HOUSE DOCKET, NO. 929 FILED ON: 1/29/2021

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*

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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:

SECTION 1. Chapter 129 of the General Laws is hereby amended by adding the following new section:-

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

"Animal Shelter", means a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse and, if required, is registered with the state's Department Agricultural Resources. 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 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.

Such records shall be made available, immediately upon request, to any officer of the Division of Animal Health.

(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 offense.

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