

**HOUSE . . . . . No. 764**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carolyn C. Dykema***

*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 protecting research animals.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/17/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/22/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/24/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/24/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/25/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/28/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/29/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/29/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/30/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2019</i>

<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/1/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/1/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/1/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/1/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/1/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/1/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/1/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/1/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>

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By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 764) of Carolyn C. Dykema and others relative to the adoption of certain research animals. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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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 Chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby  
2 amended by inserting after section 174D the following section:-

3 (a) Section 174D1/2. As used in this section, the following words shall have the  
4 following meanings, unless the context clearly requires otherwise:

5 “Animal rescue organization”, an organization whose mission and practice is the  
6 placement of abandoned, unwanted, neglected or abused animals, that does not obtain dogs or  
7 cats from a breeder or broker for payment or compensation and that is an organization exempt  
8 from taxation under section 501(c)(3) of the federal Internal Revenue Code or corresponding  
9 sections of that code.

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

13 “Product testing facility”, a facility that is engaged in animal research for scientific,  
14 medical or educational purposes.

15 (b) Except as otherwise provided in subsection (c), a research institution or product  
16 testing facility that intends to euthanize a dog or cat for any purpose other than scientific,  
17 medical or educational research shall, before euthanizing the dog or cat, offer the dog or cat for  
18 adoption to an animal shelter, an animal rescue organization or through private placement. A  
19 research institution or product testing facility may enter into a collaborative agreement with an  
20 animal shelter or rescue organization for the purpose of carrying out the provisions of this  
21 subsection.

22 (c) A research institution or product testing facility is not required to offer a dog or cat to  
23 an animal shelter or rescue organization pursuant to subsection (b) if the dog or cat: (i) manifests  
24 a behavioral or temperamental defect that poses a risk to the health and safety of the public; or  
25 (ii) manifests symptoms of a disease, injury, congenital or hereditary condition that adversely  
26 affects, or is likely to adversely affect, the health of the dog or cat.

27 (d) A facility that is required to offer dogs and cats for adoption under this section shall  
28 owe no duty of care to an animal shelter or rescue organization that accepts the animal or to a  
29 person or entity that adopts those animals, whether through the organizations or through private  
30 placement. No assumption of responsibility or liability for injuries, property damage or other  
31 damages or losses shall be incurred by a research institution or product testing facility on account  
32 of the adoption or placement of a dog or cat pursuant to the provisions of this act.

33 (e) Nothing in this act shall require a research institution or product testing facility to  
34 offer a dog or cat for adoption to an animal shelter, rescue organization or through private

- 35 placement if the dog or cat is a newborn dog or cat in need of maternal care and not appropriate
- 36 for adoption.