

HB2454 - Rep. Dykema, Carolyn (D) - An Act relative to the adoption of animals used in research

Section 1. Chapter 140, of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out section 174D and inserting in place thereof the following section:-

Section 174D.(a) For purposes of this section, the following terms shall have the following meanings:-

"Animal adoption or animal rescue organization", a collaboration of individuals or a nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of the United States, as amended from time to time that has, as part of such collaboration's or organization's purposes, the sale or placement of animals removed from animal shelters, municipal dog pounds, or an individual's home.

(b) No research institution shall employ dogs or cats in scientific investigation, experiment or instruction or for the testing of drugs or medicines without having first been issued a license therefor under this section by the commissioner of public health. A research institution desiring to obtain a license shall make application to the commissioner of public health. On receipt of such application the commissioner of public health shall make or cause to be made such investigation as he may deem necessary to determine whether the public interest would be served by the issue of such license. The commissioner of public health shall issue such license unless, after notice and hearing, he finds that the research institution, by reason of its standards, facilities, practices or activities, is not a fit and proper institution to receive such license, and that the issue thereof is not in the public interest. Each research institution licensed under this chapter shall before such license issues pay to the commissioner of public health a license fee of fifty dollars. Each license shall expire on June thirtieth next following the date of issue. The commissioner of public health shall annually renew each license upon the application of the licensee unless, after notice and hearing, he or she finds that by reason of the standards, facilities, practices or activities of the licensee such renewal is not in the public interest. The commissioner of public health may, after notice and hearing, cancel, suspend or revoke any license if he or she finds that by reason of the standards, facilities, practices or activities of the licensee the continuation of such license is not in the public interest.

(c) A research institution shall offer for adoption by an animal adoption or animal rescue organization any cat or dog that such research possesses for the purpose of conducting research or testing provided such offer occurs after the completion of any such research or testing, such research or testing does not require the destruction of such cat or dog and such animal is no longer needed by such research institution. A research institution that is required to offer a cat or dog for adoption pursuant to this section may enter into an agreement with an animal adoption or animal rescue organization for the purpose of complying with this subsection.(d) The commissioner of public health may make such rules and regulations, not inconsistent with this section, necessary to carry out its purposes, and may alter, rescind or add to any rules or regulations previously made. The commissioner of public health or an agent designated by him or her shall, in connection with the granting, continuance or renewal of a license, visit and inspect the animal research and care facilities of any licensee or of any research institution which has applied for a license. The Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston may be designated as agents of the commissioner of public health. For purposes of this section the term "animal" shall refer to the dog and cat specifically and all other sentient creatures except humans.

(e) Whoever knowingly violates any of the provisions of this section shall be liable for a civil penalty of not more than \$100 for each offense. The superior court department of the trial court shall have authority to enjoin any violation of this section or to take such other actions as equity or justice may require.