

SENATE BILL 535

M4
SB 761/24 – EEE

5lr1394

By: **Senator Kramer**

Introduced and read first time: January 23, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Research Facilities and Testing Facilities That Use Animals – Licensing and**
3 **Regulations**

4 FOR the purpose of requiring each research facility and testing facility in the State that
5 uses animals in research, education, or testing to be licensed by the Department of
6 Agriculture; applying certain provisions of law regarding the adoption of dogs and
7 cats used for scientific research purposes to testing facilities; establishing a State
8 Inspector of Animal Welfare in the Department to inspect research facilities and
9 testing facilities; requiring a research facility and a testing facility to notify the State
10 Inspector of certain violations; requiring a school or an institution of higher
11 education that uses animals for certain purposes to submit a report on the results of
12 certain inspections to the General Assembly on or before a certain date each year;
13 establishing the Animals in Research Fund as a special, nonlapsing fund; requiring
14 interest earnings of the Fund to be credited to the Fund; and generally relating to
15 research facilities and testing facilities that use animals in research, education, or
16 testing.

17 BY adding to
18 Article – Agriculture
19 Section 15–101, 15–102, and 15–104 through 15–108
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Agriculture
24 Section 15–101 to be under the amended title “Title 15. Research Facilities and
25 Testing Facilities That Use Animals”
26 Annotated Code of Maryland
27 (2016 Replacement Volume and 2024 Supplement)

28 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)204. and 205.
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)206.
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Agriculture

Title 15. Research Facilities [that] AND TESTING FACILITIES THAT Use [Dogs or Cats]
ANIMALS.

15–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) (1) “RESEARCH FACILITY” MEANS ANY FACILITY IN THE STATE THAT
USES LIVE ANIMALS FOR RESEARCH, EDUCATION, OR EXPERIMENTATION.

(2) “RESEARCH FACILITY” DOES NOT INCLUDE:

(I) A PARTNERSHIP, A CORPORATION, AN ASSOCIATION, AN
INSTITUTION, AN ORGANIZATION, OR ANY OTHER ENTITY IN THE STATE THAT
PROVIDES ONLY BENEFICIAL SERVICES TO AN ANIMAL, SUCH AS SPAYING AND
NEUTERING; OR

(II) A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION.

(C) “STATE INSPECTOR” MEANS THE STATE INSPECTOR OF ANIMAL
WELFARE ESTABLISHED UNDER § 15–104 OF THIS TITLE.

(D) (1) “TESTING FACILITY” MEANS A PUBLIC OR PRIVATE PARTNERSHIP, CORPORATION, ASSOCIATION, ORGANIZATION, OR OTHER ENTITY IN THE STATE THAT USES ANIMALS FOR THE TESTING OF:

(I) CHEMICAL SUBSTANCES;

(II) INGREDIENTS;

(III) DRUGS;

(IV) VACCINES;

(V) PRODUCTS; OR

(VI) PRODUCT FORMULATIONS.

(2) “TESTING FACILITY” INCLUDES A PARTNERSHIP, A CORPORATION, AN ASSOCIATION, AN ORGANIZATION, OR ANY OTHER ENTITY IN THE STATE THAT IS OWNED, LEASED, OR OPERATED BY A PUBLIC OR PRIVATE ENTITY.

(3) “TESTING FACILITY” DOES NOT INCLUDE:

(I) A PARTNERSHIP, A CORPORATION, AN ASSOCIATION, AN INSTITUTION, AN ORGANIZATION, OR ANY OTHER ENTITY IN THE STATE THAT PROVIDES ONLY BENEFICIAL SERVICES TO AN ANIMAL, SUCH AS SPAYING AND NEUTERING; OR

(II) A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION.

15–102.

(A) EACH RESEARCH FACILITY AND TESTING FACILITY MUST BE LICENSED BY THE DEPARTMENT TO USE ANIMALS IN RESEARCH, EDUCATION, OR TESTING.

(B) THE DEPARTMENT SHALL ISSUE A LICENSE TO A RESEARCH FACILITY OR TESTING FACILITY THAT:

(1) PASSES AN INSPECTION CONDUCTED BY THE STATE INSPECTOR UNDER § 15–104 OF THIS TITLE; AND

(2) AGREES TO COMPLY WITH THE INSPECTION AND REPORTING REQUIREMENTS OF THIS TITLE.

(C) THE DEPARTMENT SHALL CHARGE A LICENSING FEE TO:

(1) A RESEARCH FACILITY OR TESTING FACILITY THAT USES ANIMALS NOT COVERED UNDER THE FEDERAL ANIMAL WELFARE ACT; AND

(2) COVER THE COSTS OF IMPLEMENTING THIS TITLE.

[15–101.] 15–103.

(a) (1) In this section the following words have the meanings indicated.

(2) “Animal rescue organization” includes:

(i) A nonprofit organization incorporated for the purpose of rescuing animals in need and finding permanent adoptive homes for the animals; and

(ii) A government–operated animal control unit that provides animals for adoption.

(3) [“Research facility” includes:

(i) A higher education research facility;

(ii) A scientific research facility;

(iii) A medical research facility; and

(iv) A product testing facility.

(4)] “Scientific research purposes” includes:

(i) Investigation;

(ii) Experimentation;

(iii) Instruction; and

(iv) Testing.

(b) This section applies to a dog or cat that, in the determination of an attending veterinarian, is suitable for adoption.

(c) A research facility **OR TESTING FACILITY** located in the State in which dogs or cats are used for scientific research purposes shall take reasonable steps to provide for the adoption of a dog or cat that, in the determination of the research facility **OR TESTING FACILITY**, is no longer needed for scientific research purposes by:

(1) Establishing a private placement process to provide for the adoption of a dog or cat;

(2) Establishing a list of animal rescue organizations that are approved by the research facility **OR TESTING FACILITY** and are willing to take a dog or cat from the research facility **OR TESTING FACILITY**; and

(3) Offering the dog or cat to the animal rescue organizations identified in the list established under item (2) of this subsection if the research facility **OR TESTING FACILITY** is unable to place the dog or cat through its private placement process.

(d) A research facility **OR TESTING FACILITY** may enter into a collaborative agreement with an animal rescue organization for the purpose of carrying out the provisions of this section.

15-104.

(A) THERE IS A STATE INSPECTOR OF ANIMAL WELFARE IN THE DEPARTMENT.

(B) (1) THE STATE INSPECTOR SHALL:

(I) INSPECT EACH RESEARCH FACILITY AND TESTING FACILITY APPLYING FOR A LICENSE UNDER THIS TITLE;

(II) INSPECT AT LEAST ONCE EVERY YEAR EACH RESEARCH FACILITY AND TESTING FACILITY THAT:

1. HAS AN ACTIVE LICENSE ISSUED UNDER THIS TITLE;
BUT

2. IS NOT REGISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE UNDER THE FEDERAL ANIMAL WELFARE ACT; AND

(III) INSPECT AT LEAST ONCE EVERY OTHER YEAR EACH RESEARCH FACILITY AND TESTING FACILITY:

1. FOR WHICH A LICENSE HAS BEEN ISSUED UNDER THIS TITLE; AND

2. REGISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE UNDER THE FEDERAL ANIMAL WELFARE ACT.

(2) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH AN ANIMAL WELFARE ORGANIZATION, A LOCAL ANIMAL CONTROL AGENCY, OR ANOTHER SIMILAR ENTITY TO CONDUCT THE INSPECTIONS REQUIRED UNDER THIS SUBSECTION.

(C) (1) A RESEARCH FACILITY OR TESTING FACILITY SHALL NOTIFY THE STATE INSPECTOR WITHIN 30 DAYS AFTER RECEIPT OF ANY VIOLATION NOTIFICATION THE RESEARCH FACILITY OR TESTING FACILITY RECEIVES FOR A VIOLATION OF THE FEDERAL ANIMAL WELFARE ACT OR THE REGULATIONS ADOPTED UNDER THE ACT.

(2) THE STATE INSPECTOR SHALL INSPECT A RESEARCH FACILITY OR TESTING FACILITY WITHIN 30 DAYS AFTER RECEIVING NOTIFICATION FROM THE RESEARCH FACILITY OR TESTING FACILITY THAT IT IS IN VIOLATION OF THE FEDERAL ANIMAL WELFARE ACT OR THE REGULATIONS ADOPTED UNDER THE ACT.

15-105.

(A) ON OR BEFORE DECEMBER 31 EACH YEAR, A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION THAT USES ANIMALS FOR THE SAME PURPOSE AS A RESEARCH FACILITY OR TESTING FACILITY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE RESULTS OF ANY INSPECTION OF THE SCHOOL OR THE INSTITUTION OF HIGHER EDUCATION PERFORMED BY THE AGENCY THAT REGULATES THE USE OF ANIMALS BY THE SCHOOL OR THE INSTITUTION OF HIGHER EDUCATION.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE ANY VIOLATIONS FOUND DURING AN INSPECTION.

15-106.

(A) IN THIS SECTION, "FUND" MEANS THE ANIMALS IN RESEARCH FUND.

(B) THERE IS AN ANIMALS IN RESEARCH FUND.

(C) THE PURPOSE OF THE FUND IS TO COVER THE COSTS ASSOCIATED WITH THE STATUTORY AND REGULATORY DUTIES OF THE STATE INSPECTOR.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
2 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3 **(F) THE FUND CONSISTS OF:**

4 **(1) LICENSING FEES CHARGED BY THE DEPARTMENT UNDER §**
5 **15-102 OF THIS TITLE;**

6 **(2) PENALTIES COLLECTED UNDER § 15-107 OF THIS TITLE;**

7 **(3) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

8 **(4) INTEREST EARNINGS; AND**

9 **(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
10 **THE BENEFIT OF THE FUND.**

11 **(G) THE FUND MAY BE USED ONLY TO COVER THE COSTS ASSOCIATED WITH**
12 **THE STATUTORY AND REGULATORY DUTIES OF THE STATE INSPECTOR.**

13 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
14 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

15 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
16 **THE FUND.**

17 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
18 **WITH THE STATE BUDGET.**

19 **(J) MONEY EXPENDED FROM THE FUND FOR THE COSTS ASSOCIATED WITH**
20 **THE STATUTORY AND REGULATORY DUTIES OF THE STATE INSPECTOR IS**
21 **SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT**
22 **OTHERWISE WOULD BE APPROPRIATED FOR THESE COSTS.**

23 **15-107.**

24 **A RESEARCH FACILITY OR TESTING FACILITY THAT VIOLATES THIS TITLE IS**
25 **SUBJECT TO:**

26 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000; AND**

27 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
28 **EXCEEDING \$5,000.**

1 **15–108.**

2 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO:**

3 **(1) CARRY OUT THIS TITLE; AND**

4 **(2) ENSURE THE HUMANE TREATMENT AND CARE OF DOGS AND CATS**
5 **THAT ARE USED FOR RESEARCH, EDUCATION, OR TESTING CONSISTENT WITH THE**
6 **FEDERAL ANIMAL WELFARE ACT AND CORRESPONDING REGULATIONS.**

7 **Article – State Finance and Procurement**

8 **6–226.**

9 (a) (2) (i) 1. This subparagraph does not apply in fiscal years 2024
10 through 2028.

11 2. Notwithstanding any other provision of law, and unless
12 inconsistent with a federal law, grant agreement, or other federal requirement or with the
13 terms of a gift or settlement agreement, net interest on all State money allocated by the
14 State Treasurer under this section to special funds or accounts, and otherwise entitled to
15 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
16 Fund of the State.

17 (ii) The provisions of subparagraph (i) of this paragraph do not apply
18 to the following funds:

19 204. the Victims of Domestic Violence Program Grant Fund;
20 [and]

21 205. the Proposed Programs Collaborative Grant Fund; **AND**

22 **206. THE ANIMALS IN RESEARCH FUND.**

23 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
24 **October 1, 2025.**