

**SENATE . . . . . No. 774**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Relative to Puppy Mills..

*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 140 of the General Laws as most recently appearing in the 2006  
2 Official Edition is hereby amended by striking Section 137A and inserting in place thereof the  
3 following section:

4 Section 137A. Every person maintaining a kennel shall have a kennel license. Any owner  
5 or keeper of less than four dogs three months old or over who does not maintain a kennel may  
6 elect to secure a kennel license in lieu of licensing such dogs under section one hundred and  
7 thirty-seven, and during such time as he does not license such dogs thereunder shall have a  
8 kennel license and shall be subject to this section and to sections one hundred and thirty-seven B  
9 and one hundred and thirty-seven C and to so much of section one hundred and forty-one as  
10 relates to violations of this section, section one hundred and thirty-seven B or section one  
11 hundred and thirty-seven C to the same extent as though he were maintaining a kennel. Kennel  
12 licenses under this section shall be issued by the police commissioner of the city of Boston if the  
13 dogs are to be kept under such license in said city or by the clerk of any other town if to be so  
14 kept in said town.

15           Such license shall be in a form prescribed by the director, upon a blank to be furnished,  
16   except in the county of Suffolk, by the county in which the town is located. Such license shall be  
17   in lieu of any other license for any dog while kept at such kennel during any portion of the period  
18   for which such kennel license is issued. The holder of a license for a kennel shall cause each dog  
19   kept therein to wear, while it is at large, a collar or harness of leather or other suitable material,  
20   to which shall be securely attached a tag upon which shall appear the number of such kennel  
21   license, the name of the town issuing such license and the year of issue. Such tags shall be in a  
22   form prescribed by the director, and shall be furnished to such owner or keeper by the clerk of  
23   the town in which such kennel is licensed, or, if licensed in Boston, by the police commissioner,  
24   in quantities not less than the number of dogs kept in such kennel. The fee for each license for a  
25   kennel shall be ten dollars if not more than four dogs are kept in said kennel, twenty-five dollars  
26   if more than four but not more than ten dogs are kept therein and fifty dollars if more than ten  
27   dogs are kept therein; provided, that, for the purpose of determining the amount of such fee for  
28   any kennel, dogs under the age of six months shall not be counted in the number of dogs kept  
29   therein. The name and address of the owner of each dog kept in any kennel, if other than the  
30   person maintaining the kennel, shall be kept on file thereat and available to inspection by the  
31   county commissioners and by any dog officer, natural resource officer, deputy natural resource  
32   officer, fish and game warden or police officer.

33           The clerk of any town, or in Boston the police commissioner, shall upon application issue  
34   without charge a kennel license to any domestic charitable corporation incorporated exclusively  
35   for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering  
36   among animals.

37 Any holder of a license for a kennel in any town may remove his kennel to a location in  
38 any other town in the same county, with the written approval of such new location of the mayor  
39 or selectmen of the town to which he removes his kennel. Before such removal he shall deliver to  
40 the clerk of the town into which he intends to remove his kennel the written approval of the  
41 mayor or selectmen thereof and his original license, and the clerk shall thereupon, on payment of  
42 a fee of one dollar, issue to him a new license covering the new location for the balance of the  
43 period of the original license.

44 No kennel license shall be issued to a person who owns, possesses, controls, or otherwise  
45 has charge of more than twenty-five intact dogs over the age of six months at any time.

46 SECTION 2. Chapter 140 of the General Laws as most recently appearing in the 2006  
47 Official Edition is hereby amended by striking Section 137C and inserting in place thereof the  
48 following section:

49 Section 137C. Flooring in all kennels shall be a solid surface or a solid/slatted  
50 combination. Ground level kennels shall be of poured concrete sealed with an epoxy sealant so  
51 that the runs can be properly cleaned and disinfected. Raised kennels should be slatted with a  
52 solid resting surface. Floors constructed with slats shall be flat and must have spaces in between  
53 that are no more than 0.5 inches in width. The slats must have spaces between them that run the  
54 length of the floor and be no less than 3/5 inches in width. Slats shall be level with the slat next  
55 to it within a single enclosure and must be strong enough so that it doesn't sag or bend between  
56 structural supports. Slats must be constructed of a material impervious to moisture and able to  
57 be cleaned and sanitized.

58 Primary enclosures must be placed no higher than 42 inches above the floor and may not  
59 be placed over or stacked on top of another cage or primary enclosure.

60 Each dog over four months of age shall be provided with a minimum of one exercise  
61 period during each day for a total of not less than one hour of exercise during such day. Such  
62 exercise shall include removing the dog from the dog's primary enclosure and either leash  
63 walking or giving the dog access to an enclosure at least four times the size of the primary  
64 enclosure allowing the dog free mobility for the entire exercise period, but shall not include use  
65 of a treadmill, catmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of  
66 veterinary medicine. The exercise requirements in this section shall not apply to a dog certified  
67 by a doctor of veterinary medicine as being medically precluded from exercise.

68 Structures or buildings where dogs are kept must be constructed so that dogs remain  
69 clean and dry and must be sufficiently heated and cooled to protect the dogs from temperature or  
70 humidity extremes. Ambient temperature must not fall below 50 degree F or rise above 85  
71 degrees F and must be sufficiently ventilated at all times to minimize odors, drafts, ammonia  
72 levels and to prevent moisture condensation. Structures or buildings must be equipped with a  
73 working smoke alarm and have a means of fire suppression, such as functioning fire  
74 extinguishers or a functioning sprinkler system on the premises and must have sufficient lighting  
75 to allow for observation of the dogs at any time of day or night.

76 Feces, hair, dirt, debris and food waste must be removed from primary enclosure at least  
77 daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects,  
78 pests and odors. Food must be stored in manner that protects it from spoilage, vermin infestation  
79 and prevents contamination. Food and water receptacles must be readily cleaned and sanitized.

80 Dogs must be removed from enclosures during cleaning. Enclosure must contain potable water  
81 that is not frozen, is free from debris, and is readily accessible to all dogs at all times.

82 Dogs shall be provided space to allow each dog to turn about freely, to stand, sit and lie  
83 down. The dog must be able to lie down while fully extended without the dog's head, tail, legs,  
84 face or feet touching any side of the enclosure and without touching any other dog in the cage  
85 when all dogs are lying down simultaneously. The interior height of the enclosure must be at  
86 least six inches higher than the head of the tallest dog in the enclosure when it is in a  
87 normal standing position. Each cage should be at least 3 times the length of the longest dog in  
88 the cage, from tip of nose to base of tail.

89 All dogs housed in the same enclosure must be compatible, as determined by observation.  
90 Dogs with a vicious or aggressive disposition must be housed individually. Breeding females in  
91 heat may not be housed in the same enclosure with sexually mature males, except for breeding.  
92 Breeding females with litters may not be housed in the same enclosure with other adult dogs.  
93 Puppies under 12 weeks may not be housed in the same enclosure with other adult dogs, other  
94 than the dam or foster dam.

95 A male unaltered dog must be examined by a veterinarian at least once a year. A female  
96 unaltered dog must be examined by a veterinarian at least once a year or prior to each attempt at  
97 breeding, whichever occurs more frequently. A dog shall not be bred if a veterinarian determines  
98 that the animal is unfit for breeding purposes. Only dogs between the ages of 18 months and 8  
99 years of age may be used for breeding. Female dogs shall only be allowed to whelp one litter per  
100 year. The veterinarian shall use appropriate methods to prevent, control, diagnose, and treat  
101 diseases and injuries. Ear cropping, tail docking, debarking, and surgical births are prohibited

102 except under anesthesia and by a licensed veterinarian. Animals requiring euthanasia will be  
103 euthanized only by a licensed veterinarian.

104 No person may own, possess, control, or otherwise have charge of more than twenty-five  
105 intact dogs over the age of six months at any time.

106 The mayor of a city or selectmen of a town, or in Boston the police commissioner, or a  
107 chief of police or a dog officer within his jurisdiction, may at any time inspect or cause to be  
108 inspected any kennel and if, in their or his judgment, the same is not being maintained in a  
109 sanitary and humane manner, or if records are not properly kept as required by law, the county  
110 commissioners, or in Boston the police commissioner, shall by order revoke or suspend, and in  
111 case of suspension may reinstate, such license. Upon the petition of twenty-five citizens, filed  
112 with the mayor of a city or the selectmen of a town, or in Boston with the police commissioner,  
113 setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs  
114 at a kennel maintained in such city or town, because of the excessive barking or vicious  
115 disposition of said dogs or other conditions connected with such kennel constituting a public  
116 nuisance, said mayor, selectmen or police commissioner, as the case may be, within seven days  
117 after the filing of such petition, shall give notice to all parties in interest of a public hearing to be  
118 held within fourteen days after the date of such notice. Within seven days after such public  
119 hearing said mayor or selectmen, in Nantucket county or in Suffolk county elsewhere than in  
120 Boston, or in Boston said police commissioner, shall make an order either revoking or  
121 suspending such kennel license or otherwise regulating said kennel, or dismissing said petition.  
122 In counties other than Nantucket or Suffolk, said mayor or selectmen within said seven days  
123 shall report in writing to the county commissioners their recommendations and within seven days  
124 after receipt of such report said county commissioners shall investigate or cause to be

125 investigated the subject matter of such petition and shall, by order, either affirm or deny such  
126 recommendations by suspending or revoking such kennel license or otherwise regulating such  
127 kennel, or by dismissing the petition. Written notice of any order under this section revoking,  
128 suspending or reinstating a license shall be mailed forthwith to the officer issuing such license  
129 and to the holder of such license. Within ten days after such order the holder of such license may  
130 bring a petition in the district court within the judicial district of which such kennel is  
131 maintained, addressed to the justice of the court, praying that the order may be reviewed by the  
132 court, and, after such notice to the officer or officers involved as the court may deem necessary,  
133 it shall review such action, hear the witnesses and affirm such order unless it shall appear that it  
134 was made without proper cause or in bad faith, in which case such order shall be reversed. The  
135 decision of the court shall be final and conclusive upon the parties. Any person maintaining a  
136 kennel after the license therefor has been so revoked, or while such license is so suspended, shall  
137 be punished by a fine of not more than fifty dollars.