

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 to prevent the euthanasia and overpopulation of animals due to irresponsible breeding practices.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No.

By Mr. Montigny, a petition (accompanied by bill) (subject to Joint Rule 12) of Mark C. Montigny for legislation to prevent the euthanasia and overpopulation of animals due to irresponsible breeding practices. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act to prevent the euthanasia and overpopulation of animals due to irresponsible breeding practices.

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 appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 173A the following 2 sections:-

3 Section 173B. (a) A person that breeds, or intends to breed, a dog or cat upon his or her
4 residential premises shall obtain a license from the licensing authority prior to said breeding.

5 (b) A person that breeds a dog or cat upon his or her residential premises shall display a
6 copy of said license at the residential premises where the dog or cat will be bred. Such display
7 shall be made within a location that is visible to the public.

8 (c) A licensing authority shall not issue a license to a person unless he or she provides, at
9 a minimum, the name and address of the applicant; the address of the location at which the dog
10 or cat will be bred; a complete description of the dog or cat proposed to be bred including breed
11 or mix of breeds, gender and dog license number, if applicable; a signed statement by the person

12 that he or she owns the dog or cat to be bred; and veterinary records of the dog or cat proposed to
13 be bred.

14 (d) Within 60 days from the date of receiving a license application, an animal control
15 officer shall conduct an inspection of the person's proposed breeding or whelping location to
16 determine whether such location contains adequate space per animal; general cleanliness and
17 safety standards; proof of home ownership or landlord approval; as well as proper photo
18 identification of the applicant at the time of inspection. Inspections shall take place during
19 normal business hours while the licensee or authorized agent is present. Licensees shall be given
20 reasonable notice prior to the inspection, unless the animal control officer determines it is
21 appropriate to not provide advance notice prior to arriving at the facility. An animal control
22 officer must inspect each licensed facility at least annually.

23 (e) No license shall be issued to any person who has been convicted under chapter 272,
24 sections 77 to 80G inclusive. No license shall be issued for the breeding of any dangerous dog
25 as defined under chapter 140, section 136A.

26 (f) A license, at a minimum, shall restrict the breeding of an unaltered female dog or cat
27 to no more than one litter per dog or cat in any household within the license year; newborn dogs
28 or cats shall not be sold, adopted, bartered or otherwise transferred, whether for compensation or
29 otherwise, until it has reached at least eight weeks of age.

30 (g) A license number shall be displayed in any advertisement to the public of the
31 availability of any dog or cat for sale, adoption, or transfer, whether for compensation or
32 otherwise; upon request, the license holder must provide the license number to any person who

33 purchases, adopts, or receives an animal from the license holder and include the license number
34 on any receipt of sale or transfer document.

35 (h) Each license shall be valid for one year from the date of issuance by the local
36 authority.

37 (i) Each application for a license shall be accompanied by a fee of no less than \$100.

38 Section 173C. (a) No person shall present a dog or cat for sale, adoption, barter,
39 exchange or other transfer whether for compensation or otherwise without first obtaining a
40 license under section 173B. This provision shall not apply to government agencies, nonprofit
41 animal rescue organizations and humane societies exempt from taxation under Internal Revenue
42 Code section 501(c)(3), permitted dog shows, licensed pet shops, or commercial boarding or
43 training kennels.

44 (b) Any person no longer able to provide shelter or sustenance to a dog or cat shall
45 relinquish custody and control of such animal to any shelter, non-profit animal rescue
46 organization or humane society without penalty.

47 (c) Any person in violation of subsection (a) and not exempt under (b) shall be guilty of a
48 misdemeanor punishable by not less than \$500 per animal and no more than 90 days
49 imprisonment in local house of correction.

50 SECTION 2. The department of agricultural resources may promulgate regulations to
51 implement section 173B and section 173C of chapter 140 of the General Laws.