

SENATE No. 114

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 the health and safety of puppies and kittens in cities and towns.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/23/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/25/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/25/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/25/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/29/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/2/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/31/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2019</i>

<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/1/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/1/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/1/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/8/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>5/6/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>6/4/2019</i>

SENATE No. 114

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 114) of Harriette L. Chandler, Lori A. Ehrlich, Walter F. Timilty, Michael O. Moore and other members of the General Court for legislation to protect the health and safety of puppies and kittens in cities and towns. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act protecting the health and safety of puppies and kittens in cities and towns.

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 2016 Official
2 Edition, is hereby amended by inserting after section 141B the following section:-

3 Section 141C. (a) No person shall sell or offer for sale a puppy or kitten that is under 8
4 weeks of age. A violation of this subsection shall be punished by a fine of \$100 for each puppy
5 or kitten transferred.

6 SECTION 2. Chapter 140 of the General Laws is hereby further amended by inserting
7 after section 174F, the following section:-

8 Section 174G. The department shall promulgate rules and regulations for boarding
9 kennels and daycare facilities for dogs and cats, including home-based kennels and catteries and
10 daycare facilities, including, but not limited to staff to dog and cat ratios, group sizes and

11 supervision, minimum housing and care requirements, indoor and outdoor physical facility
12 requirements, dog and cat handling, insurance, and penalties for violation thereof.

13 The department shall make rules and regulations for the maintenance and inspection of
14 commercial breeder kennels or catteries and personal kennels or catteries in which not less than 5
15 sexually-intact female dogs or cats are kept for the purpose of breeding the dogs or cats and sell
16 the offspring as household pets. The rules and regulations shall ensure that the dogs, cats and
17 offspring thereof: (i) have proper housing, which shall include requirements for adequate space,
18 temperature, solid flooring and a prohibition on the stacking of cages, nutrition, hydration,
19 behavioral requirements, grooming, staffing, handling, health and veterinary care, waste
20 disposal, exercise, socialization and other general standards of care; (ii) are bred in accordance
21 with responsible breeding practices; and (iii) have their housing regularly inspected to ensure
22 that their kennels and catteries are maintained in accordance with this section.

23 In developing rules and regulations under this section, the department shall consider the
24 recommended standards of the American Veterinary Medical Association.

25 The rules and regulations must be promulgated not more than 18 months after date of
26 enactment.

27 SECTION 3. Section 136A of chapter 140 of the General Laws, as appearing in the 2016
28 Official Edition, is hereby amended by inserting after the definition of “Attack” the following
29 definition:-

30 “Cattery”, a pack or collection of cats on a single premises, including a commercial
31 boarding or training cattery, a commercial breeder cattery, a domestic charitable corporation
32 cattery, a personal cattery and a veterinary cattery.

33 SECTION 4. Said chapter 140 is hereby further amended by striking out section 137C,
34 as so appearing, and inserting in place thereof the following section:-

35 Section 137C. (a) The mayor of a city, the selectmen of a town, the police commissioner
36 in the city of Boston, a chief of police or an animal control officer shall inspect a kennel or
37 cattery or cause the inspection of a kennel or cattery at least 1 time per year. If a person holding a
38 license or applying for a license to operate a kennel or cattery refuses to allow an inspector to
39 enter and inspect a kennel or cattery, the refusal shall be grounds for denial, suspension or
40 revocation of a person's license to operate a kennel or cattery.

41 Twenty-five citizens of a city or town may file a petition with the mayor of a city, the
42 selectmen of a town or the police commissioner in the city of Boston, as the case may be, stating
43 that they are aggrieved or annoyed to an unreasonable extent that constitutes a nuisance by a dog
44 or cat maintained in the city or town due to excessive barking or other conditions connected with
45 a kennel or cattery. The mayor, selectmen or police commissioner, as the case may be, shall, not
46 more than 7 days after the filing of the petition, give notice to all interested parties of a public
47 hearing. The hearing shall be held not more than 14 days after the date of the notice. The mayor,
48 selectmen or police commissioner shall, not more than 7 days after the public hearing,
49 investigate or cause to be investigated the subject matter of the petition and shall, by order: (i)
50 suspend the kennel or cattery license; (ii) revoke the kennel or cattery license; (iii) further
51 regulate the kennel or cattery; or (iv) dismiss the petition.

52 (b) The inspection of a kennel or cattery to enforce the rules and regulations promulgated
53 under section 174G may be done by the commissioner or an authorized inspector and shall take
54 place between the hours of 7:00 a.m. and 7:00 p.m. unless an alternate time is mutually agreed

55 upon by the inspector and the operator. The operator or an authorized agent of the operator shall
56 be present during the inspection and the operator shall be given a reasonable notice prior to the
57 inspection; provided, however, that the commissioner or other authorized inspector may
58 determine that it is not appropriate to provide advance notice to the operator before arriving at
59 the facility if necessary to adequately perform the inspection. If a kennel or cattery regulated
60 under said section 174G is located at a private residence, only the areas of the residence that are
61 used for kennel or cattery purposes or for the maintenance of kennel or cattery records shall be
62 required to be available for inspection. If in the judgment of the commissioner or an authorized
63 inspector a kennel or cattery is not being maintained in a sanitary and humane manner or if
64 records have not been properly kept as required by law and in compliance with said section
65 174G, the commissioner or authorized inspector shall, by order, suspend the license for the
66 kennel or cattery depending on the severity of the offense or issue to the operator a written
67 citation or notice which explains the noncompliant issue and requires the operator to come into
68 compliance within a reasonable, specified timeframe. If the operator fails to come into
69 compliance within the time period specified by the commissioner or authorized inspector, the
70 commissioner or authorized inspector shall, by order, revoke the license for the kennel or cattery.

71 (c) A written notice under subsection (a) or (b) of an order revoking or suspending the
72 license, further regulating the kennel or cattery or dismissing the petition shall be mailed
73 immediately to the licensee and to the officer that issued the license. Not more than 10 days after
74 the written notice of the order, the licensee may file a petition in the district court in the judicial
75 district in which the kennel or cattery is maintained seeking review of the order. The decision of
76 the court shall be final and conclusive upon the parties. A person maintaining a kennel or cattery
77 after the license to maintain a kennel or cattery has been revoked or suspended shall be punished

78 by a fine of not more than \$250 for a first offense, by a fine of not less than \$500 for a second
79 offense and by a fine of not more than \$1,500 for a third or subsequent offense.

80 SECTION 5. Section 137 of chapter 140 of the General Laws, as appearing in the 2016
81 Official Edition, is hereby amended by striking out, in subsection (c), the first and second
82 sentence.

83 SECTION 6. Section 137 of chapter 140 of the General Laws is hereby further amended
84 by striking out, in line 19, the words “leather or other”

85 SECTION 7. Section 137 of chapter 140 of the General Laws is hereby further amended
86 by striking out, in subsection (c), the sixth sentence.

87 SECTION 8. Section 137A of chapter 140 of the General Laws, is hereby amended by
88 striking out subsection (a), as appearing in the 2016 Official Edition, and inserting in place
89 thereof the following subsection:-

90 (a) A person keeping more than 4 dogs, 3 months old or older shall obtain a kennel
91 license. The kennel license is in addition to the individual licenses for dogs over the age of 6
92 months, as required in section 137. In the case of an applicant for initial licensure and in the case
93 of an applicant for license renewal, a licensing authority shall deny a kennel license until a
94 kennel has passed inspection by an animal control officer.

95 SECTION 9. Section 137A of chapter 140 of the General Laws, is hereby further
96 amended by striking out, in subsection (b), the first through the fourth sentence.

97 SECTION 10. Section 137A of chapter 140 of the General Laws, is hereby further
98 amended by striking out, in subsection (b), the sixth sentence.

99 SECTION 11. Section 137A of chapter 140 of the General Laws is hereby further
100 amended by inserting, after subsection (c), the following subsection:- (d) The licensing authority
101 shall specify the maximum number of dogs that may be maintained by the licensee on the
102 license. Such number shall be determined by the licensing authority and the animal control
103 officer following the required inspection.

104 SECTION 12. Said chapter 140 is hereby further amended by striking section 137B, as
105 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

106 Section 137B. (a) Every holder of a kennel license, on delivering a dog to a purchaser or
107 to any other person, shall record the name and address of such purchaser, the date of purchase,
108 exchange or gift and a description of the dog. (b) The licensee shall retain such records for a
109 period of 36 months.

110 (c) The licensee shall within 30 days of the date of purchase, exchange or gift send a copy
111 of the record to: (i) the clerk in the city or town where the kennel license is held; and (ii) the
112 licensing authority in the city or town where such purchaser resides.

113 SECTION 13. Chapter 140 of the General Laws is hereby amended by inserting after
114 section 141C the following section:-

115 Section 141D. (a) No person shall sell, exchange, trade, barter, lease or display for
116 commercial purposes any dog or cat on any roadside, public right-of-way, parkway, median,
117 park or other recreation area, flea market or other outdoor market, or commercial or retail
118 parking lot.

119 (b) This section shall not apply to: (1) the transfer of a dog or cat by, or to, a shelter,
120 municipal animal control facility or animal rescue organization that is registered with the
121 department, if required, and regardless of payment or compensation; or (2) the display of a dog
122 or cat as part of a state or county fair exhibition, a 4-H program or similar exhibition or
123 educational program.

124 (c) A person that violates this section shall be punished by a fine of not more than \$50 for
125 a first offense, a fine of not more than \$100 for a second offense and a fine of not more than
126 \$300 for a third or subsequent offense. Each dog or cat sold in violation of this section shall
127 constitute a separate offense.

128 (d) A city or town shall enforce this section through its animal control officers or police
129 officers in a manner consistent with the disposition provisions in section 21D of chapter 40.