

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor
ANTI-ANIMAL ABUSE
ADVISORY COMMISSION



OFFICE OF THE MAYOR

100 Holliday Street, Rm 250
Baltimore, Maryland 21202

CITY COUNCIL BILL 12-0106

TO: Members of the Health Committee

DATE: September 28, 2012 *Coey*

FROM: Caroline A. Griffin, Chair – Mayor’s Anti-Animal Abuse Advisory Commission

RE: **City Council Bill 12-0106 – Animal Control and Protection – Companion Animal Protection**

POSITION: OPPOSE

Chairman Curran, Vice-Chair Spector, and Members of the Health Committee, please be advised that the Mayor’s Anti-Animal Abuse Advisory Commission (“Commission”) **opposes** enactment of **Council Bill 12-0106**.

On October 27, 2010, Mayor Rawlings-Blake signed legislation that created the Commission -- the first of its kind in the country -- to help combat animal cruelty and dogfighting in Baltimore. The Commission has also been charged with making recommendations “regarding legislation that will protect animals and prosecute abusers.” The two animal shelters within the City limits, the Baltimore Animal Rescue and Care Shelter (“BARCS”) and the Maryland SPCA (“SPCA”), have permanent seats on the Commission. Both shelters, which are 501(c)(3) organizations with governing Boards of Directors, are also member organizations of the Baltimore Animal Welfare Alliance (“BAWA”), whose mission is to save the lives of animals throughout the Baltimore region. The Executive Directors of both shelters are innovative and seasoned leaders who work collaboratively to increase adoptions and lower euthanasia rates year after year.

The Legislative Subcommittee of the Commission has reviewed the proposed City Council Bill 12-0106 in detail, and while the goals it seeks to achieve are laudable -- mainly an increase in adoptions and a reduction in euthanasia -- the bill is problematic for numerous reasons.

First, because the bill increases the holding period for all animals from three (3) to (5) days, euthanasia rates would actually rise, because Baltimore already suffers from a critical lack of shelter space to house its existing homeless animal population.

Second, the bill would expose shelter animals to much higher levels of infection, as shelters would be required to house sick animals for five (5) days, even in instances of



owner-requested euthanasia. Because shelters would be obligated to provide care for animals suffering from virulent disease, more healthy, adoptable animals would be exposed to, and die from, infection. Moreover, sick animals would suffer needlessly during these legislatively-imposed holding periods.

Third, the bill would have a significant fiscal impact on Baltimore, which currently fails to fund its animal services adequately, even according to standards that are more than a decade old, much less current standards.¹ Specifically, the bill imposes additional burdens in terms of shelter space and labor costs, which are unrealistic absent a significant infusion of taxpayer dollars to BARCS.

Fourth, the bill would expose the City and these shelters to increased liability, given the requirements to house animals that may not be adoptable for medical or behavioral reasons, even under the most progressive animal care standards.

Fifth, the bill seeks to impose standards of care that are governed by – and may conflict with – those imposed by the Baltimore City Health Department Environmental Health Services Division, and/or other regulatory agencies, such as the Maryland Department of Agriculture, the Maryland State Board of Veterinary Medical Examiners, the Drug Enforcement Agency, and the Maryland Department of Health and Mental Hygiene. These agencies conduct inspections and provide certifications to BARCS and the SPCA for all aspects of their operations, including, animal shelter licenses, animal control facility licenses, animal hospital sanitation licenses, veterinary hospital licenses, and controlled substances registration.

Finally, the bill unwittingly imposes certain requirements that are not only inhumane, but dangerous to shelter staff, such as requiring that impounded feral cats be held for at least five (5) working days. For these and other reasons, the Commission opposes the bill.

Given the length of Council Bill 12-0106, the Commission will simply highlight some of the more problematic sections of the proposed bill.

1. **Licenses - Page 4 (lines 12, 16, 19, 20, 26) and Page 5 (lines 7, 9 and 23)** – The proposed bill eliminates the requirement that individuals obtain pet licenses for cats. This conflicts with the City's stated goal of increasing the number of pet licenses, which not only insures that animals have been inoculated against rabies, but helps reunite lost animals with their owners and provides critically needed revenue to BARCS. Because cats are exposed to rabies more than most animals, the elimination of cat licenses could expose Baltimore's residents to a serious human health and public safety risk.

¹ As noted in the Interim Report of the initial Task Force dated January 5, 2010, the combined operating budget for Animal Control and BARCS is set at minimum levels for departmental budgeting needs based on standards established in 2001. *Report p. 24.*

2. **Trapping Cats - Page 9 (lines 25 – 29)** – The bill would increase litigation by creating a new cause of action against a shelter or rescue group that provided a humane trap to an individual for any reason other than specified in the legislation.
3. **Impounding Animals - Page 10 (line 11) – Page 11 (line 28)** – This section would require an animal enforcement officer to impound any dog that either failed to have a license or simply failed to exhibit a valid identification tag while outdoors. This could result in literally thousands of owned animals being impounded unnecessarily at BARCS, which already lacks necessary space to house homeless animals. The provision further requires that impounded feral cats be held for five (5) days, which is inhumane, because these animals are not socialized to humans and can impose risks to shelter staff. Finally, the bill states that all unclaimed animals are the property of the Mayor and City Council of Baltimore, even those animals that are held at the SPCA, which has no contractual relationship with the City. The City has no authority to take property from the SPCA.
4. **Holding Period for Owner-Relinquished Animals - Page 12 (line 24) – Page 13 (line 8)** – The bill requires shelters to hold all animals for five (5) days, even in cases of owner requested euthanasia. Shelters would be barred from euthanizing animals, even those that were injured or suffered from an incurable or contagious disease. This provision is inhumane, in that animals would be forced to languish unnecessarily in a shelter environment during an end-stage disease.
5. **Animal Care Standards - Page 13 (line 9) – Page 14 (line 22)** – This section requires that shelters provide daily enrichment to animals to promote their psychological well-being, requires that cages be cleaned not less than twice a day, and demands that shelters work with licensed veterinarians to create protocols for dealing with special needs animals. While BARCS and the SPCA work diligently to meet these standards of care, and also employ large cadres of volunteers to provide enrichment for shelter animals, the City Council cannot legislate these responsibilities without additional funding to BARCS, which cares for approximately 12,000 dogs and cats annually. This provision would similarly impose significantly higher labor costs on the SPCA, which has no contractual relationship with the City.
6. **Locating Owners of Stray Animals Page 14 (line 24) – Page 15 (line 23)** - This section requires shelters to maintain “continuously updated lists of animals reported as lost” as well as “post photographs and descriptions of all stray animals on the internet. . .” Shelters would be required to hold animals for “a reasonable period of time to allow for the completion of the recovery process,” and improperly shifts the responsibility for rehoming lost animals on shelters, rather than on their owners. Conceivably, shelters would be required to house animals lost on the eve of an extensive family vacation. The City cannot impose these burdens without providing more funding to shelters for their additional costs, both in terms of labor and shelter space.

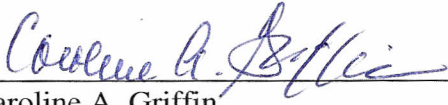
7. **Required Adoption Programs and Operating Times - Page 15 (line 24) – Page 16 (line 7)** – This section would require shelters to have evening and weekend hours and be open to the public on all holidays, except Thanksgiving Day and Christmas Day. While both shelters are currently open to the public seven (7) days a week and have evening hours, it would be a hardship for shelters to have extended hours on federal holidays, as animal caretakers already must work 365 days a year. Moreover, the City has no authority to govern the operating hours of the SPCA, which has no contractual relationship with the City.
8. **Required Public Service Programs - Page 16 (lines 14 – 30)** - The bill dictates the types of programs that animal shelters must provide. The City lacks the authority to impose these provisions, as the missions and programs of BARCS and the SPCA are governed by their respective Boards of Directors.
9. **Required Placement Attempts Before Animals Can Be Killed - Page 20 (line 24) – Page 22 (line 22)**. This provision bars an animal shelter from euthanizing any animal unless the shelter has notified all organizations on a registry that have indicated a willingness to take an animal of that type. This provision is problematic on many levels, because it increases liability to shelter staff and volunteers for aggressive and/or dangerous animals and exposes healthy shelter animals to infectious disease.
10. **Euthanization of Unsavable Animals - Page 22 (line 24) – Page 23 (line 25)** – This section authorizes euthanasia under certain instances, provided the order for euthanization is signed by a licensed veterinarian. In other instances, it requires shelter staff to complete an affidavit when unsuccessful in locating a foster or rescue group for an unweaned animal. These provisions are contrary to local and national standards of care for shelters and impose undue expense on these organizations. Euthanasia in shelters is typically performed by veterinary technicians who have completed training and are certified in the procedure. Veterinary technicians at BARCS and the SPCA undergo training through the American Humane Association and are certified to administer controlled substances to animals. The Maryland Department of Agriculture, through the State Department of Veterinary Medical Examiners, monitors and regulates this procedure.
11. **Killing Animals – Preconditions – Page 23 (line 26) – Page 24 (line 17)** – This section imposes seven (7) preconditions on shelters before any animal may be euthanized, including an affidavit from the shelter director that there are “no other alternatives.” In addition, no animal may be euthanized unless there is “no empty cage, kennel, or other living environment available in the shelter.” Again, this provision is unduly burdensome on many levels and the affidavit requirement imposed on shelter directors would be significant. The provision is also contrary to reasonable standards of shelter management and care. For example, the SPCA attempts to keep a few empty cages open at all times so that it can respond to emergencies and accommodate lost animals.

12. Killing Animals – Methods - Page 24 (line 18) – Page 26 (line 5) – Maryland law already bans inhumane forms of euthanasia, such as the use of gas chambers. Shelter staff at BARCS and the SPCA are trained and licensed under Maryland law to perform humane euthanasia and both shelters comply with humane protocols for euthanizing animals.

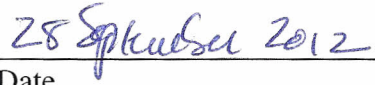
13. Public Accountability - Page 26 (line 19) Page 28 (line 22) – This provision dictates that shelters post a sign with data regarding the number of animals impounded or euthanized annually, among other data. It also requires that care protocols, cleaning protocols and disease-prevention protocols as well as rescue registries be made available for public inspection. These requirements would result in significantly increased labor costs. Moreover, individuals who surrender animals already sign an informed consent, which advises of the potential disposition of surrendered animals, including euthanasia.

14. City Council Reports - Page 28 (line 23)- Page 30 (line 7) – This provision compels BARCS and the SPCA to submit detailed monthly and annual reports to the City Council regarding their operations. This provision would impose significant labor costs on shelters. Moreover, the City does not have the authority to demand such reporting from the SPCA, which has no contractual relationship with the City.

Respectfully submitted,



Caroline A. Griffin
Chair, Mayor's Anti-Animal Abuse
Advisory Commission



Date