



March 3, 2015

The Honorable Kumar P. Barve, Chair  
Members of the Environment & Transportation Committee  
Maryland House of Delegates

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Dear Honorable Committee Members:

PETA is the world's largest animal rights organization, with more than 3 million members and supporters worldwide, including tens of thousands of proud Maryland residents. We have been contacted by many who are concerned about some of the proposals in House Bill (H.B.) 876, the Animal Shelter Standards Act of 2015. **We share their concerns and strongly oppose the bill, which, if passed as written, would not only cause animals to suffer but also put people in danger.**

Despite any good intentions that may be behind it, H.B. 876 proposes to require animal shelters to abandon domestic animals—who cannot care for themselves—across the state, an inhumane practice that violates current state criminal code: Md. Criminal Law Code Ann. §10-612 prohibits the abandonment of animals "on a road, in a public place, or on private property."<sup>1</sup> Section 2–1705. (A) (III) of H.B. 876 proposes to require animal shelters to limit the methods of disposition for impounded animals to adoption, transfer to another shelter, or "[r]eturn the animal to the field." **This section proposes to require shelters to violate state criminal code by abandoning unadopted animals outdoors to fend for themselves.** Not only is this illegal and highly unethical, it would also deny taxpayers relief from stray and roaming animals they may consider a nuisance or danger.

Subsection (2) of the same section proposes to require animal shelters to return impounded "ear-tipped cat[s]" to their "original location." **This section is in direct conflict with the following current state laws:**

- Md. Criminal Law Code Ann. §10-612 prohibits the abandonment of animals "on a road, in a public place, or on private property."<sup>2</sup>

<sup>1</sup>Article—Criminal Law §10–612, <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gcr&section=10-612&ext=html&session=2015RS&tab=subject5>.

<sup>2</sup>Article—Criminal Law §10–612, <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gcr&section=10-612&ext=html&session=2015RS&tab=subject5>.

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- Md. Criminal Law Code Ann. §10-604 prohibits a person from "(2) depriv[ing] an animal of necessary sustenance" and "(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail[ing] to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather."<sup>3</sup>
- Md. Criminal Law Code Ann. §10–617 allows animal-control units to disposition impounded animals in only three ways: "(1) placing the animal in a suitable home; (2) retaining the animal in the animal control unit; or (3) humanely destroying the animal."<sup>4</sup>
- Code of Maryland Regulations 10.06.02.10 requires that owners and custodians of animals 4 months old or older must have them adequately vaccinated against rabies.<sup>5</sup>

H.B. 876's proposal to legalize and require the abandonment of homeless cats also conflicts with Md. Criminal Law Code Ann. [§10-602](#), which provides that "[i]t is the intent of the General Assembly that each animal in the State be protected from intentional cruelty, including animals that are ... (4) feral." Cats left or released on roads and public or private property cannot be protected from intentional cruelty and are victims of abuse on a daily basis. PETA's files are bursting with reports of feral and stray cats who have been injured and killed in cases of intentional cruelty. The following are some recent examples in Maryland:

- **July 2014/Baltimore, Maryland:** Examiner.com reported that Baltimore's animal-control department was investigating the cause of death of a cat who had been found near a dumpster where other cats in a so-called "managed colony" had also been found cruelly killed. More cats had reportedly "disappeared" from the area. Two of the dead cats were found with severe head injuries.
- **December 2013/Frederick, Maryland:** WFMD.com reported that a cat had been shot in the left front leg while roaming outdoors unsupervised.
- **October 2013/Allegany County, Maryland:** Two adults and one juvenile admitted to shooting, with 4-inch-long blowgun darts, at approximately 10 cats roaming outdoors, hitting at least one of them.
- **October 2013/Crisfield, Maryland:** A stray cat was found "completely drenched in diesel fuel," and another was found cut open from "hip to hip."<sup>6</sup> The cats were taken to a veterinarian, who recommended euthanasia for the one doused in fuel because the cat was suffering, had been blinded, couldn't walk, and was showing evidence of severe neurological damage. The other cat was put on life support. It was not reported whether he or she survived.

If passed, H.B. 876 would also pose significant public health and safety concerns. The Maryland Department of Health and Mental Hygiene reports that "cats are the most frequently identified rabid domestic animal."<sup>7</sup> The near-impossibility of re-trapping feral cats to provide them with legally required effective rabies vaccination

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<sup>3</sup>Article—Criminal Law §10-604, [http://mgaleg.maryland.gov/2015rs/statute\\_google/gcr/10-604.pdf](http://mgaleg.maryland.gov/2015rs/statute_google/gcr/10-604.pdf).

<sup>4</sup>Article—Criminal Law §10–617, [http://mgaleg.maryland.gov/2015rs/statute\\_google/gcr/10-617.pdf](http://mgaleg.maryland.gov/2015rs/statute_google/gcr/10-617.pdf).

<sup>5</sup>Code of Maryland Regulations 10.06.02.10, "Vaccination of Animals," <http://www.dsd.state.md.us/comar/getfile.aspx?file=10.06.02.10.htm>.

<sup>6</sup>WBOC.com, "Animal Cruelty: One Cat Dies, Another on Life Support," 4 Oct. 2013 <http://www.wboc.com/story/23615253/cat-doused-in-diesel-fuel-another-slashed-from-hip-to-hip>.

<sup>7</sup>Maryland Department of Health and Mental Hygiene, Rabies, <http://phpa.dhmh.maryland.gov/OIDEOR/CZVBD/SitePages/rabies.aspx>.

would inevitably result in violations of Maryland Health Code (General Title 18—Disease Prevention, Subtitle 318) and is one reason why free-roaming cat populations have recently been identified as a significant public-health threat.<sup>8</sup>

In June 2014, a rabid "stray" cat attacked an individual near an elementary school in Frederick County.<sup>9</sup> Another rabid "stray" cat exposed at least six people to rabies in Washington County in August 2013,<sup>10</sup> and rabid free-roaming cats have been documented in *at least 12* Maryland counties since 2009 (Baltimore County and city and Montgomery, Washington, Caroline, Frederick, Carroll, St. Mary's, Cecil, Worcester, Talbot, Prince George's, and Wicomico counties).

The National Association of State Public Health Veterinarians, Inc., reports that "[s]everal reports suggest that support of 'managed cat colonies' may increase the public's likelihood of abandoning unwanted pets in lieu of more responsible options. ... [T]here are potential human public health risks associated with free-roaming/unowned/feral cats [and] [t]here is no evidence that colony management programs will reduce [the incidence of] diseases."<sup>11</sup>

It should be noted also that free-roaming cats are known to have a significantly detrimental impact on wildlife populations. Cats hunt and kill small mammals and birds, even when they have a consistent food source available to them. The Maryland Invasive Species Council, which includes representatives from several state and federal agencies, such as the U.S. Department of the Interior, the U.S. Department of Agriculture, the Maryland Department of Agriculture, and the University of Maryland, reports that "small cats are not part of the native food web in North America and can wreak havoc on an ecosystem. ... Feral cats can take a toll on native wildlife, decimating populations already under stress due to habitat shrinkage. ... The number and size of prey that a small cat can bring down will amaze you. Even full grown rabbits can be killed. Supplemental feeding of feral cats is not an answer. Even well-fed feral cats will capture and kill, but not always eat, their prey."<sup>12</sup> PETA is concerned about cats and wildlife alike, and we hope you will consider wildlife, too.

We urge you to vote **NO** on H.B. 876 for the well-being of Maryland's citizens, cats, wildlife, and environment. Thank you for considering this information and for all your hard work for the citizens of Maryland.

Sincerely yours,



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<sup>8</sup>Elizabeth Weise, "Feral Cat Colonies Could Pose Rabies Risk, CDC Says," *USA Today*, August 18, 2013, <<http://www.usatoday.com/story/news/nation/2013/08/17/feral-cats-colonies-rabies-risk/2665359/>>.

<sup>9</sup>Loretta Gaines, "Rabid Cat Found Near Deer Crossing Elementary School," June 18, 2014, WFMD.com, <<http://www.wfmd.com/articles/wfmd-local-news-119935/rabid-cat-found-near-deer-crossing-12476721#ixzz388m>>.

<sup>10</sup>Your4State.com, "Six People Being Treated for Rabies in Washington Co.," August 28, 2013,

<<http://www.your4state.com/story/six-people-being-treated-for-rabies-in-washington-co/d/story/Inz81IxxNUCPpIDGBV6AHg>>.

<sup>11</sup>National Association of State Public Health Veterinarians, "Free-Roaming/Unowned/Feral Cats," Position Statement, September, 1996

<sup>12</sup>MDInvasivesp.org, "Invasive Species of Concern in Maryland: Feral Cats," April 2010, <[http://www.mdinvasivesp.org/archived\\_invaders/archived\\_invaders\\_2010\\_04.html](http://www.mdinvasivesp.org/archived_invaders/archived_invaders_2010_04.html)>.