

HOUSE No. 1816

The Commonwealth of Massachusetts

PRESENTED BY:

Tram T. Nguyen, (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 known as the animal rescue access act of Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rosemarie Hollandsworth</i>		<i>1/17/2019</i>

HOUSE No. 1816

By Ms. Nguyen of Andover (by request), a petition (accompanied by bill, House, No. 1816) of Rosemarie Hollandsworth relative to the protection of impounded animals. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act known as the animal rescue access act of Massachusetts.

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

1 Part I. Communication and Networking

2 Sec. 1(a) Before the euthanasia of any impounded animal, and no more than 24 hours
3 after that animal has been impounded, an animal control officer or shelter providers, having care
4 or custody of such animal will communicate with all rescue organizations and shelters that have
5 previously requested to be notified. Notification shall be by written or electronic communication
6 and shall include a detailed description and if possible, a photo of the animal, as well as hours of
7 availability to meet, evaluate or take possession of the impounded animal. If desired by the
8 rescue organizations or shelters, animal control officers and shelters shall have on file,
9 emergency and after hours telephone numbers of the rescue or shelter's director, assistants or
10 volunteer staff and a reasonable attempt shall be made to contact these individuals as soon as
11 possible and until communication has occurred. .

12 (b) No impounded animal except those determined 'irremediably physically
13 suffering' or a 'dangerous dog ' as adjudicated by a court of law, shall be euthanized unless there
14 are no rescue organizations willing to accept the animal and the animal control holding facility or
15 shelter does not have the room to hold such animal. No impounded animal with the exception
16 stated above shall be euthanized for at least 72 hours after a rescue group has notified the shelter
17 either by written, electronic or phone message or conversation that it is accepting custody of the
18 animal, even if the holding period has expired. The animal control officer or shelter director
19 shall certify in writing, dated and signed on the animal's record that there were no other
20 alternatives and this record shall be available for free public inspection for no less than three
21 years.

22 (c) No rescue organization shall be denied an animal adoption or transfer for any
23 reason including but not limited to the following: It brought grievance against an animal control
24 officer or animal shelter either verbally, in written statements, through hearsay or court action.

25 (d) No animal rescue organization having an officer, member, or volunteer who
26 has been convicted of a criminal offense or has a criminal offense involving animal cruelty or
27 neglect pending in a court of law may take possession of an animal unless such charges are
28 dismissed or dropped.

29 (e) Upon taking physical possession of an animal, a rescue organization or animal
30 shelter shall assume all liability for the animal while the animal is in its custody and control
31 provided that the rescue organization or animal shelter shall not be deemed responsible for harm
32 caused to or by the animal that occurred prior to the time the rescue or animal shelter assumed
33 physical possession of the animal.

34 (f) The provisions of this subdivision shall not apply to animals determined to
35 have rabies or an animal who is experiencing irremediable physical suffering as certified in
36 writing by a veterinarian licensed to practice medicine in this state.

37 (g) Shelters or animal control officers may require that rescue organizations provide
38 information on the disposition of the animals transferred that were in their care on no more than
39 a monthly basis. No additional information may be demanded to keep any rescue organization on
40 the animal shelter or animal control officer's registry.

41 (h) No shelter or animal control officer may deny any owner the right to reclaim their
42 lost pet simply due to the lack of ability to immediately or fully pay fees, fines or the cost of
43 vaccinations. A reasonable payment plan shall be offered to such owner.

44 Part II. Surcharges

45 Sec. II(a) Surcharges shall be imposed as follows and proceeds will be deposited in the
46 "Homeless Prevention and Care Fund of Massachusetts" as established in Section 35WW of
47 Chapter ten of the General Laws.

48 (b) Voluntary License Check-off:

49 Dog License Forms shall include a line at the bottom which states: "I would
50 like to give a voluntary donation of \$XX to save the lives of sheltered animals in Massachusetts."

51 Part III. Public Accountability

52 Sec III (a) Any rescue organization shelter or private citizen may compel a shelter or
53 animal control officer to follow the mandates of this Act through any and all remedies of the law.

54 Part IV Penalties

55 Sec IV (a) Fines may be levied against any animal control officer or shelter director and
56 according to General Law 140 , 151(b) who does not comply with this Act.

57 Definitions

58 (1) “Animal Shelter” means an animal control facility or public or private facility which
59 is operated by an organization or individual for the purpose of protecting animals from cruelty,
60 neglect or abuse.

61 (2) ”Impounded Animal” means any animal that enters a shelter regardless of whether the
62 animal is a stray, owner-relinquished, seized, taken into protective custody, transferred from
63 another shelter or is an animal whose owner requests that the animal be killed

64 (3) “Rescue Organization” means a non-profit organization under Sec. 501(c)(3) of the
65 Internal Revenue Code whose primary stated purpose is animal networking and animal rescue.

66 (4) “Irremediably physically suffering” means any animal with a medical condition that
67 has a poor or grave prognosis for being able to live without severe, unremitting pain despite
68 necessary veterinary care as determined in writing, signed and dated by a licensed veterinarian in
69 this state.