMENTAL AFFAIRS**

MDA POSITION: **LETTER OF INFORMATION**

EXPLANATION:

This bill requires a “research facility” in which dogs or cats are used for “scientific research purposes” to take reasonable steps to provide for the adoption of a dog or cat that is no longer needed by (1) establishing a list of animal rescue organizations that are willing to take a dog or cat from the research facility and (2) offering the dog or cat to the organizations identified in the list. Beginning December 1, 2017, and annually thereafter, a research facility must submit specified information to the Secretary of Agriculture.

COMMENT:

Under the federal Animal Welfare Act, the U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) regulates commercial animal dealers, exhibitors (circuses, zoos, etc.), research facilities, and commercial businesses that transport animals. Research facilities that use or intend to use live animals in research, tests, or experiments must be licensed and registered with USDA and are inspected by APHIS at least once per year. A facility must also appoint an Institutional Animal Care and Use Committee (IACUC), consisting of at least three members, including a veterinarian and one person who is not in any way affiliated with the facility. IACUC is responsible for reviewing the facility’s program for humane care and use of animals and inspecting the research facility’s animal facilities.

Lastly, information over the use of specific types of animals used, the numbers of animals used, and the substance of the USDA inspections conducted at each facility are available on USDA’s website. Recordkeeping requirements already required by USDA and can be found in “*USDA’S Animal Welfare and Animal Welfare Regulations*” handbook are as followed;

(1) Minutes of IACUC meetings, including records of attendance, activities of the Committee, and Committee deliberations;

(2) Records of proposed activities involving animals and proposed significant changes in activities involving animals, and whether IACUC approval was given or withheld; and

(3) Records of semiannual IACUC reports and recommendations (including minority views), prepared in accordance with the requirements of § 2.31(c)

(3) of this subpart, and forwarded to the Institutional Official.

(b) Every research facility shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each live dog or cat purchased or otherwise acquired, owned, held, or otherwise in their possession or under their control, transported, euthanized, sold, or otherwise disposed of by the research facility. The records shall include any offspring born of any animal while in the research facility's possession or under its control:

(1) The name and address of the person from whom a dog or cat was purchased or otherwise acquired, whether or not the person is required to be licensed or registered under the Act;

(2) The USDA license or registration number of the person if he or she is licensed or registered under the Act;

(3) The vehicle license number and State, and the driver's license number (or photographic identification card for non-drivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;

(4) The date of acquisition of each dog or cat; 36

(5) The official USDA tag number or tattoo assigned to each dog or cat under § 2.38(g) of this subpart;

(6) A description of each dog or cat which shall include: (i) The species and breed or type of animal; (ii) The sex; (iii) The date of birth or approximate age; and (iv) The color and any distinctive markings;

(7) Any identification number or mark assigned to each dog or cat by the research facility;

(8) If dogs or cats are acquired from any person not licensed or registered under the Act and not a pound or shelter, the research facility must obtain a certification that the animals were born and raised on the person's premises and that the person has sold fewer than 25 dogs and/or cats that year.

(c) In addition to the information required to be kept and maintained by every research facility concerning each live dog or cat under paragraph (a) of this section, every research facility transporting, selling, or otherwise disposing of any live dog or cat to another person, shall make and maintain records or forms which fully and correctly disclose the following information:

(1) The name and address of the person to whom a live dog or cat is transported, sold, or otherwise disposed of;

(2) The date of transportation, sale, euthanasia, or other disposition of the animal; and

(3) The method of transportation, including the name of the initial carrier or intermediate handler, or if a privately owned vehicle is used to transport the dog or cat, the name of the owner of the privately owned vehicle.

Since this legislation requires MDA to obtain specified information, which is already collected at the federal level, MDA feels this piece of legislation is redundant and may have unintended impacts on recordkeeping requirements.