

HOUSE No. 1437

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and Brian A. Joyce

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 adoption of the accompanying bill:

An Act relative to the spaying and neutering of cats.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/14/2011</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/20/2011</i>

HOUSE No. 1437

By Mr. Galvin of Canton and Senator Joyce, a joint petition (accompanied by bill, House, No. 1437) of William C. Galvin and Brian A. Joyce relative to the spaying and neutering of cats. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1975 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the spaying and neutering of 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. Chapter 140 of the General Laws is hereby amended by inserting after
2 section 174D the following section:-

3 Section 174E. No person shall own or harbor, within the commonwealth any cat over
4 the age of 6 months which has not been spayed or neutered, unless such person holds a license to
5 keep an unaltered cat or a license and permit for breeding cats issued by the board of health of
6 the city or town in which they live or unless the caretakers, due to age, health or illness and
7 having in their possession a letter from a licensed veterinarian stating such, which shall be
8 provided to the board of health.

9 An intact permit shall be issued for an unaltered cat if the owner signs a written
10 statement that such animal will not be allowed to breed unless the owner has first obtained a

11 breeding permit. An intact permit may be issued by the board of health to a person who refuses
12 to spay or neuter their cat. The fee for such permit shall be \$100 per year. All funds shall be
13 deposited in the city or town's spay-neutered account. Any person providing care or sustenance
14 for a period of 30 days or longer shall be deemed the owner of such animal, and shall adhere to
15 the provisions of this section and must also:

16 1) Register, at no charge, with the city or town in which they live as a caretaker for
17 feral cats;

18 2) Regularly feed or arrange for the feeding of the colony, including on weekends and
19 holidays;

20 3) Trap or make a reasonable effort to trap all feral cats over the age of 8 weeks in his
21 care and have them spayed or neutered;

22 4) Identify feral cats that have been spayed or neutered by means of ear notching, ear
23 tipping or ear tagging;

24 5) Have all trapped cats vaccinated in accordance with state and local laws.

25 No person shall cause or allow any cat owned or harbored in the city or town in which
26 they live to breed without first obtaining a breeding permit under this section.

27 Each city or town board of health shall administer a permit program to allow the
28 breeding of cats consistent with criteria and according to procedures contained in city or town
29 ordinances or bylaws, provided, however that where the city or town ordinances or bylaws
30 specially prohibit the breeding of cats the city or town ordinances or bylaw shall govern.

31 Each applicant who is issued a permit to breed cats shall pay a fee of \$100 per year.

32 No person shall cause or allow the breeding of a male or female cat without first
33 obtaining a breeding permit issued by the animal control officer. Breeding permits shall be valid
34 for 12 months, renewable on an annual basis for a fee of \$100.

35 Herein, all breeding permits shall contain the following terms and conditions and be
36 subject to all of the following requirements:

37 6) No offspring may be sold or adopted and permanently placed until reaching an age
38 of at least 8 weeks;

39 7) No offspring shall be sold or adopted until immunized against common diseases;

40 8) If within 60 days of placement a new owner becomes unable or unwilling to
41 continue ownership and responsibility for an animal, the permit holder shall assist in placement
42 of the animal. If no suitable placement can be found the permit holder may accept return of the
43 animal if healthy and shall become fully responsible for its care;

44 9) Any permit holder advertising to the public the availability of any animal for
45 adoption or sale must prominently display the permit number in any publications in which they
46 advertise. The permit number must be provided to any person adopting or purchasing any
47 animal bred by the permit holder;

48 10) The breeding permit holder shall adhere to minimum standards regarding the care
49 and keeping of animals developed and approved by the board of health and state law.

50 Any person who provides or offers to the public, whether or not for compensation, any
51 pet or pet related goods, where they are the primary products, or pet services shall provide to

52 their clients, at no charge, information relating to pet care and ownership, including information
53 on city and town laws pertaining to animal control.

54 Any person offering cats for sale or adoption shall disclose to a purchaser or adoptive
55 owner, information regarding the licensing or permit requirements of the city or town in which
56 they reside applicable to the animal.

57 No person shall offer for sale or adoption any cat on any public street, sidewalk or public
58 park unless the person first obtains approval from the city or town's board of health or a business
59 license to sell pets.

60 Any permit issued may be revoked if the animal control officer has reasonable cause to
61 believe any of the following to be true:

62 1) The permittee has violated any state or local ordinances relating to the keeping, care
63 or use of any animal;

64 2) The permittee is in violation of any state health or safety law or regulation
65 regarding animal care or control;

66 3) The permittee has failed to comply with any condition or requirement of the permit
67 or has failed to pay any fee imposed under this section;

68 4) The permittee refuses to allow inspection upon 48 hours of written notice, of any
69 cat covered by the permit or the premises on which the animal is kept;

70 5) The permittee has transferred, sold or otherwise disposed of the cat for which the
71 permit was issued.

72 If, after investigation, the animal control officer concludes that it is probable that one or
73 more of the above grounds for revocation has occurred, he or she shall cause written notice
74 thereof to be transmitted by mail to the address of the permittee. The notice shall specify the
75 grounds of possible revocation of the permit, and shall specify a date and time for an informal
76 hearing to be held before the animal control officer. The date shall be not less than 5 days
77 subsequent to the date the notice is mailed. After the informal hearing, the animal control officer
78 may modify the terms of the permit or revoke the permit.

79 Farmland, defined as any tract of land, including woodland and wasteland constituting a
80 farm unit which is actively devoted to agricultural or horticultural use including, but not limited
81 to: forages and sod crops; grains and feed crops; fruits and vegetables; poultry, dairy, and other
82 livestock and their products; nursery, floral and greenhouse products, and any other food or fiber
83 products useful to people; shall be exempt from the provisions of this chapter.

84 If any cat is abandoned by their owner or any person having charge or custody of that
85 cat, that person shall, for each offense be punished by a fine of \$250 for first offense and \$500
86 for each offense thereafter.

87 Each city or town shall collect 50¢ surcharge on each dog license issued by the
88 municipality. The revenue generated by this surcharge shall be deposited in the respective city
89 and town's spay/neuter account to fund low cost spay/neuter programs.

90 Any person who violates the permit provision of this section shall have no more than 30
91 days to have their cat spayed or neutered or provide proof from a licensed veterinarian indicating
92 arrangements have been made to spay or neuter their cat or cats. The board of health shall
93 inform persons subject to this law of the availability or reduced cost or free spay or neuter

94 programs sponsored by local humane organizations. If a cat is not spayed or neutered within 30
95 days of the notice, the person shall be subject to \$100 fine for each 30 days the cat is not spayed
96 or neutered. Funds generated pursuant to this section shall be deposited in the spay-neuter
97 account of the city or town where the violation occurred. The local board of health shall be
98 responsible for the enforcement of this section.

99 SECTION 2. Persons harboring a cat subject to this section on the effective date thereof
100 shall be given 120 days from that date to comply with the provisions of this section.