

SENATE No. 175

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 banning the retail sale of cats and dogs in pet shops.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/28/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>1/29/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/30/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>1/30/2019</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>1/31/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>William C. Galvin</i>	<i>6th Norfolk</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>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/1/2019</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/1/2019</i>

<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/4/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/4/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/6/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/11/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/15/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>5/1/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>5/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>5/8/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>7/11/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>7/18/2019</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>7/24/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>12/11/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/13/2020</i>

SENATE No. 175

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 175) of Patrick M. O'Connor, Jason M. Lewis, James T. Welch, Marc R. Pacheco and other members of the General Court for legislation to ban the retail sale of cats and dogs in pet shops. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act banning the retail sale of cats and dogs in pet shops.

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 129 of the General Laws is hereby amended by adding the
2 following new section:-

3 Section 39H. (a) For the purpose of this section, the following words shall have the
4 following meanings:

5 "Animal Shelter", means a public animal control facility or other facility which is
6 operated by an organization or individual for the purpose of protecting animals from cruelty,
7 neglect or abuse and, if required, is registered with the state's Department Agricultural
8 Resources. The term does not include an entity that is a breeder or broker or that obtains dogs,
9 cats, or rabbits from a breeder or broker for payment or consideration

10 "Animal Rescue Organization", means a non-for-profit organization that has tax-exempt
11 status under section 501(c)(3) of the Internal Revenue Code and is registered with the state's

12 Department of Agricultural Resources, if required, and that either on its own behalf or as a
13 facilitator for others engages or arranges for others to engage in the activities of transferring
14 ownership of domestic animals. The term does not include an entity that is a breeder or broker or
15 that obtains dogs, cats, or rabbits from a breeder or broker for payment or compensation.

16 “Breeder” means a person that maintains dogs, cats, or rabbits for the purpose of breeding
17 and selling their offspring.

18 “Broker” means a person that transfers dogs, cats, or rabbits for resale by another person.

19 “Pet shop” means any place or premise where birds, mammals, or reptiles are kept for the
20 purpose of either wholesale or retail sale, import, export, barter, exchange or gift.

21 (b) A pet shop may not sell, deliver, offer for sale, barter, auction or otherwise dispose of
22 a cat, dog, or rabbit except as provided in subsection (c).

23 (c) The provisions of subsection (b) shall not apply to: (1) A public or private charitable
24 nonprofit animal shelter or animal rescue organization; (2) A pet shop offering a cat, dog, or
25 rabbit owned by a public or private charitable nonprofit animal shelter or animal rescue
26 organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so
27 long as the pet shop does not receive any fee from the adoption and does not have any monetary
28 or ownership interest in the cat, dog, or rabbit.

29 (d) Each pet shop shall maintain records sufficient to document the source of each dog,
30 cat, or rabbit that the pet shop acquires for at least one year following the date of acquisition.
31 Such records shall be made available, immediately upon request, to any officer of the Division of
32 Animal Health.

33 (e) A person who violates this section shall be punished by fine of not more \$500. Each
34 dog, cat, or rabbit sold or offered for sale in violation of this section shall constitute a separate
35 offense.

36 SECTION 2. This act shall go into effect 90 days after its passage.