

HOUSE No. 4564

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 22, 2024.

The committee on Municipalities and Regional Government, to whom were referred the petition (accompanied by bill, House, No. 314) of Danielle W. Gregoire and others relative to licensing of dog day care businesses and the petition (accompanied by bill, House, No. 2019) of Brian M. Ashe and others relative to kennel safety, reports recommending that the accompanying bill (House, No. 4564) ought to pass.

For the committee,

CAROLE A. FIOLA.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to increase kennel safety, aka Ollie's Law.

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. Section 35WW of chapter 10 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
3 thereof the following paragraph:-

4 The fund shall consist of (i) all revenues received by the commonwealth pursuant to the
5 voluntary check-off donation indicated on the department of revenue’s annual income tax return
6 authorized by section 6L of chapter 62; (ii) all fines collected by the commissioner of
7 agricultural resources pursuant to sections 137A and 137C of chapter 140; and (iii) any gifts,
8 grants or donations received from public or private sources to further reduce the population of
9 homeless animals. Funds deposited and expended from the fund shall not be assessed any
10 indirect costs.

11 SECTION 2. Section 136A of chapter 140 of the General Laws, as appearing in the 2022
12 Official Edition, is hereby amended by striking out, in lines 2 and 7, the figure “174F” and
13 inserting in place thereof, in each instance, the following figure:-174G.

14 SECTION 3. Section 136A of chapter 140 of the General Laws, is hereby further
15 amended by inserting the following definition:-

16 “Licensee”, a person who owns and maintains a kennel that has received a kennel license
17 from the appropriate licensing authority.

18 SECTION 4. Section 137A of chapter 140 of the General Laws, is hereby amended by
19 striking out subsections (a) and (b) and inserting in place thereof the following subsections:-

20 (a) A person maintaining a kennel shall obtain a kennel license. A licensing authority
21 shall issue, suspend, renew, and revoke kennel licenses as specified in this chapter and any other
22 law. In the case of an applicant for initial licensure and in the case of an applicant for license
23 renewal, a licensing authority shall deny a kennel license until a kennel has passed inspection by
24 an animal control officer.

25 (b) The issuing city or town shall determine the period of time for which a kennel license
26 shall be valid, including the date of issuance of the license through the date on which the license
27 expires, inclusive, and shall further determine the fee for the issuance and renewal of the license.
28 To determine the amount of the license fee for a kennel, a dog under the age of 6 months shall
29 not be counted in the number of dogs kept in a kennel. The name and address of the owner of
30 each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the
31 kennel and available for inspection by an animal control officer, natural resource officer, deputy
32 natural resource officer, fish and game warden or police officer. A commercial boarding or
33 training kennel shall maintain records of individual dog licenses, as required in section 137
34 chapter 140 of the General Laws, for all dogs in its care. A kennel that owns or keeps a dog over

35 the age of 6 months shall comply with the provisions of section 145B of Chapter 140 of the
36 General Laws.

37 SECTION 5. Section 137A of chapter 140 of the General Laws, is hereby further
38 amended by striking out subsection (d) and inserting in place thereof the following:-

39 (d) The licensing authority shall specify the type of kennel, as defined in section 136A of
40 chapter 140, and the maximum number of animals that may be maintained by the licensee on the
41 license. Such number shall be determined by the licensing authority and the animal control
42 officer following the required inspection. For commercial boarding or training kennels, this
43 number shall be determined following the required inspection and in accordance with regulations
44 in section 174G to ensure the property can support the number of animals while ensuring their
45 health and safety.

46 (e) The licensing authority shall annually on June 1 send to the department of agricultural
47 resources a list of all kennels and their addresses licensed by the city or town under this section.

48 (f) A city or town officer who refuses or willfully neglects to perform the duties imposed
49 upon the officer by this section shall be in violation of this section.

50 (g) A person who violates this section shall be assessed by the department of agricultural
51 resources a fine of \$500 for a first offense and a fine of not more than \$1,000 for a second or
52 subsequent offense.

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

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

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

72 (b) A written notice under subsection (a) of an order revoking or suspending the license,
73 further regulating the kennel or dismissing the petition shall be mailed immediately to the
74 licensee and to the officer that issued the license. Not more than 10 days after the written notice
75 of the order, the licensee may file a petition in the district court in the judicial district in which
76 the kennel is maintained seeking review of the order. After notice to all parties as the court may
77 consider necessary, the court shall review the action, hear the witnesses and affirm the order

78 unless it shall appear that it was made without proper cause or in bad faith, in which case the
79 order shall be reversed. The decision of the court shall be final and conclusive upon the parties.
80 A person maintaining a kennel after the license to maintain a kennel has been revoked or
81 suspended shall be punished by a fine of not more than \$250 for a first offense, by a fine of not
82 less than \$500 for a second offense and by a fine of not more than \$1,500 for a third or
83 subsequent offense by the department of agricultural resources.

84 SECTION 7. Chapter 140 of the General Laws is hereby further amended by inserting
85 after section 174F, the following section:-

86 Section 174G. (a) The department shall promulgate rules and regulations for commercial
87 boarding or training kennels, including those located at a private residence, which shall include
88 but not be limited to licensing, inspection, compliance and enforcement, use of best practices and
89 operation, provider and staff to animal ratios, fire and emergency planning, injury reporting,
90 group sizes and supervision, minimum housing and care requirements, indoor and outdoor
91 physical facility requirements, utilities, body language interpretation, breed familiarity, dog
92 handling, insurance, proper education and training of dog daycare staff, operational safety
93 standards, risk management, and consumer education and protection. The department shall
94 require commercial boarding or training kennels to report injuries to animals or people. The
95 department shall develop a form for such reporting and a time frame for submitting a report after
96 an injury. The form shall be available on the department's website for the public to report
97 injuries. The department shall make investigative reports publicly available on its website if the
98 investigation results in the department bringing enforcement action against the kennel.

99 (b) The inspection of a commercial boarding or training kennel to enforce the rules and
100 regulations promulgated under section 174G may be done by the commissioner or an authorized
101 inspector and shall take place between the hours of 7:00 am and 7:00 pm unless an alternate time
102 is mutually agreed upon by the inspector and the licensee. An authorized inspector may include
103 but is not limited to an animal control officer, the mayor of a city, the selectmen of a town, the
104 town manager of a town, the police commissioner in the city of Boston, or another designated
105 official. The licensee or an authorized agent of the licensee shall be present during the inspection
106 and the licensee shall be given reasonable notice prior to the inspection; provided, however, that
107 the commissioner or other authorized inspector may determine that it is not appropriate to
108 provide advance notice to the licensee before arriving at the facility if necessary to adequately
109 perform the inspection. If a kennel regulated under said section 174G is located at a private
110 residence, only the areas of the residence that are used for kennel purposes or for the
111 maintenance of kennel records shall be required to be available for inspection. If, in the judgment
112 of the commissioner or an authorized inspector, a kennel is not being maintained in a sanitary
113 and humane manner or if records have not been properly kept as required by law and in
114 compliance with said section 174G, the commissioner or authorized inspector, shall, by order,
115 suspend the license for the kennel depending on the severity of the offense or issue to the
116 licensee a written citation or notice which explains the noncompliant issue and requires the
117 licensee to come into compliance within a reasonable, specified timeframe. If the licensee fails to
118 come into compliance within the time period specified by the commissioner or authorized
119 inspector, the commissioner or authorized inspector shall, by order, revoke the license for the
120 kennel.

121 (c) An enforcement under subsection (b) from the department may be appealed within 21
122 days to the Division of Administrative Law Appeals pursuant to chapter 30A of the General
123 Laws.

124 SECTION 8. Notwithstanding any general or special law or rule or regulation to the
125 contrary, there shall be a committee to advise the commissioner of agricultural resources on the
126 promulgation of regulations as required by section 174G of chapter 140. Such committee shall be
127 appointed by the commissioner and consist of: 1 representative from the department of
128 agricultural resources; 1 owner of a licensed commercial boarding or training kennel with a
129 kennel license with a capacity of not more than 50 dogs; 1 owner of a licensed commercial
130 boarding or training kennel with a kennel license with a capacity of 50 or more dogs in a kennel
131 not located in a home; 2 animal control officers, 1 representing a municipality having 5 or more
132 daycare facilities and 1 representing a municipality having fewer than 5 daycare facilities; 1
133 licensing authority representative; 1 representative of a kennel association or an organization
134 representing kennels; 1 veterinarian or member of a veterinary medical association organized in
135 the commonwealth; 1 member of the general public with an interest in the well-being of dogs; 1
136 dog owner who uses the services of a licensed commercial boarding or training kennel; 1 animal
137 behaviorist certified by International Association of Animal Behavior Consultants, Inc. or by a
138 comparable certifying entity approved by the department; 1 person with a minimum of 5 years'
139 experience training people on dog behavior; and 1 representative from a shelter or rescue
140 organization licensed by the department.

141 The commissioner shall consider diversity, equity and inclusion aspects when appointing
142 said committee. Members of the committee shall be residents of the commonwealth or do
143 business in the commonwealth. Members should reflect the geographic diversity of the

144 commonwealth, representing municipalities with different forms of government. The committee
145 shall elect a chair at the initial meeting.

146 The commissioner shall appoint said committee within 90 days of the effective date of
147 this act.

148 SECTION 9. The department of agricultural resources shall promulgate the regulations
149 under section 174G of chapter 140 of the General Laws not more than 18 months after the
150 effective date of this act. The department shall provide an updated list of the regulations under
151 section 174G of chapter 140 as well as any relevant education or training programs to local
152 licensing authorities, animal control officers, and any other applicable local officials for the
153 enforcement of these regulations. The department shall annually review these regulations once
154 promulgated and shall annually review the list of kennels submitted as required by section 137A
155 of chapter 140 of the General Laws to evaluate for compliance of municipalities issuing kennel
156 licenses in accordance with said chapter. The department shall file an annual report with the Joint
157 Committee on Municipalities and Regional Government as to the number of kennel licenses
158 issued throughout the commonwealth, the type of kennel licenses issued, municipalities not in
159 compliance with the license requirements, and any related legislative recommendations.

160 SECTION 10. Section 8 shall expire on December 31, 2026.