

SENATE No. 3028

Senate, March 19, 2026 -- Text of the Senate Bill promoting pet equity, treatment and safety
(Senate, No. 3028) (being the text of the Senate, No. 3014, printed as amended)

The Commonwealth of Massachusetts

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

An Act promoting pet equity, treatment and safety.

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 figure “62”, in line 17, the following
3 words:- , fines collected pursuant to section 37 of chapter 129.

4 SECTION 2. Chapter 23B of the General Laws is hereby amended by inserting following
5 new section:-

6 Section 37. (a) For the purposes of this section, the term “pet” shall mean any
7 domesticated animal that is commonly kept in a household.

8 (b) The executive office of housing and livable communities shall establish a program of
9 pet ownership for residents of state-aided public housing for: (i) the elderly; and (ii) residents
10 who are able to reasonably care for a pet, in accordance with all applicable public health, animal
11 control animal-cruelty laws and regulations and the reasonable requirements of the state-aided
12 public housing; provided, however, that reasonable requirements may include, but shall not be

13 limited to: (i) requiring a pet deposit which shall be the lesser of \$160 or one month's rent; (ii)
14 limitations on the number of pets permitted in a unit, based on unit size; (iii) restrictions or
15 prohibitions based on size and type of building, project or unit; (iv) a requirement that pets be
16 spayed or neutered; (v) a requirement that a tenant maintain an adequate care plan for the pet,
17 including veterinarian care and designation of an emergency contact that can care for the pet in
18 the event the tenant is unable to do so; (vi) a requirement that the pet be registered with the state-
19 aided public housing facility; and (vii) any other requirements deemed necessary or appropriate
20 by the executive office of housing and livable communities.

21 (c) No state-aided public housing facility shall: (i) impose an outright prohibition on the
22 keeping of pets by tenants; (ii) discriminate solely based on a pet's breed, size, weight or
23 appearance; (iii) require pet declawing as a condition of allowing a pet on the premises; or (iv)
24 evict a tenant based solely on the presence of a pet, where such tenant has otherwise adhered to
25 the facility's requirements and policies pursuant to this section.

26 (d) Nothing in this section shall require a state-aided housing facility to allow for the
27 keeping of a dog that has been declared a nuisance or dangerous by a municipality pursuant to
28 section 157 of chapter 140 or has a known history of biting or injuring a person or domestic
29 animal.

30 (e) The executive office of housing and livable communities shall promulgate regulations
31 to implement this section; provided, however, that the executive office shall consult with local
32 housing authorities and local tenant organizations in state-aided public housing in developing
33 said regulations.

34 SECTION 3. Section 37 of chapter 129 of the General Laws, as appearing in the 2024
35 Official Edition, is hereby amended by inserting after the fourth sentence the following
36 sentence:- A fine assessed under this section shall be deposited into the Homeless Animal
37 Prevention and Care Fund established in section 35WW of chapter 10.

38 SECTION 4. Section 39A of said chapter 129, as so appearing, is hereby amended by
39 striking out, in line 1, the word “Every” and inserting in place thereof the following words:- (a)
40 Every.

41 SECTION 5. Said section 39A of said chapter 129, as so appearing, is hereby further
42 amended by striking out, in line 13, the word “section”, and inserting in place thereof the
43 following word:- subsection.

44 SECTION 6. Said section 39A of said chapter 129, as so appearing, is hereby further
45 amended by inserting the following 2 subsections:-

46 (b) No person engaged in the business of operating a pet shop for which a license must be
47 obtained pursuant to subsection (a) shall sell or offer for sale a dog or cat; provided, however,
48 that a pet shop may offer space to an animal rescue or shelter organization to showcase dogs or
49 cats for adoption if said pet shop has no ownership interest in the animals offered for adoption.

50 (c) Notwithstanding section 43 of this chapter, a person who violates subsection (b) of
51 this section shall be: (i) assessed a civil penalty of not more than \$1,000 for the first offense, not
52 more than \$2,500 for the second offense and not more than \$5,000 for the third and subsequent
53 offenses; and (ii) subject to suspension or revocation of the person’s pet shop license. Each
54 advertisement or offer for sale or actual sale of a dog or cat in violation of subsection (b) shall
55 constitute a separate violation.

56 SECTION 7. The introductory paragraph of subsection (a) of section 174D½ of chapter
57 140 of the General Laws, as so appearing, is hereby amended by striking out the definitions of
58 “Animal rescue organization” and “Animal shelter” and inserting in place thereof the following
59 definition:-

60 “Animal rescue organization”, an organization: (i) licensed by the department of
61 agricultural resources under section 39A of chapter 129; or (ii) whose mission and practice
62 includes the placement of abandoned, unwanted, neglected or abused animals that is exempt
63 from taxation under section 501(c)(3) of the Internal Revenue Code or corresponding sections of
64 the code.

65 SECTION 8. Said subsection (a) of said section 174D½ of said chapter 140, as so
66 appearing, is hereby further amended by striking out the definitions of "Product testing facility"
67 and “Research facility” and inserting in place thereof the following 2 definitions:-

68 “Product testing facility”, a facility that uses animals for the testing of consumer products
69 including, but not limited to, cosmetics, pesticides, medical devices and food additives, and
70 ingredients for use in such products.

71 “Research institution”, a facility that uses dogs or cats in scientific investigation,
72 experiment, research or instruction, or for the testing of drugs or medicines licensed by the
73 commissioner of public health under section 174D.

74 SECTION 9. Said section 174D½ of said chapter 140, as so appearing, is hereby further
75 amended by striking out subsections (b) to (d), inclusive, and inserting in place thereof the
76 following 4 subsections:-

77 (b) A research institution or product testing facility shall, after the completion of any
78 testing or research involving a dog or cat that does not require euthanasia of the dog or cat upon
79 the termination of the study as defined and approved by the research or testing protocol, assess
80 the health of the animal and determine whether the dog or cat is suitable for adoption. Except as
81 otherwise provided in subsection (c), a research institution or product testing facility that intends
82 to euthanize a dog or cat shall, before euthanizing the dog or cat, make a reasonable effort to
83 offer the dog or cat to an animal rescue organization to facilitate the adoption of the dog or cat to
84 a permanent adoptive home. A research institution or product testing facility shall enter into a
85 collaborative agreement with not less than 1 animal rescue organization to carry out this
86 subsection. Prior to entering into a collaborative agreement with an individual, an animal shelter
87 or an animal rescue organization, a research institution or product testing facility shall review the
88 animal rescue organization's reputation, history of involvement with animal adoption, criminal
89 history and its mission statement. A collaborative agreement shall provide that the parties shall
90 make reasonable efforts to: (i) facilitate permanent adoptions and discourage post-adoption
91 transfers; and (ii) select adopters who demonstrate a willingness and ability to keep the animal
92 permanently and provide an appropriate living space and to accept lifelong responsibility for the
93 animal's care.

94 (c) A research institution or product testing facility shall not be required to offer a dog or
95 cat to an animal rescue organization pursuant to subsection (b) if the dog or cat: (i) manifests a
96 behavioral or medical defect that poses a risk to the health and safety of the public; (ii) manifests
97 symptoms of a disease, injury or congenital or hereditary condition that adversely affects, or is
98 likely to adversely affect, the health of the dog or cat; (iii) is provided to an employee of the
99 research institution or product testing facility for purposes of keeping the dog or cat permanently;

100 or (iv) is a newborn and unsuitable for adoption, or otherwise less than 8 weeks in age and in
101 need of maternal care; provided, however, that the mother is present and able to provide such
102 care. The attending veterinarian of the research institution or product testing facility or the
103 attending veterinarian's designee shall assess the suitability of the dog or cat and determine its
104 availability for adoption under this section.

105 (d) A research institution or product testing facility that is required to offer dogs and cats
106 for adoption under this section shall not owe a duty of care to an animal rescue organization that
107 accepts a dog or cat or to a person or entity that adopts such dog or cat, through such
108 organizations. A research institution or product testing facility shall not be responsible or liable
109 for any injury, property damage or other damage or loss that results from the adoption or
110 placement of a dog or cat pursuant to this section.

111 (e) Research institutions and product testing facilities shall, annually, report to the
112 department of agricultural resources data on the use and disposition of dogs and cats after the
113 completion of any testing or research including, but not limited to, the number of dogs and the
114 number of cats that were: (i) euthanized upon the termination of the study, as defined and
115 approved by the research or testing protocol; (ii) determined to be suitable and unsuitable for
116 adoption and, if determined to be unsuitable for adoption, the reason why and their disposition;
117 (iii) offered for adoption through a collaborative agreement with an animal rescue organization;
118 and (iv) offered for adoption directly without entering into a collaborative agreement with an
119 animal rescue organization. Annually, the department shall publish such reported data on its
120 website.

121 SECTION 10. Section 174E of said chapter 140 of the General Laws, as so appearing, is
122 hereby amended striking out subsections (f) and (g) and inserting in place thereof the following
123 subsections:-

124 (f) No person owning or keeping a household pet shall subject such pet to cruel
125 conditions.

126 For the purposes of this subsection, “cruel conditions” shall include, but shall not be
127 limited to, the following:

128 (i) exposure to excessive animal waste, garbage, non-potable water, excessive noxious
129 odors that create a health threat to people or animals, dangerous objects or other animals that
130 could injure or kill an animal upon contact, other circumstances that could cause harm to the
131 health or safety of the animal based on species, age or physical condition; or failure to provide
132 access to appropriate food and water based on the animal’s species, age or physical condition;

133 (ii) lack of protection when wind or environmental or weather conditions pose an adverse
134 risk to the health or safety of the animal based on the animal’s species, age or physical condition,
135 or lack of reasonable opportunity to go outdoors for exercise and waste elimination, based on the
136 animal’s age, size, breed or physical condition; provided, however, that temporary indoor
137 confinement due to illness, injury, disability, inclement weather or other emergency conditions
138 shall not, by itself, constitute cruel conditions; and (iii) as applied to a dog, inhumane chaining or
139 tethering at any time, taunting, prodding, hitting, harassing, threatening or otherwise harming a
140 tethered or confined dog, including circumstances that could cause harm to a dog’s physical or
141 emotional health.

142 (g) A person who violates this section shall: (i) for a first offense, be issued a written
143 warning or punished by a fine of not more than \$50; (ii) for a second offense, be punished by a
144 fine of not more than \$200; and (iii) for a third or subsequent offense, be punished by a fine of
145 not more than \$500; provided, however, that for a third or subsequent offense, the animal may be
146 subject to impoundment in a local shelter or appropriate facility at the owner's, keeper's or
147 guardian's expense pending compliance with this section or the owner, keeper or guardian may
148 lose ownership of the animal.

149 SECTION 11. Said section 174E of said chapter 140, as so appearing, is hereby further
150 amended by inserting after the word "special", in line 100, the following word:- state.

151 SECTION 12. Said section 174E of said chapter 140, as so appearing, is hereby further
152 amended by striking out, in line 102, the word "and" and inserting in place thereof the following
153 word:- or.

154 SECTION 13. Said section 174E of said chapter 140, as so appearing, is hereby further
155 amended by adding the following subsection:-

156 (j) Nothing in this section shall preclude prosecution pursuant to section 77 of chapter
157 272.

158 SECTION 14. Said chapter 140 is hereby further amended by inserting after section
159 174H the following section:-

160 Section 174I.

161 (a) As used in this section, the following words shall have the following meanings unless
162 the context clearly requires otherwise:

163 “Alternative test method”, a process or procedure, implemented to obtain information
164 regarding the biological effects of exposure to a chemical or agent, that does not employ the use
165 of an animal and results in the gathering of information that would otherwise be acquired
166 through the use of a traditional animal test method, including, but not limited to, computational
167 toxicology, bioinformatics, high-throughput screening methods, chemical substances testing,
168 tiered testing methods, in vitro studies and systems biology.

169 “Animal”, a vertebrate nonhuman animal.

170 “Commissioner”, the commissioner of the department of public health.

171 “Contract testing facility”, a partnership, corporation, association or other legal entity that
172 tests chemicals, ingredients, product formulations or products.

173 “Manufacturer”, a partnership, corporation, association, or other legal entity that
174 produces products, product formulations, chemicals or ingredients.

175 “Medical research”, investigations, experiments or studies to discover, develop or verify
176 knowledge relating to the causes, diagnosis, treatment, prevention or control of physical or
177 mental diseases and impairments of humans or animals or relating to the development of
178 biomedical products, devices or pharmaceuticals.

179 “Traditional animal test method”, a process or procedure using animals to obtain
180 information regarding the biological effects of exposure to a chemical or agent.

181 (b) No manufacturer or contract testing facility shall use a traditional animal test method
182 for which a valid alternative test method exists when testing a cosmetic or household product,
183 product formulation, chemical or ingredient in the commonwealth.

184 (c) The commissioner shall promulgate regulations to implement, enforce and administer
185 this section and shall establish standards for alternative test methods to ensure safety and
186 comparable validity of results to traditional animal test methods. The commissioner shall
187 consider the Organisation for Economic Co-operation and Development's guidelines for the
188 testing of chemicals when establishing said standards.

189 (d) This section shall not apply to a test method conducted for the purposes of medical
190 research.

191 SECTION 15. Chapter 175 of the General Laws is hereby amended by inserting after
192 section 4C the following section:-

193 Section 4C1/2. (a) No insurer licensed to write and engaged in the writing of
194 homeowners or renters insurance in the commonwealth nor the joint underwriting association,
195 formed under chapter 175C, shall, when deciding whether to provide, renew or cancel a policy,
196 or when establishing the premium for such policy, take into consideration the breed or mixture of
197 breeds of any dog kept on the insured property. No such insurer or joint underwriting association
198 shall inquire of an applicant or insured about the breed or mixture of breeds of a dog kept on the
199 insured property; provided, however, that an insurer or joint underwriting association may
200 inquire whether any such dog has been declared dangerous by a municipality pursuant to section
201 157 of chapter 140 or has a known history of biting or injuring a person or domestic animal.

202 (b) Nothing in this section shall prohibit an insurer or joint underwriting association from
203 taking into consideration whether any such dog has been declared dangerous by a municipality
204 pursuant to section 157 of chapter 140, or has a known history of biting or injuring a person or
205 domestic animal when making any underwriting or rating decision.

206 SECTION 16. Section 77 of chapter 272 of the General Laws, as appearing in the 2024
207 Official Edition, is hereby amended by inserting after the word “shall”, in line 20, the following
208 words:- (i)(A) for a first offense, be issued a written warning or punished by a fine of not more
209 than \$50; (B) for a second offense, be punished by a fine of not more than \$200; and (C) for a
210 third or subsequent offense, be punished by a fine of not more than \$500; provided, however,
211 that for a third or subsequent offense, the animal may be subject to impoundment in a local
212 shelter or appropriate facility at the owner’s, keeper’s, guardian’s or whoever otherwise has the
213 charge or custody of the animal’s expense, pending compliance with this section or the owner,
214 keeper, guardian or whoever otherwise has the charge or custody of the animal may lose
215 ownership or custody of the animal; provided, further, that, a special state police officer
216 appointed under section 57 of chapter 22C or an animal control officer appointed under section
217 151 of chapter 140, may enforce this clause following the same procedures relating to notice and
218 court procedure in section 21D of chapter 40 for the non-criminal disposition of a violation; and
219 provided further, that nothing in this clause shall preclude prosecution under this section by
220 sworn law enforcement officers; or (ii).

221 SECTION 17. The executive office of housing and livable communities shall conduct a
222 study and develop recommendations regarding the prevalence and effects of pet-related fees
223 charged to residents of state-aided and privately-owned rental housing in the commonwealth.
224 The study shall include, but not be limited to: (i) the prevalence and range of such pet-related fee
225 practices among state-aided and privately-owned rental housing providers in the commonwealth;
226 (ii) the effects of such pet-related fees on housing stability and access for pet-owning
227 households, including households in state-aided public housing; (iii) the relationship between
228 such pet-related fees and rates of pet relinquishment to animal shelters in the commonwealth;

229 (iv) existing fee or security deposit limitations or prohibitions on pet ownership for tenants in
230 other states and their effects on housing access, animal shelter intake and landlord practices; and
231 (v) any other information deemed relevant by the executive office. For the purposes of this study,
232 the term “pet” shall mean any domesticated animal that is commonly kept in a household.

233 Not later than December 31, 2027, the executive office shall publish the results of the
234 study on its website and submit a copy to the clerks of the senate and house of representatives
235 and to the joint committee on housing.

236 SECTION 18. Sections 4, 5 and 6 shall take effect 180 days after the passage of this act.

237 SECTION 19. The commissioner of public health shall promulgate regulations to
238 implement section 174I of chapter 140 of the General Laws, as inserted by section 11, not more
239 than 180 days following passage of this act.