HOUSE DOCKET, NO. 1738 FILED ON: 1/17/2013

HOUSE . . . . . No. 1874

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to protect puppies and kittens.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kathi-Anne Reinstein	*16th Suffolk*
Karen E. Spilka	*Second Middlesex and Norfolk*
Patricia A. Haddad	*5th Bristol*
Louis L. Kafka	*8th Norfolk*
Linda Dorcena Forry	*12th Suffolk*
Tom Sannicandro	*7th Middlesex*
Peter V. Kocot	*1st Hampshire*
Jay R. Kaufman	*15th Middlesex*
Elizabeth A. Malia	*11th Suffolk*
Sarah K. Peake	*4th Barnstable*
Kay Khan	*11th Middlesex*
Martin J. Walsh	*13th Suffolk*
Frank I. Smizik	*15th Norfolk*
John W. Scibak	*2nd Hampshire*
Cheryl A. Coakley-Rivera	*10th Hampden*
Ann-Margaret Ferrante	*5th Essex*
Kate Hogan	*3rd Middlesex*
Carlo Basile	*1st Suffolk*

Gailanne M. Cariddi	*1st Berkshire*
Lori A. Ehrlich	*8th Essex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Thomas M. Stanley	*9th Middlesex*
Sean Garballey	*23rd Middlesex*
Jason M. Lewis	*31st Middlesex*
John P. Fresolo	*16th Worcester*
Cleon H. Turner	*1st Barnstable*
Josh S. Cutler	*6th Plymouth*
Denise C. Garlick	*13th Norfolk*
Alan Silvia	*7th Bristol*
Paul McMurtry	*11th Norfolk*
Benjamin Swan	*11th Hampden*
Chris Walsh	*6th Middlesex*
Tricia Farley-Bouvier	*3rd Berkshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Kenneth I. Gordon	*21st Middlesex*
Ruth B. Balser	*12th Middlesex*
Brian R. Mannal	*2nd Barnstable*
Christine E. Canavan	*10th Plymouth*
Cory Atkins	*14th Middlesex*
Jonathan Hecht	*29th Middlesex*
William Smitty Pignatelli	*4th Berkshire*
James R. Miceli	*19th Middlesex*
Michael Barrett	*Third Middlesex*
Katherine M. Clark	*Fifth Middlesex*
Christopher G. Fallon	*33rd Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Colleen M. Garry	*36th Middlesex*
John V. Fernandes	*10th Worcester*
Carolyn C. Dykema	*8th Middlesex*
Denise Provost	*27th Middlesex*
Denise Andrews	*2nd Franklin*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Matthew A. Beaton	*11th Worcester*
Thomas J. Calter	*12th Plymouth*
Timothy J. Toomey, Jr.	*26th Middlesex*
Paul Brodeur	*32nd Middlesex*
Mark J. Cusack	*5th Norfolk*

Thomas P. Conroy	*13th Middlesex*
James M. Cantwell	*4th Plymouth*
Jeffrey N. Roy	*10th Norfolk*
Brian M. Ashe	*2nd Hampden*
Paul R. Heroux	*2nd Bristol*

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HOUSE . . . . . No. 1874

By Ms. Reinstein of Revere, a petition (accompanied by bill, House, No. 1874) of Kathi-Anne Reinstein and others relative to the protection of puppies and kittens. Municipalities and Regional Government.

The Commonwealth of Massachusetts

An Act to protect puppies and kittens.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 129 is hereby amended by deleting in section 39A the following provision: –

"to persons selling, exchanging or otherwise transferring the offspring of their personally owned animals"

SECTION 2. Chapter 140 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following section:

Section 138B.

(a) For the purposes of this Chapter

1. "Hobby breeder" is defined as a person engaged in the incidental breeding and subsequent sale, barter or exchange of the offspring of no more than three personally owned breeding females.

2. "Purchaser" means a person who purchases a dog or cat from a pet dealer without the intent to resell the animal.

3. "Pet Dealer" refers to any pet shop, commercial breeder kennel, hobby breeder, personal kennel, firm or corporation that sells dogs or cats to the public.

(b) No pet dealer shall sell in the commonwealth a dog or cat less than 8 weeks of age. Violation of this section shall result in a $100 fine per offense.

18 (c) If a licensed veterinarian states in writing that within 15 days after the purchaser
19 has taken physical possession of the dog after the sale by a pet dealer, the dog has become ill due
20 to

21 any illness that existed in the dog on or before delivery of the dog to the purchaser, or, if
22 within one year after the purchaser has taken physical possession of the dog after the sale, a
23 veterinarian licensed in this Commonwealth states in writing that the dog has a congenital or
24 hereditary condition that adversely affects the health of the dog, or that requires, or is likely in
25 the future to require, hospitalization or nonelective surgical procedures, the dog shall be

26 considered unfit for sale, and the pet dealer shall provide the purchaser with any of the
27 following remedies that the purchaser elects:

28 (1) Return the dog to the pet dealer for a refund of the purchase price, plus sales tax, and
29 reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not
30 to exceed the original purchase price of the dog, plus sales tax.

31 (2) Exchange the dog for a dog of the purchaser's choice of equivalent value, providing a
32 replacement dog is available, and reimbursement for reasonable veterinary fees for diagnosis and
33 treating the dog in an amount not to exceed the original purchase price of the dog, plus sales tax.

34 (3) Retain the dog, and reimbursement for reasonable veterinary fees for diagnosis and
35 treating the dog in an amount not to exceed 150 percent of the original purchase price of the dog,
36 plus sales tax on the original purchase price of the dog.

37 (d) If the dog has died, regardless of the date of the death of the dog, obtain a refund for
38 the purchase price of the dog, plus sales tax, or a replacement dog of equivalent value of the
39 purchaser's choice and reimbursement for reasonable veterinary fees in diagnosis and treatment
40 of the dog in an amount not to exceed the original purchase price of the dog, plus sales tax, if
41 either of the following conditions exist:

42 (1) A veterinarian, licensed in this state, states in writing that the dog has died due to an
43 illness or disease that existed within 15 days after the purchaser obtained physical possession of
44 the dog after the sale by a pet dealer.

45 (2) A veterinarian, licensed in this state, states in writing that the dog has died due to a
46 congenital or hereditary condition that was diagnosed by the veterinarian within one year after
47 the purchaser obtained physical possession of the dog after the sale by a pet dealer.

48 Sections (c) and (d) shall not apply to hobby breeders, shelters or to a non-profit
49 organization that houses or adopts animals for the purpose of protecting animals from cruelty,
50 neglect, abuse, or homelessness.

51 SECTION 3. Chapter 140 is hereby amended by inserting after section 174E the
52 following section: –

53 Section 174F. The Department shall make rules and regulations for Commercial Breeder
54 Kennels and Personal Kennels where the breeding of personally owned dogs and cats takes
55 place, and to persons otherwise selling, exchanging or otherwise transferring the offspring of
56 their personally owned dogs and cats. The rules and regulations shall ensure that the animals
57 have proper housing, nutrition, hydration, behavioral requirements, grooming, staffing, handling,
58 health and veterinary care, waste disposal, and other general standards of care. Rules and
59 regulations developed in accordance with this subsection shall meet or exceed corresponding
60 standards developed by the American Veterinary Medical Association Regulations to Assure
61 Appropriate Care For Dogs Intended For Use As Pets, as published on April 9, 2010.

62 This section shall not apply to hobby breeders, shelters or to a non-profit organization
63 that houses or adopts animals for the purpose of protecting animals from cruelty, neglect, abuse,
64 or homelessness.