

HOUSE No. 3561

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel M. Donahue and Kevin J. Kuros

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, shelter, foster, adoption or remote sale.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/19/2017</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/2/2017</i>

HOUSE No. 3561

By Messrs. Donahue of Worcester and Kuros of Uxbridge, a petition (accompanied by bill, House, No. 3561) of Daniel M. Donahue and John J. Mahoney relative to the importation of certain domestic animals. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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

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

1 Chapter 129 of the General Laws is hereby amended by adding the following 8 sections:-

2 Section 49. The following words as used in sections 49 to 57, inclusive, shall have the
3 following meanings, unless the context clearly requires otherwise:-

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

5 “Animal”, a dog or cat.

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

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

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

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

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

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

19 “Department”, the department of agricultural resources.

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

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

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

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

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

28 “Hold”, the period of time that an animal is located within the commonwealth but is not
29 available to be transferred from the organization.

30 “Imported animal”, a domestic animal that has been transported into the commonwealth
31 for the purposes of rescue, shelter, foster, adoption or remote sale

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

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

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

45 “Official certificate of veterinary inspection”, an official form issued by a USDA
46 accredited veterinarian in the state of origin and approved by a properly designated official of the
47 state of origin, which: (i) lists and properly describes and identifies all animals covered by the
48 certificate that have been examined by the person issuing the form, (ii) states the nature of the
49 examination and the findings of the health of the animals, and (iii) contains the name and address
50 of the consignor and the consignee of the animals, vaccinations the animals may have received,
51 and the dates on which any known vaccinations occurred.

52 “Organization”, a person or other legal entity not required to be licensed pursuant to
53 section 39, 39A or 45 of chapter 129, and that either on its own behalf or as facilitator for others
54 engages in, or arranges for others to engage in, adoption or selling of animals

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

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

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

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

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

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

68 “USDA accredited veterinarian”, a veterinarian accredited by the United States
69 Department of Agriculture’s Animal and Plant Health Inspection Service and otherwise licensed
70 or registered by the properly designated official of the state where the veterinarian is doing
71 business.

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

74 Section 50. (a) No organization shall import domestic animals into the commonwealth for
75 rescue, adoption, foster care, transfer or remote sale unless the department has issued such
76 organization an import registration . An application for an import registration, or renewal
77 thereof, shall be submitted to the department on a form prescribed by the department and shall
78 include, at a minimum, the following information: (1) the full name and address of the
79 organization; (2) the organization’s principal place of business; (3) a complete list of the
80 organization’s owners; (4) a complete list of the organization’s managerial personnel, if other
81 than the owners; and (5) a complete list of locations inside of the commonwealth where
82 domestic animals in the custody of the organization are housed, including, but not limited to,
83 animal shelters and foster homes, and the maximum number of domestic animals that may be
84 appropriately cared for at each location.

85 (b) A professional transport organization shall not transport domestic animals into the
86 commonwealth for rescue, adoption, foster care, brokering or remote sale by an organization
87 unless the department has issued such professional transport organization a carrier registration
88 and has issued any organization with which the carrier is doing business an import registration.
89 An application for a carrier registration, or renewal thereof, shall be submitted to the department
90 on a form prescribed by the department and shall include, at a minimum, the following
91 information: (1) the full name and address of the carrier; (2) the carrier’s principal place of
92 business; (3) a complete list of the carrier’s owners, if applicable; (4) a complete list of the
93 carrier’s managerial personnel, if other than the owners; and (5) the import registration number
94 of any organization with which the carrier is doing business.

95 (c) An application for import registration, carrier registration, or renewal thereof, shall be
96 issued biennially and shall authorize the registrant to engage in import or transport for a period of
97 24 months from the date of issuance, unless such registration is earlier suspended, modified or
98 revoked pursuant to section 51. An application for renewal of an import or carrier registration
99 shall be submitted to the department no later than 30 days prior to its expiration.

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

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

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

114 (g) The denial of an application pursuant to subsection (a) or (b) shall inform the
115 applicant of his or her right to request a hearing pursuant to section 10 of chapter 30A and other

116 applicable provisions of said chapter 30A. An applicant may appeal the denial of such
117 application within 30 days of receiving the denial.

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

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

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

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

131 (d) The commissioner may assess administrative fines, not to exceed \$500 per offense,
132 for violations of sections 49 to 56, inclusive. Each animal involved in a violation may constitute
133 a separate offense, and each day that a violation continues after receipt of written notice of such
134 violation from the department may constitute a separate offense. (e) The department may order
135 the transfer of any animal in the custody of any organization found in violation of any provisions
136 of sections 49 to 56, inclusive, from such non-compliant organization to a compliant
137 organization.

138 Section 52. (a) An organization seeking to acquire an import registration must: have a
139 detailed pre-import animal processing plan that: (i) references, in detail, the housing conditions,
140 any isolation procedures, any vaccination procedures, any health screenings, and any disease
141 testing, treatment or preventative measures that have been taken prior to the organization's
142 transporting the animal into the commonwealth; and (ii) has been reviewed and approved by the
143 department.

144 (b) An organization that has received an import registration shall, in order to maintain
145 such registration, meet the following requirements: (1) have a current import registration; (2)
146 keep complete records, as required by section 53, on forms issued by the department; (3) make
147 records available to inspectors from the department; (4) identify a person, who resides within the
148 commonwealth, and who shall be responsible for producing all records that the department may
149 lawfully request. A copy of all records shall be kept by the person so designated; (5) notify the
150 department of all expected shipments of dogs or cats being imported into the commonwealth.
151 Such notification shall include the estimated time and location of the arrival of such shipments.
152 Notification shall be provided to the department no less than 24 hours prior to the estimated
153 arrival of such shipment. Notification may be in the form of an email, phone call, voice mail or
154 letter. The department may inspect any shipment to verify compliance with sections 49 to 56,
155 inclusive, and other applicable laws and regulations, and to verify the health of the domestic
156 animals being imported.

157 (c) All dogs and cats imported by the organization are accompanied by an official
158 certificate of veterinary inspection, which was issued within 10 days of the date on which the
159 dog or cat was imported into the commonwealth.

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

165 (e) An organization which does not intend to use a carrier licensed by or registered with
166 the United States Department of Agriculture pursuant to paragraph (d shall, in order to be so
167 classified, submit the following: (i) a detailed transportation plan, including the make and model
168 of the vehicle being used for conveyance of animals; (ii) features of the vehicle being used that
169 will ensure adequate climate control in the animal compartment; and (iii) the sanitation
170 protocols for the duration of any conveyance of animals. The department shall review and
171 approve such plan.

172 (f) A domestic animal imported by an organization shall be required to undergo a
173 minimum 5 day hold within an approved facility or foster home before being transferred into the
174 commonwealth.

175 Section 53. (a) A holder of a carrier registration shall maintain records, which shall
176 include: (1) a valid official certificate of veterinary inspection for every animal in transport; all
177 such certificates shall have been issued no more than 10 days prior to the date of the animal's
178 arrival in the commonwealth; and (2) a complete manifest, which shall include: (i) the name of
179 all entities supplying animals on each shipment, (ii) the name of all entities receiving animals on
180 each shipment, (iii) the physical address, mailing addresses, and telephone number of each entity

181 so supplying or receiving animals, (iv) animal identification for all animals on each shipment,
182 and (v) the location at which each animal is put onto or removed from each shipment.

183 (b) Organizations shall maintain records, which shall include:(1) the name, mailing
184 address, physical address, and phone number of the registered entity and all sub-registrants
185 acting as foster homes; (2) animal identification for each animal imported by the organization;
186 (3) the source of each animal under the control of the organization, the contact information of
187 the source, where known, including the source's name, physical address, mailing address and
188 phone number; (4) any disposition of an animal by adoption, including the adopter's name,
189 mailing address, physical address and phone number; (5) any disposition of an animal by foster
190 care, including the name, physical address, mailing address and phone number of the foster
191 home; and (6) the name, address, phone number and state registration number of any carrier
192 licensed by or registered with the United States Department of Agriculture with which they do
193 business, if applicable.

194 (c) All records required by this section shall be maintained for a period of 3 years after
195 the importation of the animal to which the records pertain, and shall be provided to the
196 department upon request. The department shall supply forms for the records required by this
197 subsection or the organization may use their own forms provided they collect the required
198 information.

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

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

205 (c) The department may issue an order of quarantine to restrict the movement of: (1) all
206 domestic animals; (2) a particular species of animal; (3) a particular group of animals; (4) dogs
207 and cats imported into the commonwealth in violation of section 138A of chapter 140, this
208 chapter or applicable rules or regulations of the department; and (5) an individual animal. Such
209 order related to an individual animal may restrict the movement of the animal to or from any
210 location used by an organization, upon health concerns such as: (i) excessive parasitism; (ii) poor
211 body condition; or (iii) presence of, or exposure to, infectious or contagious disease.

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

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

216 (c) No organization may offer for sale, advertise, or transfer an animal unless: (1) the
217 animal is 8 weeks of age or older; (2) the animal has, within 30 days before the date of transfer,
218 been examined by a veterinarian; (3) the organization possesses the animal's individual animal
219 record; and (4) the animal appears to be healthy at the time of transfer.

220 (d) No organization may offer for sale or transfer an animal which tests positive for or
221 shows signs of any of the following conditions: (1) an infectious or contagious disease,
222 including, but not limited to, distemper, hepatitis, leptospirosis, coccidiosis giardiasis, parvo

223 virus, or rabies; (2) any known internal or external parasites unless proof of treatment
224 accompanies the animal; or (3) any significant bite history that may pose a safety risk to humans.

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

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

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

241 (h) Within 14 days of transfer, an adopter may have an animal examined by any
242 veterinarian. If the veterinarian determines that the animal is affected by any medical issue and
243 the organization's veterinarian concurs with the diagnosis, the adopter may return the animal to

244 the organization for a refund of the entire adoption fee, or, if the organization and the adopter
245 both consent, a replacement animal.

246 Section 56. An owner surrender from the state of Connecticut, Maine, New Hampshire,
247 Rhode Island, Vermont or New York shall not be subject to the any holding requirements
248 provided that: (1) the owner surrender has undergone a veterinary exam within 14 days of being
249 surrendered and is declared healthy and free of any communicable disease; (2) the owner
250 surrender is surrendered to a registered entity with the department or to an individual citizen of
251 the commonwealth; (3) all available veterinary records are provided with the owner surrender to
252 the receiving entity; and (4) a formal owner surrender form has been completed and signed by
253 the surrendering individual, entity, or family

254 Section 57. An organization that is subject to sections 49 to 57, inclusive, shall be exempt
255 from regulations promulgated pursuant to this chapter as said regulations relate to the promotion
256 and marketing of an animal covered by said sections 49 to 57, inclusive, if the animal is
257 registered with the department, and in the care of the organization.