

HOUSE No. 4849

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe

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 related to the enforcement of chapter 140.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>11/21/2025</i>

HOUSE No. 4849

By Representative Ashe of Longmeadow, a petition (subject to Joint Rule 12) of Brian M. Ashe for legislation to further regulate dogs and kennels. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act related to the enforcement of chapter 140.

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 2024
2 Official Edition, is hereby amended by inserting after the words “chapter 140”, in line 9, the
3 following words:- or other measures to improve animal health and welfare as the commissioner
4 of agricultural resources may determine, with majority support from the advisory committee
5 established in chapter 193 of the acts of 2012.

6 SECTION 2. Said section 35WW of said chapter 10, as so appearing, is hereby further
7 amended by inserting after the words “chapter 62”, in line 17, the following words:- , fines
8 collected pursuant to section 37 of chapter 129.

9 SECTION 3. Said section 35WW of said chapter 10, as so appearing, is hereby further
10 amended by inserting after the word “donations”, in line 18, the following words: , or other
11 means,.

SECTION 4. Section 37 of chapter 129 of the General Laws, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- A fine assessed under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.

SECTION 5. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 7, the word “174G”, each time it appears, and inserting in place thereof, in each instance, the following word:- 174H.

SECTION 6. Said section 136A of said chapter 140, as so appearing, is hereby further amended by striking out, in line 51, the word “premise” and inserting in place thereof the following word:- premises

SECTION 7. Section 137 of said chapter 140, as so appearing, is hereby amended by striking out, in line 1, the words “The owner or keeper of” and inserting in place thereof the following words:- Any person who owns or keeps.

SECTION 8. Subsection (a) of said section 137 of said chapter 140, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- A keeper of a dog shall not include a person to whom a kennel license has been issued who temporarily keeps any dog over the age of 6 months, provided such dog is licensed by its owner.

SECTION 9. Subsection (c) of said section 137 of said chapter 140, as so appearing, is hereby amended by striking out the sixth sentence.

SECTION 10. Said section 137 of said chapter 140, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) This section shall not apply to a dog or cat housed in a research institution or to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering, or to a municipality.

SECTION 11. Said section 137 of said chapter 140, as so appearing, is hereby further amended by adding the following subsection:-

(e) With the owner's permission, a keeper of a dog may, while in a licensed kennel, remove an affixed tag if the dog has another means of identification including, but not limited to, a microchip or tattoo or other means as approved by the department; provided, that proof of licensure by means of tag, electronic record, certificate or other verifiable method shall be accessible and available onsite at the kennel. The licensed kennel or dog keeper shall maintain access to a microchip reader capable of reading common microchip formats if microchips are being used for identification purposes in lieu of a tag for any dogs onsite.

SECTION 12. Section 137A of said chapter 140, as so appearing, is hereby amended by inserting after the word "officer", in line 6, the following words:- or health agent.

SECTION 13. Paragraph (2) of subsection (b) of said section 137A of said chapter 140, as so appearing, is hereby amended by adding the following sentence:- Kennels shall not accept or keep dogs that are not licensed pursuant to section 137 or by the jurisdiction in which they are domiciled.

SECTION 14. Said section 137A of said chapter 140, as so appearing, is hereby further amended by inserting after the word "section", in line 38, the following words:- , the status of the license and whether the license is current, suspended or revoked, the kennel owner name, the maximum number of dogs permitted under the license, the last date of inspection by the animal

control officer, the last date the kennel has passed the inspection and, for commercial boarding or training kennels, the number of injuries that resulted in an enforcement action against the kennel in the last calendar year.

SECTION 15. Said section 137A of said chapter 140, as so appearing, is hereby further amended by adding the following subsection:-

(g) The department of agricultural resources shall assess a fine against a licensing authority that violates this section in the amount of \$500 for a first offense and not more than \$1,000 for a second or subsequent offense.

SECTION 16. Said chapter 140, as so appearing, is hereby amended by striking out section 137B and inserting in place thereof the following section:-

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

(i) breed or perceived breed, or breeds, if known, and color and distinctive markings;

(ii) sex and reproductive status;

(iii) the date and name of the veterinarian who performed the spay or neuter surgery, if applicable and information is available;

(iv) age, if known, or estimate;

(v) name, if applicable; and

(vi) microchip number, tattoo or other official identification, if applicable.

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

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

SECTION 17. Subsection (a) of section 137C of said chapter 140, as so appearing, is hereby amended by adding the following sentence:- If, in the judgment of such person or body, the kennel is not being maintained in a sanitary and humane manner, and in compliance with section 174G if applicable, or if records are not properly kept as required by law, such person or body shall, by order, revoke or suspend the license for the kennel.

SECTION 18. Section 137D of said chapter 140, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words:- section 174G or.

SECTION 19. Chapter 140 of the General Laws is hereby amended by inserting after said section 137D the following section:-

Section 137E. Any person who removes from the dog of another its license tag, collar or harness, or who, without the authorization of the owner or keeper, holds or harbors a dog or other domesticated animal of another, or who holds or harbors a lost or strayed dog or other domesticated animal for more than 48 hours after such animal comes into their possession without reporting or taking it to the police station or dog officer nearest to the place where it was found and informing the police officer or dog officer in charge where such dog or other animal was found, the name, color, age, size and pedigree, as fully as possible, of such animal and the person's own name and address, or who shall cause a dog to wear an imitation or counterfeit of the official tag prescribed by section 137, 137A or 137B, shall be punished by a fine of not more

97 than \$100; provided, however, that with the owner's permission, a keeper of a dog may, while in
98 a licensed kennel, remove a license tag of the dog in accordance with sections 137 or 145B, and
99 such removal shall not constitute a violation of this section. A special police officer appointed
100 by the colonel of the state police at the request of the Massachusetts Society for the Prevention of
101 Cruelty to Animals or the Animal Rescue League of Boston pursuant to section 57 of chapter
102 22C may enforce this section following the same procedures relating to notice and court
103 procedure in section 21D of chapter 40 for the non-criminal disposition of a violation.

104 SECTION 20. Subsection (b) of section 145B of said chapter 140, as appearing in the
105 2024 Official Edition, is hereby amended by adding the following 2 sentences:- With the
106 owner's permission, a keeper of a dog may choose, while in a licensed kennel, to not affix the
107 tag if the dog has another means of identification including, but not limited to, a microchip or
108 tattoo or other means as approved by the department; provided, that the certificate shall be made
109 accessible and onsite. The licensed kennel or dog keeper shall maintain access to a microchip
110 reader capable of reading common microchip formats if microchips are being used for
111 identification purposes in lieu of a tag for any dogs onsite.

112 SECTION 21. Section 85A of chapter 272 of the General Laws, as so appearing, is
113 hereby amended by striking out the second sentence.