

SENATE No. 1234

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira, (BY REQUEST)

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 prohibiting the harassment of animals.

PETITION OF:

NAME:

Steve Baer

DISTRICT/ADDRESS:

|

SENATE No. 1234

By Mr. Oliveira (by request), a petition (accompanied by bill, Senate, No. 1234) of Steve Baer, for legislation to prohibit the harassment of animals. The Judiciary.

The Commonwealth of Massachusetts

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

An Act prohibiting the harassment of animals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 10. Definitions

2 Physical Harassment – Behaviors and actions which are unwanted, uninvited, and
3 unwelcomed which result in physical harm, pain, or emotional distress.

4 Psychological Harassment – Behaviors and actions which are unwanted, uninvited, and
5 unwelcomed which result in fear, depression, hopelessness, complacency, aversion to continuing
6 to live.

7 Sexual Harassment – Any form of sexual conduct or contact that is unwanted, uninvited,
8 and unwelcomed that is threatening to the recipient and creates a hostile environment.

9 Guardian / Caretaker / Overseer – Person who is committed to humane and
10 compassionate care for an animal, where care includes both anticipating and addressing the
11 physical, behavioral, social, medical, and psychological needs of an animal.

12 Specieist Bias – The idea that being human provides reason for any human animal to
13 have greater access and privilege than individuals who are not human animals.

14 Animal Welfare Officer – An animal control officer, bonafide veterinarian, court
15 approved animal sanctuary official, animal law enforcement official, or firefighter who has
16 received training or is able to advocate for the welfare of any animal.

17 Animal – A non-human mammal, bird, reptile, amphibian, fish, or invertebrate.

18 Bonafide Veterinarian – Medical specialist who follows the “Golden Rule” (Do Unto
19 Others As You Would Have Them Do Unto You) and who has received training in fields that
20 include animal anatomy, physiology, pathology, pharmacology, infectious and non-infectious
21 diseases, nutrition, microbiology, toxicology, radiology, anesthesiology, and surgery in order to
22 address the health needs of any animal.

23 Wildlife Rehabilitator – Person who works to rescue and rehabilitate injured, orphaned,
24 or sick wildlife in order to release them back to the wild when healthy. Often working closely
25 with bonafide veterinarians, biologists, and other animal experts, wildlife rehabilitators assess the
26 health of wildlife, develop treatment plans, provide wildlife with medical care, nutritional
27 support, and psychological assistance in order to prepare for release back into the wild.

28 Animal Sanctuary Official – Person dedicated to overseeing and/or providing daily care
29 to sanctuary animal residents, ranging from daily feeding, habitat cleaning, health check-ups,
30 maintaining documentation, providing basic healthcare and medicine regimens as necessary,
31 coordinating veterinary care, and advocating for animals at the sanctuary.

32 Confined Killing – The murder of any animal that takes place within a fenced enclosed
33 property, walled facility, tank, or netted enclosure from which any animal is unable to escape to
34 evade being killed.

35 Habitat Destruction – The process of damaging, eliminating, fragmenting, or adversely
36 altering any natural environment which any animal or community of animals needs to reside in
37 order to survive.

38 Den Invasion – The uninvited and unwelcomed forced entry into, or destruction of, the
39 place of security and comfort for any animal or family of animals.

40 Animal Advocate/Activist – Categorized by people who possess the characteristic of
41 being highly empathic towards animals. They tend to experience feeling the gut-wrenching
42 hardships endured by animals when exposed to images and stories of mistreated animals,
43 consume plant-based foods, and abstain from participation in practices associated with animal
44 cruelty and abuse. The characteristic of any individual that is identified as an “animal
45 advocate/activist” shall be treated with no greater prejudicial bias than that of other personal
46 characteristics such as age, ethnicity, national origin, religion, or gender. Therefore the “animal
47 advocate/activist” shall be regarded in the workplace and public places with the same protected
48 designation accorded under MGL Chapter 272 Section 98C for the other personal characteristics
49 to prevent such venues from becoming hostile places.

50 ANIMAL SUPPORT SYSTEM

51 Guardian Responsibilities

52 20. (1) The guardian, caretaker, or overseer of any animal shall have the responsibility
53 to—

54 (a) take reasonable steps to insure that the needs of an animal
55 are fulfilled, including:

56 (i) the need of any animal for a suitable environment or habitat;

57 (ii) the need of any animal for a suitable diet;

58 (iii) the need of any animal to exhibit normal behavioral patterns;

59 (iv) the need of any animal to choose to live with or apart from any other animal;

60 (v) the need for any animal to be protected from pain, suffering, injury and disease; and

61 (vi) the need of any animal for regular access to sanitary areas for waste relief;

62 (2) No guardian, caretaker, or overseer of any animal shall subject any animal to a tight
63 collar or harness that restricts breathing or becomes embedded into the flesh of any animal.

64 (3) Any person who takes a child to places where animal are abused, assaulted, bullied,
65 incarcerated, demoralized, or killed by humans, commits an act of violence, perpetuates the
66 mistreatment of animals, and emotionally and mentally stunts a child from being able to
67 understand the impact of aggressive acts on other individuals. As in accordance with Chapter
68 119 Section 63 – Delinquency of a child, and Chapter 119 Section 51A – Reporting of suspected
69 abuse.

70 (a) the person normalizing and perpetuating violence to any life form in the child's mind
71 is obligated to correct the child from believing that violence to any life form is acceptable.

72 (i) the person who fails to provide correction commits an offense under Chapter 265
73 Section 44 Coercion of a child under 18 into criminal conspiracy;

74 (b) the person spreading specieist biases must take responsibility for their moral
75 deficiency through involvement in remedial training at an animal advocacy approved program or
76 under a psychologist certified in treating habits of aggression.

77 (4) Any person who goes against Subsection (1), (2), or (3) commits an offense and shall,
78 on conviction, be liable for a fine of not less than five hundred dollars and not more than one
79 thousand five hundred dollars or imprisonment for a term not more than one year or to both.

80 (5) Any group of people or operation that abuses, assaults, bullies, denigrates, or kills any
81 animal in the presence of a child commits an offense under Section 25 (1) and Chapter 274
82 Section 7 – Criminal Conspiracy.

83 Animal Guardian on Notice

84 21. (1) If an animal welfare officer finds that a guardian, caretaker, or overseer of any
85 animal fails to comply with Section 20, the officer shall serve the guardian, caretaker, or overseer
86 of any animal with a Notice containing the following:

87 (a) the details of the non-compliance of Section 20.;

88 (b) the steps to be taken by the guardian, caretaker, or overseer;

89 (c) establish a set time period for the guardian, caretaker, or overseer to perform the steps
90 referred to in Subsection (b) above; and

91 (d) the result of failing to comply with the directions specified in the Notice in the
92 specified period of time.

93 (2) A guardian, caretaker, or overseer shall comply with the Notice terms referred to in
94 Subsection (1).

95 (3) If the Notice under Subsection (1) is served to the guardian, caretaker, or overseer and
96 abided by within 3 days maximum, the additional proceedings for an offense under Section 21
97 Subsection (5) shall not be instituted.

98 (4) An animal welfare officer may, if deemed necessary, extend the compliance period
99 specified in the Notice.

100 (5) A guardian, caretaker, or overseer who acts in opposition to Subsection (2) above
101 commits an offense and shall, on conviction, be liable for a fine of not less than five hundred
102 dollars and not more than ten thousand dollars or imprisonment for a term not more than two
103 year or to both.

104 Harassment of Animal Advocate

105 22. (1) Any person who intentionally harasses –

106 (a) an animal advocate/activist who is in the act of advocating for any animal, or

107 (b) an animal advocate/activist who is in the act of protecting any animal, or

108 (c) an animal advocate/activist who has protected any animal

109 shall be the subject of a reportable offense under Chapter 265 Section 43A, provided no
110 physical assault to the animal advocate or any animal has occurred.

111 (2) If physical or psychological assault to the animal advocate/activist has occurred, the
112 person assaulting the animal advocate committed an offense and shall, on conviction, be subject
113 to existing law dealing with interpersonal harm cited in Chapter 265 Section 13A and Chapter
114 265 Section 39, included with the need for psychiatric evaluation by a psychologist certified in
115 treating human aggression (bullying), and as stated in Chapter 265 Section 13A, imprisonment
116 for not more than 2- 1/2 years and a fine of not more than one thousand dollars.

117 (3) If physical assault to any animal has occurred, the person assaulting any animal
118 committed an offense and shall, on conviction, be subject to existing law dealing with harming
119 animals cited in Chapter 272 Section 77.

120 Animal Organization Integrity

121 23. (1) Any Solicitation of contributions by organizations targeting any animal advocate,
122 or by any individual targeting any animal advocate, with the intention of applying the
123 contributions toward causing physical or psychological harm to any animal or groups of animals,
124 or whose intention is not in the best interests of relieving the suffering of an animal, or groups of
125 animals, commits an offense and shall, on conviction, be liable for a fine of no less than twice
126 the cumulative sum of contributions received from the solicitation plus court costs.

127 (2) Any business representing itself as an animal protective entity – whether sanctuary,
128 rescue, boarding/training/pet-sitting, or animal society - will be subject to quarterly inspections
129 or records review to attest that said protective services are being implemented. If it is found they
130 are not, then all punishments/fees/restrictions shall be immediately applied in accordance with

131 Chapter 272 Section 77, and Section 25.(1), Section 26.(1), Section 29.(1), Section 31.(1),
132 Section 32., Section 33., Section 36.(1), Section 37, Section 38.(1), and Section 39.(1).

133 Animal Caretaker Protection

134 24. (1) Any person who uses, or threatens to use, physical force, psychological
135 manipulation, abduction, tethering, intentional neglect, deprivation of food/water/safe shelter, or
136 infection with disease on any animal for the intentional purpose of manipulating or harassing a
137 guardian, caretaker, overseer, or advocate for any animal, commits an offense and shall, on
138 conviction, be liable for a fine of not less than five hundred dollars and not more than one
139 thousand dollars or imprisonment for not more than one year or to both, as in accordance with
140 the similar violation found in Chapter 265 Section 26A.

141 CRUELTY TO ANIMALS

142 25.(1) For the purpose of this Section, the word animal, unless the context requires
143 otherwise, has the following meaning :

144 “Animal” – a non-human mammal, bird, reptile, amphibian, fish, or invertebrate.

145 Cruelty offenses

146 26. (1) Any person who—

147 (a) cruelly beats, kicks, overloads, tortures or terrifies any animal;

148 (b) overrides or overdrives or forces any animal to compete for strength, speed, distance,
149 endurance, or duration;

150 (c) causes, procures or, as the guardian, caretaker, or overseer, permits any animal to be
151 so used;

152 (i) As in accordance with Chapter 272 Section 77, with the exception that no animal shall
153 be used as bait to engage, motivate, or attract an animal.

154 (d) as guardian, caretaker, or overseer of any animal, fails or neglects to provide any
155 animal with sufficient food, water, proper shelter, space, lighting, ventilation, protection from
156 temperature extremes, adequate access to clean air, sleep, psychological enrichment, or the
157 period of time a mother and her offspring naturally enjoy each other's company, beyond that
158 which is stated in Chapter 140 Section 174F;

159 (e) wantonly or unreasonably or intentionally doing, or omitting to do, any protective
160 act, causing any animal unnecessary pain or suffering or emotional distress, or as
161 guardian, caretaker, or overseer of any animal, permitting any unnecessary pain or suffering or
162 psychological anguish to be experienced by any animal, or as in accordance with Chapter 272
163 Section 80 ½ regarding the prohibition on devocalization of any animal;

164 (f) causing, procuring or, as guardian or caretaker or overseer of any animal, permitting
165 any animal to be confined, conveyed, lifted or carried in such manner or position whether upon a
166 vehicle, or otherwise, as to subject any animal to unnecessary pain or suffering, or in a cruel or
167 inhumane manner which might endanger any animal;

168 (g) employs, causes, procures or, as guardian or caretaker or overseer of any animal,
169 forces the performance of any activity injurious to any animal, or forces any animal to perform
170 activities in which an animal choose not to participate;

171 (h) mutilates or causes the mutilation of any animal in any manner including ear
172 cropping, tail docking, defanging, declawing, debeaking, branding, piercing, debarking, bile tube
173 insertion, or any such mutilation, unless performed by a bonafide veterinarian for the sole
174 purpose of medical treatment beneficial to the health of any injured, compromised, or sick
175 animal;

176 (i) In accordance with Chapter 272 Section 79A and Section 79B and within Section 26.
177 Subsection (h) punished as defined in Section 26.(1).

178 (ii) in accordance with Chapter 272 Section 80A and Section 80B and within this Section
179 26. Subsection (h) punished as defined in Section 26.(1).

180 (i) removes the skin, scales, hair, fur, feathers, or shell from the body of any live animal,
181 unless performed by a bonafide veterinarian for the sole purpose of medical treatment beneficial
182 to the health of any injured, compromised, or sick animal;

183 (j) murders any animal for his or her skin, scales, hair, fur, feathers, shell, internal organs,
184 bones, or glandular fluids, or extracts any part of any live animal to obtain skins, oils, furs, fins,
185 scales, horns, tusks, penises, fluids, or any animal part or fluid;

186 (k) gases, suffocates, asphyxiates, macerates, intentionally overheats, roasts, boils,
187 poisons, or kills any live animal;

188 (i) Any offense committed under Section 26. Subsection (h), (i), (j), or (k) shall, on
189 conviction, be subject to penalty under a broader definition of “or other animal” under Chapter
190 266 Section 112 malicious killing or injury (of any animal) .

191 (l) uses any animal body part, substances made from any animal body part, substances
192 made from any animal secretions, by-products of any animal unintentionally killed, or by-
193 products made from any animal kept alive for the purpose of fashion, medicine, scientific
194 research, educational training, or amusement;

195 (i) Excluded from Subsection (1)(l) are bonafide veterinarians if the substance is
196 medically necessary for the healthcare of an animal patient and if the substance is obtained
197 through a minimally invasive procedure and the substance cannot be produced synthetically or
198 obtained elsewhere.

199 (m) dynamites, electrifies, poisons or drains any stream, river, pond, marsh, or any other
200 water body to catch or kill any animal;

201 (n) intentionally disperses toxic substances for the purpose of causing harm to any
202 domestic animal, working animal, wild animal, aquatic animal, bird or beneficial insect, or
203 intentionally sets mechanical, chemical, incendiary or explosive devices that are harmful to
204 wildlife, working animals, aquatic animals, domestic animals, birds, children, or adults;

205 (o) chains or tethers any animal using a short or heavy chain or cord, or hobbles the legs
206 of any animal;

207 (p) confines any animal in any cage, tank, or other receptacle that is not sufficient in
208 height, length or width to permit the natural movement of an animal;

209 (q) offers for sale any animal which is suffering in pain by reason of mutilation,
210 starvation, thirst, overcrowding, psychological distress, or other ill-treatment;

211 (r) possesses, without reasonable cause, any animal which is suffering in pain by reason
212 of mutilation, starvation, thirst, overcrowding, psychological distress, physical abuse, or other ill-
213 treatment;

214 (s) abandons any domesticated or wild animal which is likely to suffer trauma, pain,
215 psychological distress, or is suffering due to trauma, relocation, starvation, thirst, injury or
216 illness;

217 (i) for this subsection “domesticated animal” is defined as any animal that lives in close
218 proximity to and is acclimated to, or requires the guardianship of a human such as a pig, dog,
219 cat, rabbit, horse, cow sheep, goat, llama, parrot, parakeet, pigeon, duck, goose, chicken, turkey,
220 donkey, rat, or mouse.

221 (ii) for this subsection “wild animal” is defined as any animal that has not been reliant on
222 a human for any period of time such that they have not lost their natural survival instinct and are
223 able to be self-sufficient such as a rat, mouse, fish, bear, lynx, tiger, lion, wolf, coyote, non-
224 human primate, deer, alligator, birds of prey, snake, turtle, frog.

225 (t) as guardian of any animal, willfully or negligently causing any animal to remain
226 unattended while infected with an infectious disease;

227 (u) as guardian of any animal, willfully or negligently allowing any diseased, disabled or
228 injured animal to die unattended;

229 (v) as guardian of any animal, giving any animal or allowing any animal to be given toxic
230 fluids such as alcohol, anti-freeze, or any known poison;

231 (w) causes, obtains, or assists in the fighting, or baiting of any animal;

232 (x) keeps, uses, manages, or assists in the management of any premises or place for the
233 purpose of fighting or baiting of any animal, or permits any premises or place to be so kept,
234 managed or used, or receives or causes or obtains any person to receive, money for the admission
235 of any person to such premises or place;

236 (y) promotes or takes part in any shooting match or competition in which animals are
237 released from captivity for the purpose of such shooting or competition; or

238 (z) organizes, participates, promotes or in any manner is associated with any activity
239 where animals are subjected to cruelty, either during the activity itself or while in training;

240 commits an offense and shall, on conviction, be liable for a fine of not less than two
241 thousand dollars and not more than seven thousand dollars or imprisonment for a term not more
242 than three years or to both.

243 (2) Notwithstanding Subsection (1), the following acts shall not be considered an offense
244 of cruelty:

245 (a) any acts which are determined to be in the best interest for the health and wellbeing of
246 any animal or are in keeping with best animal protective veterinary practice;

247 (b) humane baiting and live removal of any nuisance animals for the purposes of
248 protecting any animal from harm, protecting public health, or for conservation of resources if
249 performed by registered wildlife rehabilitators, bonafide veterinarians, or lawfully humane
250 animal authorities;

251 (c) feeding of animals as food for other animals in accordance with their natural eating
252 habits so long as the ordeal of any prey animal is minimized.

253 Animals in Competition

254 26. (1) A person commits an offense if the person –

255 (a) causes an animal fight to take place, or attempts to do so;

256 (b) causes a competition in which any similar, or dissimilar animals, are injured,
257 disfigured, maimed, killed, or subsequently are required to be killed to relieve the misery of any
258 animal;

259 (c) agitates, assaults, hooks, whips, withholds food or water, causes pain, distresses,
260 abrades, applies spurs to, applies a cinch strap to, applies caustic chemicals to, shocks, burdens
261 with weights, or burns any animal in preparation for placing any animal into competition, or for a
262 competition in which any animal must exhibit strength, aggression, speed, endurance, step
263 movement, or tenacity, or for any unnatural display in public;

264 (d) encourages or incentivizes the competitive serial killing of any species of mammal,
265 bird, fish, amphibian, reptile, or invertebrate;

266 (e) receives money for admission to any animal fight, competition, or confined killing;

267 (f) publicizes or provides information about any proposed animal fight, competition or
268 confined killing;

269 (g) makes or accepts a bet on anything which may occur during any animal fight,
270 competition, or confined killing;

271 (h) takes part in any animal fight, competition, or confined killing;

272 (i) has in his or her possession anything designed or adapted for the purpose of any
273 animal fight, competition, or confined killing;

274 (j) possesses any animal with the intention of breeding and using the offspring of any
275 animal for an animal fight, competition, or confined killing;

276 (k) keeps or trains any animal for the purpose of any animal fight, competition, or
277 confined killing;

278 (l) possess any location or facility which is used for any animal fight, competition, or
279 confined killing.

280 (2) Any person who places any animal in a situation where an animal is forced to
281 compete to survive commits an offense.

282 (3) Any animal found injured due to being involved in unlawful acts of fighting or
283 competition,

284 or uninjured at the site of acts of fighting or competition, shall be immediately
285 surrendered to the Massachusetts Society for the Prevention of Cruelty to Animals or a similar
286 reputable animal protection agency at no cost to the protection agency.

287 (4) Any person involved with or associated with any animal fight, competition, or
288 confined killing – nonexclusively any animal guardian, event organization, event worker,
289 participant, sponsor, animal transporter, and location or facility owner – shall be required to pay
290 all costs for the transportation, veterinary care, food, and housing for any physically injured,
291 psychologically injured, or uninjured animal surrendered to the Animal Welfare Officer.

292 (5) Any person who goes against Subsection (1), (2), (3), or (4) commits an offense and
293 shall, on conviction, be liable for fine of not less than two thousand dollars and not more than ten
294 thousand dollars or imprisonment for not more than three years or to both.

295 (6) Any location or facility involved in activities found in violation of Section 26.
296 Subsection (1), (2), (3), or (4) shall be subject to forfeiture in accordance with Chapter 265
297 Section 56.

298 Animal Conveyance

299 27. (1) To insure the safe delivery of any animal being transported in a conveyance, any
300 owner or operator of a motor vehicle, hand cart, railway car, boat, ship, vessel, raft, helicopter,
301 aircraft, or airplane shall be held responsible for providing any animal conveyed with —

302 (a) a clean and appropriately sized space;

303 (b) regular opportunity for sanitary needs or area for such need;

304 (b) sufficient food and water;

305 (c) an appropriate environment – inclusive of temperature, air, and light.

306 (2) No person shall confine, overcrowd, or cruelly restrain any animal which is being
307 transported in a conveyance under Subsection (1).

308 (3) Any person or commercial entity that goes against Subsection (1) or (2) commits

309 an offense and shall, on conviction, be liable for a fine of not less than five hundred
310 dollars and not more than two thousand five hundred dollars or imprisonment for a term of not
311 more than two years or to both.

312 Transport of Animal Parts

313 28. (1) Any person who transports a murdered whole animal for display, transports the
314 body parts of a murdered animal, transports the bodily fluids of an animal, or transports the
315 powdered body parts, powdered organs, or dehydrated enzymes of an animal commits

316 an offense and shall, on conviction, be liable for a fine of not less than one thousand five
317 hundred dollars and not more than seven thousand five hundred dollars or imprisonment for a
318 term of not more than two years or to both, as in similarity with Chapter 265 Section 53 organ
319 trafficking.

320 (a) Excluded from Section (1) are bonafide veterinarians acting in the best interest of
321 an animal to diagnose, remedy, or repair any medical condition or any illness an animal may
322 experience in order to sustain the health of an animal;

323 (b) Not excluded from Section (1) are veterinarians, or any person, transporting body
324 parts, body fluids, powdered organs, or dehydrated fluids to treat or sustain a compromised
325 animal that was sourced from a healthy animal that was intentionally murdered.

326 (c) Not excluded from Section (1) are veterinarians, or any person, transporting
327 semen for the purpose of raping or artificially inseminating any animal.

328 Animals in research, testing or teaching

329 29. (1) No person shall use any animal in research, testing or teaching, unless:

- 330 (a) it is for the benefit of an injured, diseased, or compromised animal; and
- 331 (b) any degree of physical pain or psychological distress in any animal benefiting
332 from the research, testing, or teaching is reduced to the minimum possible; and
- 333 (c) the research or testing on the animal allows for the furtherance of healing
334 veterinary methodology; and
- 335 (d) a bonafide veterinarian oversees the process and validates the process is
336 performed in the best interest of an animal, or benefits the health of an involved animal.
- 337 (2) No animal shall be injured, subjected to disease, or compromised for research, testing,
338 or teaching.
- 339 (3) No person or commercial entity shall breed any animal for research, testing or
340 teaching.
- 341 (4) No person or commercial entity shall capture, cage, transport, or detain wildlife or
342 exotic animals for the purpose of research, experimentation, curiosity, disfigurement, mutilation,
343 impairment , dismemberment, or artificial insemination.
- 344 (5) No person or commercial entity shall intentionally breed, procure, transport, or
345 deliver any animal to a location in which he or she will undergo mutilation, invasive procedures,
346 psychological mistreatment, artificial insemination, administration of toxic substances, or
347 premature murder.
- 348 (a) Bonafide veterinarians and reputable animal rehabilitators shall be allowed to capture,
349 transport, or deliver an animal to a location in which an animal will undergo invasive procedures,
350 psychological challenges, or the administration of potentially toxic substances if it is in the best

351 interest of any animal to be treated to improve upon the ability of any animal to survive in either
352 his or her natural habitat or, if unable to return to a natural habitat, then survive pleasantly in an
353 artificial habit that is suited to the needs of a compromised animal.

354 (6) Any person or commercial entity that goes against any provision under Section 29.
355 Subsection (1), (2), (3), (4), or (5) commits an offense and shall, on conviction, be liable for a
356 fine of not less than two thousand dollars and not more than ten thousand dollars per violation or
357 imprisonment for a term not more than three years or to both.

358 Children and Animals

359 30.(1) Any person who sells an animal to any person who they have reasonable cause to
360 believe to be under the age of twelve years old, unless such person is accompanied by an adult,
361 commits an offense and shall, on conviction, be liable for a fine of not less than one thousand
362 five hundred dollars and not more than five thousand dollars or imprisonment for a term of not
363 more than two years or to both.

364 (2) Any person who allows their child to subject any animal to cruelty, abuse, or the
365 intentional infliction of pain without taking necessary steps to protect any animal and prevent,
366 discourage, or correct the actions of their child, commits an offense and shall, on conviction:

367 (a) as the parent, be liable for a fine of not less than five hundred dollars;

368 (b) as the parent, be required to undergo psychiatric evaluation;

369 (c) require the child to participate in psychiatric rehabilitation under a psychologist who
370 specializes in bullying;

371 (d) place all animals under the family’s guardianship into foster home(s) or an animal
372 welfare officer approved sanctuary for rehabilitation; and

373 (e) prevent the family from having any unsupervised contact with any animal should a
374 judge decide that that is the best course of action.

375 Exhibition of Animals

376 31. (1) Any person who captures, breeds, cages, transports or sells any animal to a person
377 or commercial entity for the purpose of exhibition, entertainment, curiosity, or dismemberment
378 commits an offense and shall, on conviction, be liable for a fine of not less than one thousand
379 five hundred dollars and not more than five thousand dollars or imprisonment for a term not
380 more than two years or to both.

381 (2) In accordance with Chapter 272 Section 80C except being so enhanced to remove the
382 wording from “not less than one hundred dollars” through “provisions of chapter forty-nine A”
383 and replaced by “not less than one thousand five hundred dollars and not more than five
384 thousand dollars or imprisonment for a term not more than two years or to both.”

385 (3) In accordance with Chapter 272 Section 80D except being so enhanced by removing
386 the following:

387 (a) paragraph three starting with the wording from “Nothing in this section” through
388 “quantities of twenty-four or more.”

389 (b) paragraph four starting with the wording from ”This section shall not” through
390 “classroom instruction.” and

391 (c) paragraph five starting with the wording from "Whoever violates" through "than one
392 hundred dollars.

393 and replacing with the wording "Any person who commits an offense and under Section
394 31. Subsection (3) and Chapter 272 Section 80D shall, on conviction, be liable for a fine of not
395 less than one thousand five hundred dollars and not more than five thousand dollars or
396 imprisonment for a term not more than two years or to both."

397 Rape of Animals

398 32. (1) Any person who touches, manipulates, or alters the anus, genitalia, or mouth of an
399 animal commits an offense and shall, on conviction, be subject to Chapter 272 Section 77C.

400 (a) Excluded from Section (1) are bonafide veterinarians acting in the best interest of
401 any animal to remedy any painful medical condition or any illness an animal is experiencing, or
402 for the treatment of any animal for his or her own beneficial health need.

403 (b) Chapter 272 Section 77C Subsection (e) shall be removed in its entirety and
404 replaced by Section 32. Subsection (a)

405 33. (1) Prohibited is the insemination, ejaculation, sexual manipulation, or confinement
406 of an animal for copulative advantage.

407 (2) Prohibited is the touching of the anus or genitalia of an animal for purposes of any
408 sexual encounter with any animal.

409 (3) Prohibited is the collection of semen, ova, or lacteal secretions from any non-human
410 animal unless determined necessary by a bonafide veterinarian for the health of an animal.

411 (a) Such extraction may only be performed by a bonafide veterinarian responsible for the
412 health care of any animal for the sole benefit of an animal .

413 (4) Prohibited is the touching of the anus or genitalia of any animal for purposes of
414 bestiality, erotica, rape, or for the forcing any animal into procreation.

415 (5) Any person who violates Section 33. Subsection (1), (2), (3), or (4) commits an
416 offense and shall, on conviction,

417 (a) be liable for a fine of not less than two thousand dollars and not more than ten
418 thousand dollars or imprisonment of not more than 3 years or to both;

419 (b) be required to undergo psychiatric evaluation;

420 (c) be required to undergo remedial therapy for perverted assault upon an animal; and

421 (d) not be allowed in contact with any animal for up to ten years.

422 (6) Any person who molests, enters into an act of bestiality, rapes, or exposes oneself to
423 an animal for sexual purposes commits an offense and shall, on conviction, be liable for a fine of
424 not less than two thousand dollars and not more than ten thousand dollars or imprisonment of not
425 more than three years or to both - as In accordance with Chapter 272 Section 77C except being
426 so enhanced by the deletion of Subsection (e), - and shall be required to undergo psychiatric
427 evaluation, remedial therapy for bestiality, and shall not be allowed in contact with any animal
428 for up to twenty years.

429 34. (1) Any person or commercial entity who intentionally breeds any animal for which
430 the overpopulated numbers of any animal in any shelter, rescue group, or sanctuary has resulted
431 in euthanasia in the last five years commits an offense and shall, on conviction, be liable for a

432 fine of not less than one thousand dollars and not more than five thousand dollars or
433 imprisonment of not more than two and one half years or to both.

434 (2) Any person or commercial entity who intentionally breeds any animal for which any
435 animal is intended for dismemberment, physical or psychological assault, or extraction of flesh
436 or fluid products commits an offense and shall, on conviction, be liable for a fine of not less than
437 one thousand five hundred dollars and not more than six thousand dollars or imprisonment for a
438 term of not more than three years or to both.

439 (3) In accordance with Chapter 272 Section 78A except being so enhanced to remove the
440 wording from “other than for” through “by its dam” with no replacement wording.

441 Destructive Manipulation of Animals

442 35. (1) Any person who genetically manipulates or alters any animal, or knowingly
443 causes any animal the inability to survive on his or her own in the natural environment of the
444 animal, or intentionally encourages a person or commercial entity to genetically manipulate or
445 alter any animal commits an offense and shall, on conviction, be liable for a fine of not less than
446 two thousand dollars and not more than ten thousand dollars or imprisonment for not more than
447 three years or to both.

448 (a) Under no circumstances shall any person manipulate or alter the genetics of any
449 animal if it is to intentionally cause any animal to suffer pain, psychological deficiency, physical
450 disability, or for use in providing any human animal with medical, cosmetic, or hobby product.

451 (2) Exception to Section (1) is made for bonafide veterinarians performing genetic
452 manipulation or alteration for the medical health benefit of an animal.

453 (a) Convenience of a caretaker or guardian shall not be reason for genetic manipulation
454 nor for alteration of any animal.

455 Forced Animal Submission

456 36. (1) Any person or commercial entity that -

457 (a) removes or separates any juvenile animal from his or her family before an animal
458 is both psychologically and physically able to cope with and endure environmental demands;

459 (b) forces a psychologically or physically immature animal into submission;

460 (c) forces, beats, drags, chases, or restrains any juvenile animal into exhaustion;

461 (d) causes any juvenile animal to participate in any activity for which the body or
462 mind of any animal is not fully developed;

463 (e) forces any animal to act as part of a machine - whether for locomotion,
464 generation of mechanical work, or electrical energy;

465 (f) forces any animal to be used as an indicator for reactivity to chemicals or
466 radiation;

467 (g) forces any animal to be used as a physio-chemical reactor to psychological stimuli
468 or physical insult;

469 (h) forces any animal to participate in life threatening acts, tasks in life threatening
470 situations, tasks under harsh weather conditions, or performances for the satisfaction or
471 entertainment of any person;

472 (i) employs a tight collar, nose rope, mouth bit, tail abrasion, foot weights, foot
473 burns, ankus hook, whip, electric prod, yoke, spurs, lasso, bucking strap, or any device which
474 forces an animal to avoid repeated physical pain or psychological distress;

475 (j) In accordance with Chapter 272 Section 77B except being so enhanced by
476 removing the wording from “theatrical exhibition” through “animal farm”, and replaced by the
477 wording “sanctuary established for the benefit of any animal”;

478 (k) confines any animal in a facility or pool with insufficient space, lighting,
479 ventilation, cleanliness, nutrition, or psychological enrichment;

480 (l) causes any animal to experience pain or distress in order to control or retaliate
481 against any animal as a result of human expectation about how an animal should behave;

482 commits an offense and shall, on conviction, be liable for a fine of not less than two
483 thousand dollars and not more than ten thousand dollars per incident or imprisonment of not
484 more than two years.

485 (2) As in accordance with Chapter 272 Section 79 and within this Section 36. punishment
486 as defined in Section 36 Subsection (1).

487 Killing of animals

488 37. (1) No person shall intentionally kill or physically harm any animal by means of blunt
489 force, kicking, stabbing, piercing, hanging, bagging, roping, dragging, throwing, harpooning,
490 cutting, burning, freezing, burying, electrically shocking, prodding, strangulating, suffocating,
491 poisoning, restraining with chains, taping, masking, dismembering, decapitating, blinding,

492 crushing, severing, riding over, dragging, eviscerating, hitting with projectiles, subjecting to
493 explosive devices, shooting, forcing off of a cliff, hooking, or drowning.

494 (2) No person shall intentionally psychologically harassment or physically harm any
495 animal by means of the use of knives, axes, arrows, bullets, hooks, nets, pits, traps, bagging,
496 baiting, snares, paralyzing with light sources, projectiles, clubs, ropes, spears, dogs, motorized
497 vehicles, helicopters, aircraft, explosive devices, or sonic devices.

498 (3) In accordance with Chapter 272 Section 80 I except being so enhanced by removing
499 the following:

500 (a) the term “Earth Dog” and its definition;

501 (b) the wording from “dogs participating in performance sports” through “racing dog
502 activities”;

503 (c) the wording from “dogs used for medical” through “use is lawful.”; and

504 (d) the wording “pet store”

505 (4) In accordance with Chapter 272 Section 87 except being so enhanced by removing
506 the wording from “shall be punished” through “wild game” and replaced by “commits an offense
507 and shall, on conviction, be liable for a fine of not less than five hundred dollars and not more
508 than one thousand five hundred dollars or imprisonment for not more than two years or to both.”

509 (5) Any person who goes against Subsection (1), or (2) commits an offense and shall, on
510 conviction, be liable for a fine of not less than five hundred dollars and not more than one
511 thousand five hundred dollars or imprisonment for a term not more than two years or to both.

512 Animal Torture

513 38. (1) Any person who

514 (a) chases any fleeing animal, or corners or corrals any animal;

515 (b) muzzles, blindfolds or bags any animal,

516 (c) binds the appendages of any animal,

517 (d) tortures, maims, abducts or emotionally disturbs any animal

518 commits an offense and shall, on conviction, be liable for a fine of not less than one

519 thousand five hundred dollars and not more than seven thousand five hundred dollars or

520 imprisonment for a term not more than two years or to both.

521 (2) Bonafide veterinarians, reputable animal rehabilitators, and wildlife experts are

522 excluded from (1) if it is in the best interest of any fleeing animal, or group of fleeing animals, to

523 receive treatment or veterinary medical intervention that helps to maintain the ability of any

524 animal, or group of animals, to survive in their natural habitat.

525 Animal Domicile Destruction

526 39. (1) Any person who without reasonable excuse –

527 (a) intentionally destroys the home, nest, den, lodge, chamber, tree hollow, burrow, hive,

528 or any animal built structure with explosives, water hoses, poisons, chainsaws or earth digging

529 machinery;

530 (b) intentionally destroys the habitat in which communities of animals are thriving –
531 including the trees, shrubs, brush, meadows, grasslands, hills, crags, mountains, marshes, ponds,
532 lakes, rivers, intertidal zones, seaweed beds, ocean, among others;

533 (c) intentionally injures or murders overwintering or hibernating animals in their dens, in
534 their trees, in their snow tracks, beneath ice covered ponds and lakes, in the ocean, along dried or
535 trickling river beds; beneath the mud, beneath fallen trees, beneath the grasslands;

536 (d) places out food to attract animals in order to murder them;

537 (e) reduces or poisons or eliminates the environment upon which animals obtain their
538 nourishment;

539 (f) chases away, or forcefully removes, or murders habitat keystone animals thereby
540 causing or accelerating habitat collapse;

541 commits an offense and shall, on conviction, be liable for a fine of not less than two
542 thousand dollars and not more than one hundred thousand dollars or imprisonment for not more
543 than three years or to both.

544 Living with Wildlife

545 40. (1) If any person by surprise encounters wildlife in nature, or any animal in general,
546 the person shall be required to employ safe retreat or evasion techniques.

547 (a) Such techniques must be mastered before entering areas of potential animal
548 encounters. In accordance with such techniques, space must be yielded to allow any
549 encountered animal the opportunity to safely pass without incident.

550 (b) Visitors to areas where potential encounters with wildlife may occur are required to
551 have completed a wildlife certification class administered by experts on assessment of wildlife
552 proximity, wildlife evasion, and protection maneuvers before being allowed into areas with
553 potential wildlife encounters.

554 (2) Any person who goes against Section 40. Subsection (1)(a) or (1)(b) and assaults or
555 harasses any wildlife commits an offense and shall, on conviction, be liable for

556 (a) a fine of not less than one hundred dollars and not more than five hundred
557 dollars;

558 (b) probation from entering areas where wildlife encounters may occur for a term of
559 two years; and

560 (c) be subject to a court order to obtain a wildlife certificate.

561 (3) Failure within two years to become certified in a living with wildlife program and
562 returning to any area where wildlife encounters may occur shall result in a fine of not less than
563 five hundred dollars and not more than one thousand dollars or imprisonment of not more than
564 one year.

565 41. (1) Any person who experiences uninvited animal visitors on the property of a person
566 or in a home must first encouraged the animal to leave through any of the humane, non-lethal
567 methods identified in the Massachusetts Society for the Prevention of Cruelty to Animals
568 literature or Massachusetts Fisheries and Wildlife literature, inclusive of smelly deterrents such
569 as old sneakers, peppermint, loud noise, removal of food sources, gently nudging an animal with
570 a broom to the exit, using exclusion doors, sealing cracks, using live or humane traps, -

571 dependent upon the specific species. If initial attempts at encouraging him, her or them to leave
572 fail, the alternative shall be hiring a humane trapper who is approved by an animal rehabilitator
573 or an approved no-kill sanctuary.

574 Admissible Evidence of Animal Mistreatment

575 42. (1) A photograph or a copy of the photograph of a mistreated animal shall be
576 admissible as evidence in court if other evidence involves unreasonable expenses or an
577 inconvenience for an animal to be brought to the court.

578 Separability

579 43. If any part of this law is found to be invalid or unenforceable, the remaining parts of
580 the law will still be valid and enforceable.