HOUSE DOCKET, NO. 2189 FILED ON: 1/15/2015

HOUSE . . . . . No. 3266

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 puppy mills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce J. Ayers	*1st Norfolk*
James M. Cantwell	*4th Plymouth*
Denise Provost	*27th Middlesex*
Thomas M. Stanley	*9th Middlesex*
Marjorie C. Decker	*25th Middlesex*
Brian M. Ashe	*2nd Hampden*
Michael D. Brady	*Second Plymouth and Bristol*
Chris Walsh	*6th Middlesex*

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HOUSE . . . . . No. 3266

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 3266) of Bruce J. Ayers and others relative to commercial breeder dog kennels. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1. Section 136A of chapter 140 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 49, the words “, commercial breeder kennel”.

SECTION 2. Said chapter 140 is hereby amended by inserting after section 137D, as so appearing, the following section:-

Section 137E. (a) A person maintaining a commercial breeder kennel shall obtain a breeder license to be issued by the city or town in which such commercial breeder kennel is located. Each such license shall be renewed annually upon application of the commercial breeder kennel to such city or town.

(b) A breeder license shall be in lieu of any other license for a dog kept at the kennel during any portion of the period for which the breeder license is valid. A breeder licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or

13 other suitable material, to which a tag shall be securely attached. The tag shall have inscribed
14 upon it the number of the breeder license, the name of the city or town issuing the breeder
15 license and the year of issue. Tags shall be furnished to the owner or keeper by the licensing
16 authority in quantities not less than the number of dogs kept in the kennel. The issuing city or
17 town shall determine the period of time for which a breeder license shall be valid, including the
18 date of issuance of the breeder license through the date on which the breeder license expires,
19 inclusive, and shall further determine the fee for the issuance and renewal of the breeder license.
20 To determine the amount of the breeder license fee for a commercial breeder kennel, a dog under
21 the age of 6 months shall not be counted in the number of dogs kept in a kennel. The name and
22 address of the owner of each dog kept in a kennel, if other than the person maintaining the
23 kennel, shall be kept at the kennel and available for inspection by an animal control officer,
24 natural resource officer, deputy natural resource officer, fish and game warden or police officer.

25 (c) Every holder of a breeder license, on delivering an unlicensed dog to a purchaser or to
26 any other person, shall attach to such dog a collar or harness which shall carry a tag marked with
27 the name and address of such breeder licensee, and a number, which number shall be properly
28 recorded on the records of such licensee, and shall also furnish to the person to whom the dog is
29 delivered a certificate bearing the same number and a description of the dog. Such certificate
30 shall bear the date of purchase, exchange or gift and, with the tag, shall, for a period of two
31 weeks following such date, be a legal substitute for a license. The purchaser or other recipient of
32 a dog shall, within 2 weeks of the purchase or receipt of such dog, either return the same to the
33 breeder licensee from whom it was received, together with the collar or harness, tag and
34 certificate, or return to such licensee said tag, and a certificate signed by the clerk of the town or
35 city where the dog is to be kept and certifying that the dog has been licensed in the name of such

36 purchaser or recipient or of some other person. If any such purchaser or recipient fails to comply
37 with the preceding sentence, such breeder licensee shall notify the clerk of the town or city in
38 which he is licensed of the purchase, exchange or gift of such dog and shall furnish to such clerk
39 the date thereof, and the name and address of the purchaser or recipient.

40 (d) The commissioner or a animal control officer may at any time inspect, or cause to be
41 inspected by a registered veterinarian approved by the commissioner, any commercial breeder
42 kennel and if, in the judgment of the commissioner: (1) such location is not being maintained in a
43 sanitary and humane manner; (2) the owner or keeper of such location does not comply with the
44 standard of care applicable to breeders, as set forth by the commissioner; or (3) if the
45 commissioner finds that communicable or infectious disease or other unsatisfactory conditions
46 exist, the commissioner may issue such orders as the commissioner deems necessary for the
47 correction of such conditions and may quarantine the premises and animals. If the owner or
48 keeper of such location fails to comply with such orders, the commissioner may recommend the
49 revocation or suspension of such license to the city or town that issued such license.

50 (e) Any person aggrieved by any order issued under the provisions of this section may
51 appeal to the superior court.

52 (d) Any commercial breeder kennel that sells or exchanges a dog after such license has
53 been revoked or suspended pursuant to this section shall be fined not less than $50 nor more than
54 $100.

55 SECTION 3. Section 137C of chapter 140, as appearing in the 2012 Official Edition, is
56 hereby amended by inserting after the word “kennel”, in line 3, the first time it appears the
57 following words:- , which for purposes of this section shall include a commercial breeder kennel.

58 SECTION 4. (e) Not later than December 31, 2015, the commissioner of agricultural
59 resources shall prescribe the standard of care to be provided to dogs by any owner or keeper of a
60 commercial breeder kennel pursuant to section 137E of chapter 140 of the General Laws. Such
61 standard of care shall require, at a minimum, the commercial breeder kennel to provide
62 appropriate living space, shelter, nutrition and sanitary conditions to each dog housed at the
63 commercial breeder kennel, whether or not the dog is to be sold.