

SENATE No. 230

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 to ban 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>James M. Murphy</i> | <i>4th Norfolk</i> | <i>2/25/2021</i> |
| <i>Steven G. Xiarhos</i> | <i>5th Barnstable</i> | <i>2/25/2021</i> |
| <i>Adam J. Scanlon</i> | <i>14th Bristol</i> | <i>2/26/2021</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> | <i>2/26/2021</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>3/3/2021</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | <i>3/3/2021</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>3/3/2021</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>3/15/2021</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>3/15/2021</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>3/17/2021</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>3/24/2021</i> |
| <i>Mark C. Montigny</i> | <i>Second Bristol and Plymouth</i> | <i>3/24/2021</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>3/26/2021</i> |
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> | <i>3/26/2021</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> | <i>4/9/2021</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>9/23/2021</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and</i> | <i>10/18/2021</i> |

| | | |
|----------------------------|-----------------------|-------------------|
| | <i>Hampden</i> | |
| <i>Richard M. Haggerty</i> | <i>30th Middlesex</i> | <i>11/17/2021</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>11/19/2021</i> |

SENATE No. 230

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 230) of Patrick M. O'Connor, James M. Murphy, Steven G. Xiarhos, Adam J. Scanlon 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 175 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to ban 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 or
9 cats 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 or cats from a breeder or broker for payment or compensation.

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

18 “Broker” means a person that transfers dogs or cats 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 dog or cat 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 dog or cat
25 owned by a public or private charitable nonprofit animal shelter or animal rescue organization
26 for purposes of adoption of the dog or cat by a member of the public, so long as the pet shop
27 does not receive any fee from the adoption and does not have any monetary or ownership interest
28 in the dog or cat.

29 (d) Each pet shop shall maintain records sufficient to document the source of each dog or
30 cat that the pet shop acquires for at least one year following the date of acquisition. Such records

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

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

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