

# HOUSE . . . . . No. 649

---

## The Commonwealth of Massachusetts

PRESENTED BY:

***Daniel M. Donahue, (BY REQUEST)***

*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 importation of animals for rescue.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Craig Olson</i>	<i>61 Butler St Worcester, MA 01607</i>	<i>1/13/2015</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>8/30/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>8/30/2019</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>8/30/2019</i>

# HOUSE . . . . . No. 649

---

By Mr. Donahue of Worcester (by request), a petition (accompanied by bill, House, No. 649) of Craig Olson and others relative to procedures and regulations for the transporting of domestic animals. Environment, Natural Resources and Agriculture.

---

## The Commonwealth of Massachusetts

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

An Act relative to the importation of animals for rescue.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           An Act relative to the importation of animals for rescue, shelter, foster, adoption or  
2 remote sale.

3           Chapter 129 of the General Laws is hereby amended by adding the following sections:-

4           Section 49. The following words as used in sections 49 to 56, inclusive, shall have the  
5 following meanings, unless the context clearly requires otherwise:-

6           “Adoption”, the process transferring ownership of a domestic animal.

7           “Animal”, a bird, mammal or reptile that may be kept without a license from the division  
8 of fisheries and wildlife and is included in the special exemption list established by the director  
9 of said division pursuant to section 23 of chapter 131, including, unless expressly stated,  
10 domestic animals.

11          “Animal control officer”, a person appointed pursuant to section 151 of chapter 140.

“Animal identification”, clear digital photos of the animal taken in a manner that will demonstrate all unique markings and identifying features, or, microchip number, and the animal’s name, approximate age, gender, predominate color, and predominate breed.

“Animal rescue organization”, a person, organization, or other legal entity not required to be licensed pursuant to section 39, 39A or 45 of chapter 129, and that either on its own behalf or as facilitator for others engages in, or arranges for others to engage in, adoption.

“Animal shelter”, “shelter” or “facility”, a facility operated, owned or maintained by an animal rescue organization that exists for the purposes of receiving, maintaining, caring for, transporting or providing for the adoption of a domestic animal, and which is not a foster home.

“Applicant”, a person who has submitted an application for registration or import registration to the department.

“Carrier registration”, the registration issued biennially by the department that authorizes a registrant to transport animals into the commonwealth on behalf of a properly registered animal rescue organization.

“Cat”, a mammal of the species *Felis domesticus*.

“Department”, the department of agricultural resources.

“Dog”, a mammal of the species *Canis familiaris*.

“Domestic animal”, an animal of any domesticated species as defined by general law or the department in applicable regulations, including dogs and cats.

“Foster care”, an interim or temporary housing arrangement for a domestic animal.

“Foster home”, a residential location that provides interim or temporary in-home housing for domestic animals on behalf of an animal rescue organization.

“Health certificate”, a document dated and signed by a licensed veterinarian, which certifies the health status of a domestic animal.

“Imported animal”, a domestic animal that has been transported into the commonwealth for the purposes of foster care or adoption.

“Import registration”, the registration issued biennially by the department that authorizes a registrant to operate in the commonwealth as an animal rescue organization and import animals into the commonwealth for rescue, adoption, foster care, transfer or remote sale.

“Individual animal record”, the comprehensive record relating to an individual domestic animal, including where applicable, but not limited to, an official certificate of veterinary inspection, documentation of isolation upon import, a post-isolation health certificate, a history of vaccinations, a history of all medical treatment including administered medications, the source of the domestic animal, the date of acquisition of the domestic animal, name and address of the domestic animal’s intended adoptive owner or foster home, animal identification, the date of any sale or transfer of the domestic animal, and any relevant mortality record.

“Isolation facility”, a location approved by the department to serve as a receiving station for animals affected with or exposed to an infectious or contagious disease, or any area approved by the department to accept animals for isolation upon import.

“Official certificate of veterinary inspection”, an official form issued by a USDA accredited veterinarian in the state of origin and approved by a properly designated official of the

state of origin, which: (i) lists and properly describes and identifies all animals covered by the certificate that have been examined by the person issuing the form, (ii) states the nature of the examination and the findings of the health of the animals, and (iii) contains the name and address of the consignor and the consignee of the animals, vaccinations the animals may have received, and the dates on which any known vaccinations occurred.

“Owner Surrender”, an animal that is given up by an individual or family directly to a rescue organization in order to find a home for placement.

“Quarantine”, an order of the department pursuant to section 21 of chapter 129 of the General Laws or section 54 of this act.

“Registrant”, an animal rescue organization that has received a carrier registration or import registration from the department.

“Registration”, the registration issued biennially by the department that authorizes a registrant to operate as an animal rescue organization in the commonwealth.

“Sterilization clause”, a stipulation within an animal rescue organization’s agreement with the recipient of a domestic animal that requires the domestic animal to be deprived of the ability to produce offspring by the age of 6 months.

“Transfer”, to barter, exchange, adopt out, gift, give away or otherwise transfer ownership of a domestic animal to a person other than the registrant.

“USDA accredited veterinarian”, a veterinarian accredited by the United States Department of Agriculture’s Animal and Plant Health Inspection Service and otherwise licensed

or registered by the properly designated official of the state where the veterinarian is doing business.

“Veterinarian”, a veterinarian licensed and in good standing in the state where the veterinarian is doing business.

Section 50. (a) No animal rescue organization shall import domestic animals into the commonwealth for rescue, adoption, foster care, transfer or remote sale unless the department has issued such person an import registration. An application for an import registration, or renewal thereof, shall be submitted to the department on a form prescribed by the department and shall include, at a minimum, the following information:

- (1) The full name and address of the animal rescue organization;
- (2) The animal rescue organization’s principal place of business;
- (3) A complete list of the animal rescue organization’s owners;
- (4) A complete list of the animal rescue organization’s managerial personnel, if other than the owners; and
- (5) A complete list of locations inside of the commonwealth where domestic animals in the custody of the animal rescue organization are housed, including, but not limited to, animal shelters and foster homes, and the maximum number of domestic animals that may be appropriately cared for at each location.

(b) No person shall transport domestic animals into the commonwealth for rescue, adoption, foster care, brokering or remote sale by an animal rescue organization unless the department has issued such person a carrier registration and has issued any animal rescue

organization with which the carrier is doing business an import registration. An application for a carrier registration, or renewal thereof, shall be submitted to the department on a form prescribed by the department and shall include, at a minimum, the following information:

(1) The full name and address of the carrier;

(2) The carrier's principal place of business;

(3) A complete list of the carrier's owners, if applicable;

(4) A complete list of the carrier's managerial personnel, if other than the owners;

and

(5) The import registration number of any animal rescue organization with which the carrier is doing business.

(c) An application for import registration, carrier registration, or renewal thereof, shall be issued biennially and shall authorize the registrant to engage in import or transport for a period of 24 months from the date of issuance, unless such registration is earlier suspended, modified or revoked pursuant to section 51. An application for renewal of an import or carrier registration shall be submitted to the department no later than 30 days prior to its expiration.

(d) An application for import registration, carrier registration, or renewal thereof shall be accompanied by a fee as determined by the secretary of administration and finance pursuant to section 3B of chapter 7; provided, however, that the department may waive the fee for any applicant with (i) tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and (ii) a current registration statement with the division of public charities in the department of the attorney general pursuant to section 19 of chapter 68.

(e) The department shall confirm the receipt of an application for import registration, carrier registration, or renewal thereof, in writing, and such confirmation shall supply a date by which the applicant will receive an approval or denial of any such application.

(f) The department shall issue each approved applicant for an import registration or carrier registration a registration certificate, which shall include a unique registration number. A registrant shall include its registration number in all advertisements, promotional materials and offers of animals to the public which appear in print, online or in other media which are issued within the commonwealth.

(g) The denial of an application pursuant to subsection (a) or (b) shall inform the applicant of his or her right to request a hearing pursuant to section 10 of chapter 30A and other applicable provisions of said chapter 30A. An applicant may appeal the denial of such application within 30 days of receiving the denial.

(h) A registrant shall promptly notify the department of any substantial change in the information contained in an application pursuant to subsection (a) or (b).

Section 51. (a) The commissioner of agricultural resources may issue a cease and desist order to a registrant, or suspend or revoke an import registration or carrier registration for a violation of sections 49 to 56, inclusive, or any applicable rules or regulations. The commissioner shall not suspend or revoke a registration prior to a hearing and shall provide at least 15-days' notice of such hearing.

(b) A registrant shall have 30 days, from the date of receipt, to comply with the terms of a cease and desist order or appeal such order pursuant to section 10 of chapter 30A and other applicable provisions of said chapter 30A.



(c) A registrant shall have 30 days, from the date of receipt, to appeal the suspension or revocation of an import registration or carrier registration pursuant to section 10 of chapter 30A and other applicable provisions of said chapter 30A.

(d) The commissioner may assess administrative fines, not to exceed \$500 per offense, for violations of sections 49 to 56, inclusive. Each animal involved in a violation may constitute a separate offense, and each day that a violation continues after receipt of written notice of such violation from the department may constitute a separate offense. Total fines assessed in any given action under this section shall not exceed \$10,000.

(e) The department may order the transfer of any animal in the custody of any animal rescue organization found in violation of any provisions of sections 49 to 56, inclusive, from such non-compliant animal rescue organization to a compliant animal rescue organization.

Section 52. (a) Every animal rescue organization that has received an import registration shall, in order to maintain such registration, meet the following requirements:

- (1) Have a current import registration;
- (2) Keep complete records, as required by section 53, on forms issued by the department;
- (3) Make records available to inspectors from the department;
- (4) Identify a person, who resides within the commonwealth, and who shall be responsible for producing all records that the department may lawfully request. A copy of all records shall be kept by the person so designated;
- (5) Notify the department of all expected shipments of dogs or cats being imported into the commonwealth. Such notification shall include the estimated time and location of the arrival

of such shipments. Notification shall be provided to the department no less than 24 hours prior to the estimated arrival of such shipment. Notification may be in the form of an email, phone call, voice mail or letter. The department may inspect any shipment to verify compliance with sections 49 to 56, inclusive, and other applicable laws and regulations, and to verify the health of the domestic animals being imported;

(6) Ensure every domestic animal the registrant imports shall be accompanied by an official certificate of veterinary inspection and be currently vaccinated against rabies if age eligible.

An animal rescue organization which meets the requirement of this subsection but not the requirements of subsection (b) shall be referred to as a category B organization.

(b) An animal rescue organization may be classified as a category A organization; provided, that in addition to meeting the requirements of subsection (a), the animal rescue organization meets the following requirements:

(1) The animal rescue organization has a detailed pre-import animal processing plan that:

- (i) references, in detail, the housing conditions, any isolation procedures, any vaccination procedures, any health screenings, and any disease testing, treatment or preventative measures that have been taken prior to the organization's transporting the animal into the commonwealth;
- and (ii) has been reviewed and approved by the department;

(2) All dogs and cats imported by the animal rescue organization are accompanied by an official certificate of veterinary inspection, which was issued within 10 days of the date on which the dog or cat was imported into the commonwealth; and

(3) All animals imported by the animal rescue organization are brought into the commonwealth by a carrier licensed by or registered with the United States Department of Agriculture. Such carrier may be classified as a carrier, contract carrier, or intermediate handler under the Animal Welfare Act and applicable federal regulations; provided, that the carrier shall also be registered with the department.

An animal rescue organization seeking classification as a category A organization, which does not intend to use a carrier licensed by or registered with the United States Department of Agriculture pursuant to paragraph (3) shall, in order to be so classified, submit the following: (i) a detailed transportation plan, including the make and model of the vehicle being used for conveyance of animals; (ii) features of the vehicle being used that will ensure adequate climate control in the animal compartment; and (iii) the sanitation protocols for the duration of any conveyance of animals. The department shall review and approve such plan prior to issuing a category A classification.

(c) No domestic animal imported by a category A organization shall be required to undergo any further isolation or health verification before being offered for adoption, placed into foster care, or otherwise transferred within the commonwealth.

(d) An animal imported by category B organizations shall be subject to the following procedures:

(1) The animal shall be held at an isolation facility approved by the department for 5 consecutive days, commencing immediately upon entry into the commonwealth. Such animal shall be brought directly to the isolation facility without commingling with any animals not destined for isolation;

(2) Upon completion of the 5-day isolation, the animal shall be examined by a veterinarian for the presence of infectious diseases or other conditions that may render the animal unsuitable for adoption, foster or sale. The results of such examination shall be kept as part of the animal's individual animal record, and shall be available for inspection under section 53;

(3) An animal that is determined to be suitable for adoption, foster, or sale may be transferred upon completion of the examination under paragraph (2);

(4) Any animal that is determined to be unsuitable for adoption, foster, or sale upon completion of the examination under paragraph (2) shall be held in isolation until a further veterinarian examination determines that the animal is suitable for adoption, foster, or sale.

(e) A category A organization may be downgraded to category B if, after an investigation, the department determines: (i) the requirements of subsection (b) or other applicable department rules or regulations are not being met, or (ii) in spite of adherence to procedures thought to be protective, animals are being imported by the organization that are found to be afflicted with infectious diseases.

(f) A category B entity may be upgraded to category A if, after the original import registration was granted, that entity is able to demonstrate that it meets the requirements of subsection (b).

Section 53. (a) A holder of a carrier registration shall maintain records, which shall include:

(1) A valid official certificate of veterinary inspection for every animal in transport; provided, that if the carrier is transporting animals for a category A entity, all such certificates

222 shall have been issued no more than 10 days prior to the date of the animal's arrival in the  
223 commonwealth; and

224 (2) A complete manifest, which shall include (i) the name of all entities supplying  
225 animals on each shipment, (ii) the name of all entities receiving animals on each shipment, (iii)  
226 the physical address, mailing addresses, and telephone number of each entity so supplying or  
227 receiving animals, (iv) animal identification for all animals on each shipment, and (v) the  
228 location at which each animal is put onto or removed from each shipment.

229 (b) Category A and B organizations shall maintain records, which shall include:

230 (1) The name, mailing address, physical address, and phone number of the registered  
231 entity and all sub-registrants acting as foster homes;

232 (2) Animal identification for each animal imported by the organization;

233 (3) The source of each animal under the control of the organization, the contact  
234 information of the source, where known, including the source's name, physical address, mailing  
235 address and phone number;

236 (4) Any disposition of an animal by adoption, including the adopter's name, mailing  
237 address, physical address and phone number; and

238 (5) Any disposition of an animal by foster care, including the name, physical address,  
239 mailing address and phone number of the foster home.

240 (6) Category A organizations shall also maintain records of the name, address, phone  
241 number and state registration number of any carrier licensed by or registered with the United  
242 States Department of Agriculture with which they do business, if applicable.

(c) All records required by this section shall be maintained for a period of 3 years after the importation of the animal to which the records pertain, and shall be provided to the department upon request. The department shall supply forms for the records required by this subsection.

Section 54. (a) All registrants are subject to inspection by the department, during normal business hours, for enforcement and verification of the requirements of sections 49 to 56, inclusive.

(b) Any animal shelter or foster home required to maintain a kennel license pursuant to section 137A of chapter 140 shall be subject to inspection by the animal control officer of the municipality in which the animal shelter or foster home is located.

(c) The department may issue an order of quarantine to restrict the movement of:

(1) All animals;

(2) A particular species of animal;

(3) A particular group of animals;

(4) Dogs and cats imported into the commonwealth in violation of section 138A of chapter 140, this act or applicable rules or regulations of the department; and

(5) An individual animal. Such order related to an individual animal may restrict the movement of the animal to or from any location used by an animal rescue organization, upon health concerns such as: (i) excessive parasitism; (ii) poor body condition; or (iii) presence of, or exposure to, infectious or contagious disease.

263           Section 55. (a) All dogs and cats that are imported into the commonwealth shall be  
264 accompanied by an animal identification and an official certificate of veterinary inspection.

265           (b) All dogs and cats 3 months of age or older that are imported into the commonwealth  
266 shall be accompanied by proof of rabies vaccination.

267           (c) No animal rescue organization may offer for sale, advertise, or transfer an animal  
268 unless:

269           (1) The animal is 8 weeks of age or older;

270           (2) The animal has, within 30 days before the date of transfer, been examined by a  
271 veterinarian and has received a health certificate, which states that the animal appears to be free  
272 of any signs of infectious or contagious disease;

273           (3) The animal rescue organization possesses the animal's individual animal record; and

274           (4) The animal appears to be healthy at the time of transfer.

275           (d) No animal rescue organization may offer for sale, advertise, or transfer an animal  
276 which tests positive for or shows signs of any of the following conditions:

277           (1) An infectious or contagious disease, including, but not limited to, distemper, hepatitis,  
278 leptospirosis, coccidiosis giardiasis, parvo virus, or rabies;

279           (2) Any internal or external parasites, including, but not limited to, heartworm; or

280           (3) Any significant behavioral concern that may pose a safety risk to humans.

(e) Prior to transfer of an animal, an animal rescue organization shall provide the prospective recipient with an animal's individual animal record.

(f) An animal in the possession of an animal rescue organization, which is found to be affected by any non-contagious medical condition, such as nutritional or metabolic disease, fracture, lameness, or congenital abnormalities, shall be treated and stabilized by a veterinarian prior to being offered for sale or transfer.

(g) Dogs and cats shall be spayed or neutered prior to being offered for adoption. Any dog or cat not of sufficient age to be a good candidate for spay or neuter surgery may be adopted; provided, that there is a sterilization clause in the animal rescue organization's adoption agreement. Such clause shall require the adopter either to have the animal deprived of the ability to produce offspring by the age of 6 months or to return the animal to the care and custody of the animal rescue organization. By the time the dog or cat reaches 6 months of age, the adopter shall have provided the animal rescue organization with written documentation from a veterinarian that the dog or cat has been spayed or neutered. Such documentation shall be retained by the animal rescue organization as part of the individual animal record. An animal rescue organization invoking the sterilization clause while transferring animals shall also comply with the provisions of section 139A of chapter 140.

(h) Within 14 days of transfer, an adopter may have an animal examined by any veterinarian. If the veterinarian determines that the animal is affected by any medical issue and the animal rescue organization's veterinarian concurs with the diagnosis, the adopter may return the animal to the animal rescue organization for a refund of the entire adoption fee, or, if the animal rescue organization and the adopter both consent, a replacement animal.



Section 56. (a) An owner surrender from the state of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont shall not be subject to any quarantine requirements; provided, that:

(1) the owner surrender has undergone a veterinary exam within 14 days of being surrendered and was declared healthy and free of any communicable disease;

(2) the owner surrender is surrendered to an entity registered with the department or to an individual citizen of the commonwealth;

(3) all veterinary records are provided with the owner surrender to the receiving entity; and

(4) a formal owner surrender form has been completed and signed by the surrendering individual or family.

(b) In the event of an owner surrender becoming affected by any contagious disease, the owner surrender shall be subject to the appropriate quarantine order for the category of the receiving group or organization.

(c) An owner surrender transferred between individual citizens, and not transferred between an animal rescue organization, animal shelter, foster care or foster home, which becomes ill within 5 days of transfer, shall be subject to a 5 day isolation quarantine at a state approved facility. The individual receiving the owner surrender shall be responsible for any costs associated with said quarantine.