

SENATE No. 1322

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:	
Harriette L. Chandler	First Worcester	
Steven G. Xiarhos	5th Barnstable	2/18/2021
Jack Patrick Lewis	7th Middlesex	2/24/2021
Michael J. Barrett	Third Middlesex	2/25/2021
Adam J. Scanlon	14th Bristol	2/25/2021
Jason M. Lewis	Fifth Middlesex	3/9/2021
Thomas M. Stanley	9th Middlesex	4/2/2021
Sal N. DiDomenico	Middlesex and Suffolk	4/14/2021
Edward J. Kennedy	First Middlesex	7/13/2021
Patrick M. O'Connor	Plymouth and Norfolk	9/24/2021
Joanne M. Comerford	Hampshire, Franklin and Worcester	10/21/2021

SENATE No. 1322

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1322) of Harriette L. Chandler, Steven G. Xiarhos, Jack Patrick Lewis, Michael J. Barrett and other members of the General Court for legislation to protect the health and safety of puppies and kittens in cities and towns. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2760 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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 Edition,
2 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. Section 1A of Chapter 128 of the General Laws, is hereby amended by
7 inserting after the word “horses”, the following words:- but not including dogs or cats

8 SECTION 3. Chapter 129 of the General Laws is hereby amended by inserting after
9 section 39G the following new section:-

10 39H. Every person engaged in the business of operating a commercial boarding or
11 training kennel or a commercial breeder kennels, as defined in section 136A of Chapter 140, as
12 well as personal kennels or catteries in which not less than 5 or more sexually-intact female
13 dogs or cats are kept for the purpose of breeding the dogs or cats and sell the offspring as
14 household pets, shall obtain a license thereof from the director. This license shall be in addition
15 to the kennel or cattery license requirement under section 137A of chapter 140.

16 SECTION 4. Chapter 140 of the General Laws is hereby further amended by inserting
17 after section 174F, the following section:-

18 Section 174G.

19 The department shall promulgate rules and regulations for commercial boarding or
20 training kennels and daycare facilities for dogs and cats, including home-based kennels and
21 catteries and daycare facilities, including, but not limited to staff to dog and cat ratios, group
22 sizes and supervision, minimum housing and care requirements, indoor and outdoor physical
23 facility requirements, dog and cat handling, insurance, and penalties for violation thereof. The
24 department shall approve required training programs regarding animal behavior, handling, and
25 body language for staff employed at any commercial boarding or training kennel. The
26 department shall require that licensed commercial boarding or training kennels report injuries to
27 dogs or people. The department shall develop a form for such reporting and a time frame for
28 submitting a report after the injury. Additionally, the form shall be available on the department's

29 website for the public to use to report injuries. The department shall make investigative reports
30 publicly available on their website.

31 The department shall make rules and regulations for the maintenance and inspection of
32 commercial breeder kennels or catteries and personal kennels or catteries in which 5 or more
33 sexually-intact female dogs or cats are kept for the purpose of breeding the dogs or cats and sell
34 the offspring as household pets. The rules and regulations shall ensure that the dogs, cats and
35 offspring thereof: (i) have proper housing, which shall include requirements for adequate space,
36 temperature, solid flooring and a prohibition on the stacking of cages, nutrition, hydration,
37 behavioral requirements, grooming, staffing, handling, health and veterinary care, waste
38 disposal, exercise, socialization and other general standards of care; (ii) are bred in accordance
39 with responsible breeding practices; and (iii) have their housing regularly inspected to ensure
40 that their kennels and catteries are maintained in accordance with this section.

41 The department shall have the ability to enforce this section under its powers in Chapter
42 129.

43 The rules and regulations must be promulgated not more than 18 months after the date of
44 enactment.

45 SECTION 5. Section 136A of chapter 140 of the General Laws, as appearing in the 2016
46 Official Edition, is hereby amended by inserting after the definition of “Attack” the following
47 definition:-

48 “Cattery”, a pack or collection of cats on a single premise as defined by the department
49 including, but not limited to, commercial boarding or training kennels and premises where cats
50 are kept for breeding and selling of the offspring.

51 SECTION 6. Said chapter 140 is hereby further amended by striking out section 137C, as
52 so appearing, and inserting in place thereof the following section:-

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

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

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

73 upon by the inspector and the operator. The operator or an authorized agent of the operator shall
74 be present during the inspection and the operator shall be given a reasonable notice prior to the
75 inspection; provided, however, that the commissioner or other authorized inspector may
76 determine that it is not appropriate to provide advance notice to the operator before arriving at
77 the facility if necessary to adequately perform the inspection. If a kennel or cattery regulated
78 under said section 174G is located at a private residence, only the areas of the residence that are
79 used for kennel or cattery purposes or for the maintenance of kennel or cattery records shall be
80 required to be available for inspection. If in the judgment of the commissioner or an authorized
81 inspector a kennel or cattery is not being maintained in a sanitary and humane manner or if
82 records have not been properly kept as required by law and in compliance with said section
83 174G, the commissioner or authorized inspector shall, by order, suspend the license for the
84 kennel or cattery depending on the severity of the offense or issue to the operator a written
85 citation or notice which explains the noncompliant issue and requires the operator to come into
86 compliance within a reasonable, specified timeframe. If the operator fails to come into
87 compliance within the time period specified by the commissioner or authorized inspector, the
88 commissioner or authorized inspector shall, by order, revoke the license for the kennel or cattery.

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

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

98 SECTION 7. Section 137 of chapter 140 of the General Laws, as appearing in the 2016
99 Official Edition, is hereby amended by striking out, in subsection (c), the first and second
100 sentence.

101 SECTION 8. Section 137 of chapter 140 of the General Laws is hereby further amended
102 by striking out, in subsection (c), the sixth sentence.

103 SECTION 9. Section 137A of chapter 140 of the General Laws, is hereby amended by
104 striking out subsection (a), as appearing in the 2016 Official Edition, and inserting in place
105 thereof the following subsection:-

106 (a) A person keeping more than 4 dogs, 3 months old or older shall obtain a kennel
107 license. The kennel license is in addition to the individual licenses for dogs over the age of 6
108 months, as required in section 137. In the case of an applicant for initial licensure and in the case
109 of an applicant for license renewal, a licensing authority shall deny a kennel license until a
110 kennel has passed inspection by an animal control officer. The licensing authority shall specify
111 the maximum number of dogs that may be maintained by the licensee on the license. Such
112 number shall be determined by the licensing authority and the animal control officer following
113 the required inspection. The issuing city or town shall determine the period of time for which a
114 kennel license shall be valid, including the date of issuance of the license through the date on
115 which the license expires, inclusive, and shall further determine the fee for the issuance and
116 renewal of the license. To determine the amount of the license fee for a kennel, a dog under the
117 age of 6 months shall not be counted in the number of dogs kept in a kennel. The name and

118 address of the owner of each dog kept in a kennel, if other than the person maintaining the
119 kennel, shall be kept at the kennel and available for inspection by an animal control officer,
120 natural resource officer, deputy natural resource officer, fish and game warden or police officer.

121 SECTION 10. Section 137A of chapter 140 of the General Laws, is hereby further
122 amended by striking out subsection (b) and inserting in place thereof the following subsection:-.

123 (b) A person maintaining a cattery shall obtain a cattery license. In the case of an
124 applicant for initial licensure and in the case of an applicant for license renewal, a licensing
125 authority shall not issue a cattery license until a cattery has passed inspection by an animal
126 control officer. The issuing city or town shall determine the period of time for which a cattery
127 license shall be valid, including the date of issuance of the license through the date on which the
128 license expires, inclusive, and shall further determine the fee for the issuance and renewal of the
129 license. The licensing authority shall specify the maximum number of cats that may be
130 maintained by the licensee on the license. Such number shall be determined by the licensing
131 authority and the animal control officer following the required inspection. The name and address
132 of the owner of each cat kept in a cattery, if other than the person maintaining the kennel, shall
133 be kept at the cattery and available for inspection by an animal control officer, natural resource
134 officer, deputy natural resource officer, fish and game warden or police officer. The licensing
135 authority shall specify the maximum number of cats that may be maintained by the licensee on
136 the license. Such number shall be determined by the licensing authority and the animal control
137 officer following the required inspection.

138 SECTION 11. Section 137A of chapter 140 of the General Laws, is hereby further
139 amended by inserting, in line 33, after the word "license" the words:- or cattery license

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

142 Section 137B. (a) Every holder of a kennel license, on delivering a dog to a purchaser or
143 to any other person, shall record the name and address of such purchaser, the date of purchase,
144 exchange or gift and a description of the dog.

145 (b) The licensee shall retain such records for a period of 36 months.

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

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

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

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

160 (c) A person that violates this section shall be punished by a fine of not more than \$50 for
161 a first offense, a fine of not more than \$100 for a second offense and a fine of not more than
162 \$300 for a third or subsequent offense. Each dog or cat sold in violation of this section shall
163 constitute a separate offense.

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