

HOUSE No. 344

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act prohibiting devocalization of dogs and cats..

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

1 SECTION 1. Said Chapter 272 is amended by inserting the following section:

2 Section 80. (a) No person shall surgically debark or silence a dog or cat, or cause the
3 surgical debarking or silencing of a dog or cat, unless a veterinarian licensed in this state has
4 filed a written certification with the town clerk or in Boston, the police commissioner, stating
5 that the surgical debarking or silencing is medically necessary to treat or relieve an illness,
6 disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat
7 medical harm or pain.

8 (b) The written certification described in (a) shall contain the date and description of the
9 veterinarian’s examination and evaluation of the dog or cat, statement certifying that surgical
10 debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or
11 correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any
12 supporting diagnosis and findings, the name and current address and telephone number of the
13 dog or cat’s owner or keeper, and the name and current address and telephone number, state
14 license number, and signature of the veterinarian.

15 (c) No person except a veterinarian licensed in this state, using anesthesia, may surgically
16 debark or silence a dog or cat.

17 (d) Any person in violation of this section shall be punished by imprisonment in the state
18 prison for not more than 5 years or imprisonment in the house of correction for not more than 2
19 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment. A court
20 may also order any person convicted under this section to submit to a mental health evaluation as
21 determined by the court and undergo any recommended counseling or treatment. In addition to
22 any other penalty provided by law, a person convicted under this section may be barred from
23 owning or possessing any animals, or living on the same property with someone who owns or
24 possesses animals, for a period of time deemed appropriate by the court, and required to take
25 humane education, pet ownership and dog training classes as ordered by the court.

26 SECTION 2. Said Chapter 140 of the General Laws, as appearing in the 2006 Official
27 Edition, is hereby amended by inserting the following section:

28 Section _____. Any person or business selling a dog or cat for profit shall disclose
29 whether the dog or cat has been surgically debarked or silenced and provide the purchaser with a
30 copy of the veterinarian certification required by Chapter 272, Sec. 80.

31 SECTION 3. Said Section 137D of chapter 140 of the General Laws, as appearing in the
32 2006 Official Edition, is hereby amended by inserting “eighty” between “seventy seven” and
33 “eighty A”.