HOUSE DOCKET, NO. 381 FILED ON: 1/21/2021

HOUSE . . . . . No. 2130

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 relative to puppy mills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Bruce J. Ayers	*1st Norfolk*	*1/21/2021*
Michael J. Barrett	*Third Middlesex*	*2/26/2021*

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HOUSE . . . . . No. 2130

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 2130) of Bruce J. Ayers and Michael J. Barrett relative to commercial breeder dog kennels. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1757* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to puppy mills.

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

SECTION 1. Section 136A of chapter 140 of the General Laws is hereby amended by striking out, in line 49, the words ", commercial breeder kennel".

SECTION 2. Said chapter 140 is hereby amended by inserting after section 137D, as so appearing, the following section:-

Section 137E. (a) A person maintaining a commercial breeder kennel shall obtain a breeder license to be issued by the city or town in which such commercial breeder kennel is located. Each such license shall be renewed annually upon application of the commercial breeder kennel to such city or town.

(b) A breeder license shall be in lieu of any other license for a dog kept at the kennel during any portion of the period for which the breeder license is valid. A breeder licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the number of the breeder license, the name of the city or town issuing the breeder license and the year of issue. Tags shall be furnished to the owner or keeper by the licensing authority in quantities not less than the number of dogs kept in the kennel. The issuing city or town shall determine the period of time for which a breeder license shall be valid, including the date of issuance of the breeder license through the date on which the breeder license expires, inclusive, and shall further determine the fee for the issuance and renewal of the breeder license. To determine the amount of the breeder license fee for a commercial breeder kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel. The name and address of the owner of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the kennel and available for inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.

(c) Every holder of a breeder license, on delivering an unlicensed dog to a purchaser or to any other person, shall attach to such dog a collar or harness which shall carry a tag marked with the name and address of such breeder licensee, and a number, which number shall be properly recorded on the records of such licensee, and shall also furnish to the person to whom the dog is delivered a certificate bearing the same number and a description of the dog. Such certificate shall bear the date of purchase, exchange or gift and, with the tag, shall, for a period of two weeks following such date, be a legal substitute for a license. The purchaser or other recipient of a dog shall, within 2 weeks of the purchase or receipt of such dog, either return the same to the

breeder licensee from whom it was received, together with the collar or harness, tag and certificate, or return to such licensee said tag, and a certificate signed by the clerk of the town or city where the dog is to be kept and certifying that the dog has been licensed in the name of such purchaser or recipient or of some other person. If any such purchaser or recipient fails to comply with the preceding sentence, such breeder licensee shall notify the clerk of the town or city in which he is licensed of the purchase, exchange or gift of such dog and shall furnish to such clerk the date thereof, and the name and address of the purchaser or recipient.

(d) The commissioner or a animal control officer may at any time inspect, or cause to be inspected by a registered veterinarian approved by the commissioner, any commercial breeder kennel and if, in the judgment of the commissioner: (1) such location is not being maintained in a sanitary and humane manner; (2) the owner or keeper of such location does not comply with the standard of care applicable to breeders, as set forth by the commissioner; or (3) if the commissioner finds that communicable or infectious disease or other unsatisfactory conditions exist, the commissioner may issue such orders as the commissioner deems necessary for the correction of such conditions and may quarantine the premises and animals. If the owner or keeper of such location fails to comply with such orders, the commissioner may recommend the revocation or suspension of such license to the city or town that issued such license.

(e) Any person aggrieved by any order issued under the provisions of this section may appeal to the superior court.

(d) Any commercial breeder kennel that sells or exchanges a dog after such license has been revoked or suspended pursuant to this section shall be fined not less than $50 nor more than $100.

SECTION 3. Section 137C of chapter 140 is hereby amended by inserting after the word "kennel", in line 3, the first time it appears the following words:- , which for purposes of this section shall include a commercial breeder kennel.

SECTION 4. (e) Not later than December 31, 2021, the commissioner of agricultural resources shall prescribe the standard of care to be provided to dogs by any owner or keeper of a commercial breeder kennel pursuant to section 137E of chapter 140 of the General Laws. Such standard of care shall require, at a minimum, the commercial breeder kennel to provide appropriate living space, shelter, nutrition and sanitary conditions to each dog housed at the commercial breeder kennel, whether or not the dog is to be sold.