

# **HOUSE . . . . . No. 4911**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 25, 2024.

The committee on Ways and Means, to whom was referred the Bill relative to animal welfare and DCF regulations (House, No. 198), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4911).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 4911**

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**The Commonwealth of Massachusetts**

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

An Act relative to animal welfare and reporting of animal cruelty, abuse or neglect.

*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 19A of the General Laws is hereby amended by striking out section  
2   42, inserted by section 3 of chapter 219 of the acts of 2018, and inserting in place thereof the  
3   following section:-

4           Section 42A. (a) Any employee of the department, its designated agency or any person  
5   employed pursuant to a contract with the department or its designated agency, when acting in  
6   their professional capacity or within the scope of their employment, who has knowledge of or  
7   observes an animal whom they know or reasonably suspect has been the victim of animal  
8   cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to  
9   the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57  
10   of chapter 22C, or any local animal control authority.

11           (b) The report may be made within 2 working days of receiving the information  
12   concerning the animal, by facsimile transmission or a written report or by telephone. In cases

13 where an immediate response may be necessary to protect the health and safety of the animal, the  
14 report shall be made by telephone as soon as possible.

15 (c) When 2 or more employees of the department or its designated agency, or persons  
16 employed pursuant to a contract with the department or its designated agency, are present and  
17 jointly have knowledge of known or reasonably suspected animal cruelty, abuse or neglect, and  
18 where there is agreement among them, a report may be made by 1 person by mutual agreement.  
19 Any reporter who has knowledge that the person designated to report has failed to do so may  
20 thereafter make the report.

21 (d) No person making such report shall be liable in any civil or criminal action by reason  
22 of such report if it was made in good faith. Any privilege established by sections 135A and 135B  
23 of chapter 112 or by section 20B of chapter 233, relating to confidential communications shall  
24 not prohibit the filing of a report pursuant to this section.

25 (e) Nothing in this section shall impose a duty on the department or its designated agency  
26 to investigate known or reasonably suspected animal cruelty, abuse or neglect.

27 (f) Nothing in this section shall prevent the department, area office or subdivision or its  
28 designated agency from entering into an agreement, contract or memorandum of understanding  
29 with the entities that investigate reports of animal cruelty, abuse or neglect as described in  
30 section 57 of chapter 22C, to require such reports or to engage in training in identification and  
31 reporting of animal abuse, cruelty and neglect.

32 SECTION 2. Section 14 of chapter 19C of the General Laws, as appearing in the 2022  
33 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “During any

34 investigation or evaluation reported under section 5, any” and inserting in place thereof the  
35 following word:- Any.

36 SECTION 3. Chapter 119 of the General Laws is hereby amended by inserting after  
37 section 26C the following section:-

38 Section 26D. (a) The department may request that a foster or pre-adoptive parent  
39 applicant or a foster or pre-adoptive parent obtain and provide a copy of a behavior or  
40 temperament assessment or provide veterinary records for any animal maintained on premises  
41 used as a foster or pre-adoptive home. The cost of the behavior or temperament assessment shall  
42 be borne by the foster or pre-adoptive parent or applicant. The department shall not restrict  
43 placement of a child solely based on the presence of any particular breed of dog in the home. The  
44 department may consider:

45 (i) the age of the child;

46 (ii) any prior incidents of dangerous behavior between the child and animals in previous  
47 placements;

48 (iii) veterinary records, including, but not limited to, whether the animal may have  
49 disease and parasites; provided, that the department may contact the veterinarian for a reference  
50 or additional information;

51 (iv) whether the animal is licensed and vaccinated as prescribed by sections 145B and  
52 147 of chapter 140 or any other law or local ordinance or by-law;

53 (v) the age and size of the animal;

54 (vi) whether the animal has been neutered;

55 (vii) a copy of a behavior or temperament assessment;  
56 (viii) any prior incidents of dangerous behavior or incidents by the animal;  
57 (ix) behavioral aspects of the child;  
58 (x) the number of animals on the premises; and  
59 (xi) whether the animal is penned or caged at any time, and if so, under what  
60 circumstances and for what purpose.

61 (b) The department may request that a foster or pre-adoptive parent applicant or a foster  
62 or pre-adoptive parent obtain and provide any other information deemed necessary to the safety  
63 and well-being of the child as it relates to the status of any animal in the home.

64 (c) The department may promulgate regulations necessary to administer this section.

65 SECTION 4. Section 85 of said chapter 119, as appearing in the 2022 Official Edition, is  
66 hereby amended by striking out, in lines 1 and 2, the words “During any investigation or  
67 evaluation reported under section 51A, any” and inserting in place thereof the following word:-  
68 Any.