

Massachusetts House of Representatives Bill Summary

Bill #: H.2245

Title: An Act relative to puppy mills

Sponsor: Rep. Bruce Ayers

Committee: Municipalities and Regional Government

Hearing Date:

Prior History: Refile of H.2027 (Study Order H.4997)

Current Law: Chapter 140 of MGL governs licenses.

- Section 136A defines the terms used in animal control laws. The term “kennel” means a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel. Currently, commercial breeder kennels are treated the same as other types of kennels for purposes of regulating such activities.
- Section 137C governs the inspection of kennels; revocation, suspension, and reinstatement of licenses; when a kennel may be deemed to be a nuisance, etc.

Summary: Section 1 amends the definition of a kennel in Section 136A of Chapter 140 of MGL by removing the term “commercial breeder kennel” from the definition as the legislation seeks to use the new language in this bill to regulate such activity.

Section 2 inserts a new section, 137E, into Chapter 140 of MGL to specifically regulate commercial breeder kennels.

Subsection (a) of this new section requires every person maintaining a commercial breeder kennel to obtain a breeder license that shall be issued by the city or town in which the commercial breeder kennel is located. Each license shall be renewed annually upon application of the commercial breeder kennel to such city or town.

Subsection (b) holds that a commercial breeder license shall be in lieu of any other license for a dog kept at the kennel during any portion of the period for which the breeder license is valid. This license shall require each dog at the kennel to wear a collar or harness of leather or other suitable material with a securely attached tag with identifying

information. The tag shall include the breeder license number, the name of the municipality that issued the license, and the year of issue. The licensing authority shall issue tags to the owner or keeper of the kennel in quantities not less than the number of dogs at the facility. The issuing town shall determine the period of time for which the license shall be valid and shall determine the fee for the issuance and renewal of the breeder license. Dogs under the age of 6 months shall not be counted in the number of dogs kept at the kennel in determining the license fee. This section also requires that the kennel maintain the name and address of the owner of each dog kept at the kennel, if other than the person operating the kennel, for inspections by an animal control officer, natural resource officer, deputy, natural resource officer, fish and game warden, or police officer.

Subsection (c) requires that every holder of a breeder license, on delivering an unlicensed dog to a purchaser or to any other person, attach to a dog a collar or harness with a dog tag with identifying information. This dog tag shall include the name and address of the breeder licensee, and a number, which shall be properly recorded on the records of such licensee and shall also furnish a certificate to the person to whom the dog is delivered, with the same number and a description of the dog.

The certificate shall bear the date of purchase, exchange, or gift, and with the tag, shall serve as a legal substitute for a license for two weeks following such date. Within two weeks of purchase or receipt of such dog, the purchaser or other recipient shall return the collar or harness, tag, and certificate, and a certificate signed by the clerk of the town or city where the dog is kept certifying that the dog has been licensed in the name of such purchaser or recipient or of some other person. If any purchaser or recipient fails to comply, such breeder licensee shall notify the clerk in the municipality in which they are licensed of the purchase, exchange, or gift of such dog and shall furnish to such clerk, the date of this purchase, exchange, or gift, and the name and address of the purchaser or recipient.

Subsection (d) authorizes the commissioner of agriculture or an animal control officer to at any time inspect, or cause to be inspected by a registered veterinarian approved by the commissioner, any commercial breeder kennel. If the commissioner determines that the location is not being maintained in a sanitary and humane manner, that the location does not comply with the standard of care applicable to breeders, or there is a discovery of a communicable or infectious disease or other unsatisfactory conditions, the commissioner may issue orders for the correction of such conditions and may quarantine the premises and animals. If the owner or keeper of the facility fails to comply with such orders, the commissioner may recommend the revocation or suspension of such license to the issuing municipality.

Subsection (e) allows for any person aggrieved by any order issued in this section to appeal the order to the superior court.

Subsection (f) states that any commercial breeder kennel that sells or exchanges a dog after the license has been revoked or suspended pursuant to this section shall be fined at least \$50 and no more than \$100.

Section 3 amends Chapter 140 Section 137C of MGL by inserting after the word “kennel”, the following words “, which for purposes of this section shall include a commercial breeder kennel”. The addition of these words requires commercial breeder kennels to be included in the regulations for the inspection of kennels.

Section 4 requires the commissioner of agriculture to prescribe the standard of care for dogs by any owner or keeper of a commercial breeder kennel by December 31, 2027. This standard of care shall require, at a minimum, the commercial breeder kennel to provide appropriate living space, shelter, nutrition, and sanitary conditions to each dog housed at the commercial breeder kennel, whether or not the dog is to be sold.

Notes: In line 51 of the bill, it appears that the subsection is mislabeled. The subsection is currently labeled as subsection (d) but should be subsection (f).

Parts of the language in this bill contradicts how Ollie’s Law, Chapter 213 of the Acts of 2024, regulates kennels.