## **HOUSE . . . . . . . . . . . . . . . . No. 384**

## The Commonwealth of Massachusetts

PRESENTED BY:

#### Natalie M. Higgins

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:	DATE ADDED:
Natalie M. Higgins	4th Worcester	1/29/2021
James M. Murphy	4th Norfolk	2/19/2021
Jack Patrick Lewis	7th Middlesex	2/23/2021
Elizabeth A. Malia	11th Suffolk	2/25/2021
William C. Galvin	6th Norfolk	2/25/2021
Adam J. Scanlon	14th Bristol	2/25/2021
Peter Capano	11th Essex	2/26/2021
John Barrett, III	1st Berkshire	2/26/2021
James K. Hawkins	2nd Bristol	3/3/2021
James B. Eldridge	Middlesex and Worcester	3/3/2021
Jason M. Lewis	Fifth Middlesex	3/10/2021
David M. Rogers	24th Middlesex	3/10/2021
Paul J. Donato	35th Middlesex	3/22/2021
Kathleen R. LaNatra	12th Plymouth	3/29/2021
Bradley H. Jones, Jr.	20th Middlesex	3/29/2021
Brian W. Murray	10th Worcester	4/6/2021
Paul W. Mark	2nd Berkshire	6/14/2021
Tommy Vitolo	15th Norfolk	6/14/2021

Meghan Kilcoyne	12th Worcester	6/21/2021
Sean Garballey	23rd Middlesex	9/2/2021
Joanne M. Comerford	Hampshire, Franklin and Worcester	9/30/2021
Christine P. Barber	34th Middlesex	9/30/2021
Tricia Farley-Bouvier	3rd Berkshire	10/14/2021
Paul McMurtry	11th Norfolk	11/15/2021
Michael P. Kushmerek	3rd Worcester	11/21/2021
Steven S. Howitt	4th Bristol	11/21/2021
Patrick Joseph Kearney	4th Plymouth	12/2/2021
Mike Connolly	26th Middlesex	12/9/2021
Adrian C. Madaro	1st Suffolk	1/20/2022
Lindsay N. Sabadosa	1st Hampshire	1/26/2022
Natalie M. Blais	1st Franklin	1/26/2022

HOUSE . . . . . . . . . . . . . . No. 384

By Ms. Higgins of Leominster, a petition (accompanied by bill, House, No. 384) of Natalie M. Higgins and others for legislation to further regulate to sale of certain domestic animals. Consumer Protection and Professional Licensure.

# [SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 800 OF 2019-2020.]

### The Commonwealth of Massachusetts

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

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

"Animal Rescue Organization", means a non-for-profit organization that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code and is registered with the state's Department of Agricultural Resources, if required, and that either on its own behalf or as a facilitator for others engages or arranges for others to engage in the activities of transferring ownership of domestic animals. The term does not include an entity that is a breeder or broker or that obtains dogs, cats, or rabbits from a breeder or broker for payment or compensation.

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

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

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

- (b) A pet shop may not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat, dog, or rabbit except as provided in subsection (c).
- (c) The provisions of subsection (b) shall not apply to: (1) A public or private charitable nonprofit animal shelter or animal rescue organization; (2) A pet shop offering a cat, dog, or rabbit owned by a public or private charitable nonprofit animal shelter or animal rescue organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so long as the pet shop does not receive any fee from the adoption and does not have any monetary or ownership interest in the cat, dog, or rabbit.
- (d) Each pet shop shall maintain records sufficient to document the source of each dog, 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
- 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.