

SENATE No. 2120

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act further regulating animal control.

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. Chapter 129 of the General Laws is hereby amended by inserting after
2 section 39F the following section:-

3 Section 39G. (a) A dog or cat brought or shipped into the commonwealth shall be
4 accompanied by an official health certificate issued by an accredited veterinarian, a copy of
5 which shall be sent to the commissioner of agricultural resources.

6 (b) An official health certificate shall mean a legible certificate or form issued by an
7 accredited veterinarian and approved by the chief livestock official of the state or county of
8 origin containing the name and address of the consignor and consignee. The certificate or form
9 shall also show age, sex, breed and description of each dog or cat and certify that the dog or cat
10 is free from visual evidence of infectious or contagious disease. The certificate or form shall
11 show proof of rabies vaccination within the previous 12 months. A dog or cat imported into the
12 commonwealth that is not currently vaccinated for rabies shall be vaccinated within 30 days of
13 entry or acquisition or upon reaching the age of 6 months.

14 (c) A dog or cat purchased within the commonwealth for resale by a commercial
15 establishment or pet shop shall be accompanied by a health certificate, issued by an accredited
16 veterinarian, which shall show age, sex, breed, and description of each dog or cat and certify that
17 the dog or cat is free from visual evidence of infectious or contagious disease.

18 (d) A commercial establishment, pet shop, firm or corporation shall not import into the
19 commonwealth for sale or resale in the commonwealth a cat or dog less than 8 weeks of age.

20 (e) A dog or cat sold in the commonwealth by a commercial establishment, pet shop, firm
21 or corporation shall be accompanied by a health record indicating the date and type of each
22 vaccine administered.

23 (f) Whoever is convicted of a violation of this section shall be punished by a fine of not
24 less than \$50 nor more than \$100 for each such offense. In addition thereto, or in lieu thereof, the
25 commissioner may, after notice and hearing, revoke or suspend a pet shop, kennel, and boarding
26 kennel license of a person, firm or corporation maintaining the pet shop, kennel and boarding
27 kennel for a violation of this section.

28 (g) A person, firm or corporation aggrieved by an order under this section may, by
29 petition, appeal within 30 days to the superior court where the person resides, or where the firm
30 or corporation is located. The person shall, in substance, state the findings by the commissioner
31 and the grounds of appeal and the court shall consider the proceedings de novo and the parties
32 thereto shall have right of exception and appeal.

33 SECTION 2. Chapter 140 of the General Laws is hereby amended by striking out section
34 136A, as appearing in the 2008 Official Edition, and inserting in place thereof the following
35 section:-

36 Section 136A. The following words and phrases as used in sections 137 to 175, inclusive,
37 unless the context otherwise requires, shall have the following meanings:

38 “Adoption”, the delivery of a cat or dog to any person 18 years of age or older for the
39 purpose of harboring as a pet.

40 “Animal control officer”, an officer appointed under said sections to enforce the laws in
41 sections 137 to 175, inclusive.

42 “Commercial boarding or training kennel”, a kennel or establishment, other than an
43 animal shelter or animal control facility, used for boarding, holding, day care, overnight stays or
44 training during which the owner is not present, for a fee or consideration; provided, however,
45 that this shall not include dogs owned by the operator, grooming facilities holding dogs solely for
46 the purpose of grooming and not overnight boarding, individuals who temporarily, and not in the
47 normal course of business, board or care for animals owned by others, or a licensed pet shop.

48 “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in
49 the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in
50 return for consideration.

51 “Commissioner”, the commissioner of agricultural resources, except in section 174D,
52 where the commissioner shall mean the commissioner of public health.

53 “Department”, the department of agricultural resources.

54 “Domestic charitable corporation kennel”, a facility operated, owned, or maintained by a
55 domestic charitable corporation registered with the department, or an animal welfare society or
56 other nonprofit organization incorporated for the purpose of providing for and promoting the

57 welfare, protection and humane treatment of animals, including a veterinary hospital or clinic
58 operated by a licensed veterinarian, which operates for the above purpose in addition to
59 providing medical treatment and care.

60 “Keeper”, any person, corporation or society, other than the owner, harboring or having
61 in his possession any dog.

62 "Kennel", 1 pack or collection of dogs on a single premise, including a commercial
63 boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel,
64 personal kennel or veterinary kennel.

65 “License period”, the time during which a dog is licensed as determined by a city or
66 town.