

SENATE No. 2387

The Commonwealth of Massachusetts

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

SENATE, Monday, April 2, 2018

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 489) of Bruce E. Tarr, Lori A. Ehrlich, Daniel J. Ryan, William N. Brownsberger and other members of the General Court for legislation to protect research animals,- reports the accompanying bill (Senate, No. 2387).

For the committee,
Anne M. Gobi

SENATE No. 2387

The Commonwealth of Massachusetts

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

An Act protecting research animals.

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 new section:-

3 Section 174D1/2. Responsibilities of research institutions; adoption of certain dogs and
4 cats

5 (a) Except as otherwise provided in subsection (b), a research institution or product
6 testing facility that intends to euthanize or destroy a dog or cat for any purpose other than
7 scientific, medical or educational research shall, before euthanizing or destroying the dog or cat,
8 offer the dog or cat to an animal shelter or animal rescue organization for adoption or through
9 private placement. A research institution or product testing facility may enter into a collaborative
10 agreement with an animal shelter or rescue organization for the purpose of carrying out the
11 provisions of this subsection.

12 (b) A research institution or product testing facility is not required to offer a dog or cat to
13 an animal shelter or rescue organization pursuant to subsection 1 if the dog or cat: (1) manifests a

14 behavioral or temperamental defect that poses a risk to the health and safety of the public; (2)
15 manifests symptoms of a disease, injury, congenital or hereditary condition that adversely
16 affects, or is likely to adversely affect, the health of the dog or cat; or (3) is a newborn dog or cat
17 in need of maternal care.

18 (c) A facility that is required to offer dogs and cats for adoption under this section shall
19 owe no duty of care to any animal shelter or rescue organization that accepts the animal or to any
20 person or entity that may adopt such animals, whether through such organizations or through
21 private placement. No assumption of responsibility or liability for injuries, property damage, or
22 other damages or losses shall be incurred by such research facility on account of the adoption or
23 placement of any dog or cat pursuant to the provisions of this act.

24 SECTION 2. Section 136A of Chapter 140 of the General Laws is hereby amended by
25 inserting the following:-

26 “Product testing facility”, a facility that is privately owned or funded; or receives public
27 funding, including, but not limited to, any subsidy, grant or tax exemption, either directly or
28 indirectly, through collaboration with an institution of higher education, that is engaged in
29 animal research for scientific, medical, or educational purposes.

30 “Animal rescue organization”, a person, organization, or other legal entity, that is not
31 otherwise required to be licensed under M.G.L. c. 129, Section 39, 39A, or 45, or under M.G.L.
32 c. 94, Section 152A, and that either on its own behalf or as a facilitator for others engages or
33 arranges for others to engage in the activities of transferring ownership of a domestic animal.
34 The organization is registered with the department of agricultural resources.

35 “Animal shelter”, a facility operated, owned, or maintained by an animal rescue
36 organization that exists for the purpose of receiving, maintaining, caring for, transporting, or
37 transferring ownership of a domestic animal, but not a foster home.