

SENATE No. 2359

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Text of Senate amendment (Ethics and Rules), to the House Bill prohibiting devocalization of dogs and cats (House, No, 344).

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. Section 137D of chapter 140 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting after the word “seventy-nine”, in line 6, the
3 following figure:- , 80 ½ .

4 SECTION 2. Section 138A of said chapter 140, as so appearing, is hereby amended by
5 inserting after the sixth paragraph the following paragraph:--

6 No commercial establishment, pet shop, firm, corporation or person shall sell a dog or
7 cat that has been surgically devocalized, as defined in section 80½ of chapter 172, unless written
8 notice that such a procedure has been conducted on that animal is provided to any prospective
9 purchaser thereof before any agreement to purchase such animal is entered into. In addition to
10 the penalties provided for violation of this section, failure to provide such notice shall render any
11 purchase agreement void and a violation of this paragraph shall constitute an unfair or deceptive
12 act in the conduct of a trade or commerce for purposes of chapter 93A.

13 SECTION 3. Chapter 272 of the General Laws is hereby amended by inserting after
14 section 80A the following section:-

15 Section 80½. (a) For the purposes of this section, the following words shall have the
16 following meanings:--

17 “Board”, the board of registration in veterinary medicine.

18 “Devocalization”, a procedure on the larynx or vocal cords of an animal which causes the
19 reduction or elimination of vocal sounds produced by that animal.

20 (b) Whoever performs, or causes to be performed, the surgical devocalization of a dog or
21 cat shall be punished by imprisonment in the state prison for not more than 5 years or
22 imprisonment in a house of correction for not more than 2½ years, or by a fine not to exceed
23 \$2,500 or by both such fine and imprisonment. In addition to this penalty, the court may order
24 that whoever violates this section shall successfully complete a course of instruction relative to
25 the humane treatment of animals or that such person be barred from owning or keeping a dog or
26 cat or sharing a residence with another who owns or keeps a dog or cat for a period of time as
27 determined by the court.

28 (c) Subsection (b) shall not apply if:

29 (1) the person performing such devocalization is licensed under section 55 of chapter
30 112; and

31 (2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an
32 illness, disease or injury of such animal or to correct a congenital abnormality of such animal
33 that is causing, or may cause, that animal physical pain or harm; or

34 (3) the person who causes a devocalization procedure to be performed is relying upon the
35 opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the
36 dog or cat is medically necessary to treat or relieve an illness, disease or injury of such animal or
37 to correct a congenital abnormality of such animal that is causing, or may cause, that animal
38 physical pain or harm.

39 (d) A veterinarian who performs a surgical devocalization procedure on a dog or cat
40 shall for a period of 4 years after the last contact with the animal keep a record of such
41 procedure. This record shall include the name and address of the animal's owner, the name and
42 address of the person from whom payment is received for the procedure, a description of the
43 animal, including its name, species, breed, date of birth, sex, color, markings and current weight;
44 the license number and municipality that issued such license for the animal, the date and time the
45 procedure was performed, the reason that the devocalization procedure was performed and any
46 diagnostic opinion, analysis or test results to support such diagnosis. These records shall be
47 subject to audit by the board.

48 Any person who performs a devocalization procedure on a dog or cat shall report the
49 number of all such procedures to the board, annually, not later than March 30. The board shall
50 maintain all notices received pursuant to this subsection for 4 years from the date of receipt.

51 Records maintained pursuant to this subsection shall not be considered a public record, as
52 defined in clause Twenty-sixth of section 7 of chapter 4 or section 66 of chapter 10, and such
53 records shall not be publically disseminated.

54 (e) The board shall, annually, report to the joint committee on the environment, natural
55 resources and agriculture the number of animals that were the subject of devocalization notices
56 received pursuant to subsection (d) not later than March 1.

57 (f) Whoever, being licensed under section 55 of chapter 112, violates any provision of
58 this section shall be subject to the suspension or revocation of such license pursuant to section 59
59 of said chapter 112 and 256 CMR 7.00.”