

# SENATE . . . . . No. 2929

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Senate, July 31, 2024 - Text of the Senate amendment (Senators Oliveira and Montigny) to the House Bill to increase kennel safety, aka Ollie’s Law (House, No. 4919).

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## The Commonwealth of Massachusetts

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

1 SECTION 1. Section 136A of chapter 140 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out, in lines 2 and 7, the figure “174F” and  
3 inserting in place thereof, in each instance, the following figure:- 174G.

4 SECTION 2. Said section 136A of said chapter 140, as so appearing, is hereby further  
5 amended by inserting, after the definition of “Kennel”, the following definition:-

6 “Licensee”, a person who owns and maintains a kennel that has received a kennel license  
7 from the relevant licensing authority.

8 SECTION 3. Section 137A of said chapter 140, as so appearing, is hereby amended by  
9 striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

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

14 (b)(1) The issuing city or town shall determine the period of time for which a kennel  
15 license shall be valid, including the date of issuance of the license through the date on which the  
16 license expires, inclusive, and shall further determine the fee for the issuance and renewal of a  
17 license; provided, however, that in determining the amount of the license fee for a kennel, a dog  
18 under the age of 3 months shall not be counted in the number of dogs kept in a kennel. The name  
19 and address of the owner of each dog kept in a kennel, if other than the person maintaining the  
20 kennel, shall be kept at the kennel and available for inspection by an animal control officer,  
21 natural resource officer, deputy natural resource officer, fish and game warden or police officer.  
22 A kennel that owns or keeps a dog over the age of 6 months shall comply with section 145B.

23 (2) A commercial boarding or training kennel shall maintain records of individual dog  
24 licenses, as required in section 137, for all dogs in its care.

25 SECTION 4. Said section 137A of said chapter 140, as so appearing, is hereby further  
26 amended by striking out subsection (d) and inserting in place thereof the following 3  
27 subsections:-

28 (d) The licensing authority shall specify on the license the type of kennel and the  
29 maximum number of animals that may be maintained by the licensee. Such number shall be  
30 determined by the licensing authority and the animal control officer following the required  
31 inspection. For commercial boarding or training kennels, the number of animals shall be  
32 determined following the required inspection and in accordance with regulations promulgated  
33 pursuant to section 174G to ensure the property can support the number of animals while  
34 ensuring their health and safety.

35 (e)(1) Annually, not later than June 1, the licensing authority shall send to the department  
36 a list of all kennels and their addresses licensed by the city or town pursuant to this section.

37 (2) The department shall annually review the list of kennels submitted as required by this  
38 section to evaluate the compliance of municipalities issuing kennel licenses in accordance with  
39 this chapter.

40 (f) A person who violates this section shall be assessed a fine by the licensing authority of  
41 \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

42 SECTION 5. Said chapter 140 is hereby further amended by striking out section 137C, as  
43 so appearing, and inserting in place thereof the following section:-

44 Section 137C. (a) The mayor of a city, the select board of a town, the town manager of a  
45 town, the police commissioner of the city of Boston, a chief of police or an animal control officer  
46 shall inspect or cause the inspection of every kennel licensed within the city or town at least once  
47 per year. If a licensee or a person applying for a license to maintain a kennel refuses to allow an  
48 inspector to enter and inspect a kennel, the refusal shall be grounds for denial, suspension or  
49 revocation of the license.

50 Twenty-five citizens of a city or town may file a petition with the mayor of a city, the  
51 select board of a town or the police commissioner of the city of Boston, as the case may be,  
52 stating that they are aggrieved or annoyed to an extent that constitutes a nuisance by a dog  
53 maintained in the city or town due to excessive barking or other conditions connected with a  
54 kennel. The mayor, select board, town manager or police commissioner of the city of Boston, as  
55 the case may be, shall, not more than 7 days after the filing of such petition, give notice to all  
56 interested parties of a public hearing. The hearing shall be held not more than 14 days after the

57 date of the notice. The mayor, select board, town manager or police commissioner of the city of  
58 Boston shall, not more than 7 days after the public hearing, investigate or cause to be  
59 investigated the subject matter of the petition and shall, by order: (i) suspend the license; (ii)  
60 revoke the license; (iii) further regulate the kennel; or (iv) dismiss the petition.

61 (b) A written notice under subsection (a) of an order revoking or suspending the license,  
62 further regulating the kennel or dismissing the petition shall be mailed immediately to the  
63 licensee and to the officer that issued the license. Not more than 10 days after the written notice  
64 of the order, the licensee may file a petition in the district court in the judicial district in which  
65 the kennel is maintained seeking review of the order. After notice to all parties as the court may  
66 consider necessary, the court shall review the action, hear the witnesses and affirm the order  
67 unless the court determines that it was made without proper cause or in bad faith, in which case  
68 the order shall be reversed. The decision of the court shall be final and conclusive upon the  
69 parties. A person maintaining a kennel after the license to maintain a kennel has been revoked or  
70 suspended shall be assessed a fine by the licensing authority of not more than \$250 for a first  
71 offense, by a fine of not less than \$500 for a second offense and by a fine of not more than  
72 \$1,500 for a third or subsequent offense.

73 SECTION 6. Said chapter 140 is hereby further amended by inserting after section 174F  
74 the following section:-

75 Section 174G. (a) The department shall promulgate rules and regulations for commercial  
76 boarding or training kennels, including those located at a private residence, which may include,  
77 but not be limited to, licensing, inspection, compliance and enforcement, use of best practices  
78 and operation, provider and staff to animal ratios, fire and emergency planning, injury reporting,

79 group sizes and supervision, minimum housing and care requirements, indoor and outdoor  
80 physical facility requirements, utilities, body language interpretation, breed familiarity, dog  
81 handling, insurance, proper education and training of commercial boarding or training kennel  
82 staff, including, but not limited to, dog daycare staff, operational safety standards, risk  
83 management and consumer education and protection.

84 (b)(1) Commercial boarding or training kennels shall report to the licensing authority  
85 injuries to animals or people that occur on their premises and the department or licensing  
86 authority shall investigate all reports. The department shall develop a form for such reporting and  
87 a time frame for submitting a report after an injury. The form shall be available on the  
88 department's website for the public to report such injuries.

89 (2) The department shall make investigative reports of injuries publicly available on its  
90 website if the investigation results in the department bringing enforcement action against the  
91 kennel.

92 (c)(1) An inspection of a commercial boarding or training kennel to enforce the rules and  
93 regulations promulgated pursuant to subsection (a) may be done by the commissioner or an  
94 authorized inspector and shall take place between the hours of 7:00 a.m. and 7:00 p.m. unless an  
95 alternate time is mutually agreed upon by the inspector and the licensee. An authorized inspector  
96 may include, but shall not be limited to, an animal control officer, the mayor of a city, the select  
97 board of a town, the town manager of a town, the chief of police, the police commissioner of the  
98 city of Boston or another designated official. The licensee or an authorized agent of the licensee  
99 shall be present during the inspection. If a kennel regulated under this section is located at a

100 private residence, only the areas of the residence that are used for kennel purposes or for the  
101 maintenance of kennel records shall be required to be available for inspection.

102 (2) If, in the judgment of the commissioner or an authorized inspector, a kennel is not  
103 being maintained in a sanitary and humane manner or if records have not been properly kept as  
104 required by law and in compliance with this section, the commissioner or authorized inspector  
105 shall, by order, depending on the severity of the offense, suspend the license for the kennel or  
106 issue to the licensee a written citation or notice which explains the noncompliant issue and  
107 requires the licensee to come into compliance within a reasonable, specified timeframe. If the  
108 licensee fails to come into compliance within the time period specified by the commissioner or  
109 authorized inspector, the commissioner or authorized inspector shall, by order, revoke the license  
110 for the kennel.

111 (3) Enforcement under paragraph (2) by an animal control officer or authorized inspector  
112 may be appealed within 21 days to the district court in the judicial district in which the kennel is  
113 maintained. Enforcement under said paragraph (2) by the commissioner may be appealed within  
114 21 days to the division of administrative law appeals pursuant to chapter 30A.

115 SECTION 7. (a) Notwithstanding any general or special law or rule or regulation to the  
116 contrary, there shall be a committee to advise the commissioner of agricultural resources on the  
117 promulgation of regulations as required by section 174G of chapter 140 of the General Laws.

118 (b)(1) The committee shall be appointed by the commissioner and shall consist of: 1  
119 representative from the department of agricultural resources; 1 owner of a licensed commercial  
120 boarding or training kennel licensed under section 137C with a capacity of not more than 50  
121 dogs; 1 owner of a licensed commercial boarding or training kennel licensed under section 137C

122 with a capacity of not less than 51 dogs in a kennel not located in a home; 2 animal control  
123 officers, 1 of whom shall represent a municipality having not less than 5 animal daycare facilities  
124 and 1 of whom shall represent a municipality having not more than 4 animal daycare facilities; 1  
125 licensing authority representative; 1 representative of a kennel association or an organization  
126 representing kennels; 1 veterinarian or member of a veterinary medical association organized in  
127 the commonwealth; 1 member of the general public with an interest in the well-being of dogs; 1  
128 dog owner who uses the services of a licensed commercial boarding or training kennel; 1 animal  
129 behaviorist certified by International Association of Animal Behavior Consultants, Inc. or by a  
130 comparable certifying entity approved by the department; 1 person with not less than 5 years of  
131 experience training people on dog behavior; and 1 representative from a shelter or rescue  
132 organization licensed by the department.

133 (2) The commissioner shall consider diversity, equity and inclusion when appointing the  
134 committee. Members of the committee shall be residents of the commonwealth or do business in  
135 the commonwealth and shall reflect the geographic diversity of the commonwealth, representing  
136 municipalities with different forms of government. The committee shall elect a chair at the initial  
137 meeting.

138 (c) The commissioner of agricultural resources shall appoint the members of the  
139 committee to advise the commissioner on the promulgation of regulations, as required by section  
140 174G of chapter 140 of the General Laws, not more than 90 days of the effective date of this act.

141 SECTION 8. The department of agricultural resources shall promulgate regulations  
142 pursuant to section 174G of chapter 140 of the General Laws not more than 18 months after the  
143 effective date of this act. The department shall provide an updated list of the regulations under

144 said section 174G of said chapter 140 and any relevant education or training programs to local  
145 licensing authorities, animal control officers and any other applicable local officials for the  
146 enforcement of the regulations.

147 SECTION 9. Not later than July 1, 2025, the department shall file a report with the joint  
148 committee on municipalities and regional government on the number of kennel licenses issued,  
149 the type of kennel licenses issued, municipalities not in compliance with the license requirements  
150 and any related legislative recommendations.

151 SECTION 10. Section 7 is hereby repealed.

152 SECTION 11. Section 10 shall be effective on December 31, 2026.