



Massachusetts Federation  
of Dog Clubs and  
Responsible Dog Owners  
www.massfeddogs.org

**OPPOSE SB175 - An Act Banning the Retail Sale of Cats and Dogs in  
Pet Shops – Sen. Patrick M. O’Connor (R)**

**OPPOSE HB800 – An Act Banning the Retail Sale of Cats and Dogs in  
Pet Shops – Rep. Natalie M. Higgins (D)**

Referred to: Joint Committee on Consumer Protection & Professional Licensure (SB175)  
Joint Committee on Environment, Natural Resources and Agriculture (HB800)

**WHAT THESE BILLS DO:**

These bills would force pet shops to sell only dogs, cats and rabbits that come from a nonprofit shelter, humane society, or animal rescue organization. The pet shops would not be allowed to receive any fee for the sale nor have any ownership of the animals (presumably only the shelters/rescues would get the money). It would take effect 90 days after the bill passes.

**WHY YOU SHOULD OPPOSE THESE BILLS:**

**Facts Necessary to Understand the Current Situation:**

- Pet store puppies and kittens are heavily regulated and inspected from birth to sale. Shops can sell only pets bred in licensed facilities inspected by the USDA under the Animal Welfare Act. The act, first passed in 1966 and tweaked several times since, has greatly improved commercial conditions – licensees must have clean facilities and regular vet visits and follow long lists of regulations.
- Ten years ago there were hundreds of small pet shops in Massachusetts: Now there are just 10. We have a serious pet shortage.
- The largest suppliers of dogs in our state are shelters and rescues. Over 300 are registered and importing dogs totaling over 18,000 a year. That doesn’t include others trying to operate under the radar without registration.
- The overwhelming majority of Massachusetts shelter dogs are strays from the rural south, the Caribbean, South America, Asia, and the Middle East, where they have had little human handling and little, if any, veterinary treatment.
- Imports are bringing in dangerous diseases: the new Asian dog flu, brucellosis, parvo, leptospirosis, a new strain of distemper, a strain of rabies previously eliminated from the US, lots of new tick and parasitic diseases, and the Asian long-horned tick itself.

**What would happen if these bills become law:**

- It would substitute pets from sources largely exempt from regulation (shelters and rescues) for pets from regulated, inspected sources. Why would we exchange healthy pets from licensed and inspected sources for pets that have more frequent disease and behavior issues?
- Choices would be limited to teenaged and adult mixed breeds – there are few purebreds or puppies in shelters.
- Pet owners would be deprived of trainable pets too young to have developed bad habits, purebreds with particular characteristics, pets more likely to be healthy and well-socialized, and consumer protection guarantees.
- Stores may not even be able to offer any pets, because shelters don’t want to give up this lucrative trade. When New Jersey passed this law, shelters balked and some stores did their own importing, bringing in serious health problems.
- Such laws encourage illegal subterfuge: After California passed it, some pet suppliers in Iowa changed their names to “rescue” and tried to pass their puppies off as rescues in California.

We believe these bills are unconstitutional. It is an arbitrary government mandate forcing only one source of pets on our citizens and giving shelters an illegal monopoly. It would take choices away from people seeking pets. It would lower the health and quality of pets and eliminate a popular type of pet, purebreds raised in regulated and inspected facilities. Prices would soar, imports would increase and bring in more diseases, and consumers would be forced to settle for poorer temperament and less healthy pets. Other long-term effects include discouraging intentional dog breeding, extinction of purebreds, and limiting opportunities to own the kind of dog that makes people ENJOY dog ownership. People have the right to have the pet of their choice.

**FOR MORE INFORMATION:**

Massachusetts Federation of Dog Clubs and Responsible Dog Owners  
Mrs. Bonnie Chandler, bchandler1@charter.net, 978-456-3169  
Mr. John W. Seeley, acjohn@aol.com, 978-456-8644

04/26/19

SENATE . . . . . No. 175

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 banning the retail sale of cats and dogs in pet shops.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:                  |                  |
|----------------------------|------------------------------------|------------------|
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i>        |                  |
| <i>Jason M. Lewis</i>      | <i>Fifth Middlesex</i>             | <i>1/23/2019</i> |
| <i>James T. Welch</i>      | <i>Hampden</i>                     | <i>1/28/2019</i> |
| <i>Marc R. Pacheco</i>     | <i>First Plymouth and Bristol</i>  | <i>1/29/2019</i> |
| <i>Daniel J. Hunt</i>      | <i>13th Suffolk</i>                | <i>1/30/2019</i> |
| <i>Bruce E. Tarr</i>       | <i>First Essex and Middlesex</i>   | <i>1/30/2019</i> |
| <i>Ryan C. Fattman</i>     | <i>Worcester and Norfolk</i>       | <i>1/30/2019</i> |
| <i>James M. Murphy</i>     | <i>4th Norfolk</i>                 | <i>1/31/2019</i> |
| <i>Joseph D. McKenna</i>   | <i>18th Worcester</i>              | <i>1/31/2019</i> |
| <i>Jack Patrick Lewis</i>  | <i>7th Middlesex</i>               | <i>1/31/2019</i> |
| <i>Mike Connolly</i>       | <i>26th Middlesex</i>              | <i>1/31/2019</i> |
| <i>William C. Galvin</i>   | <i>6th Norfolk</i>                 | <i>2/1/2019</i>  |
| <i>Colleen M. Garry</i>    | <i>36th Middlesex</i>              | <i>2/1/2019</i>  |
| <i>Sal N. DiDomenico</i>   | <i>Middlesex and Suffolk</i>       | <i>2/1/2019</i>  |
| <i>Michael O. Moore</i>    | <i>Second Worcester</i>            | <i>2/1/2019</i>  |
| <i>John F. Keenan</i>      | <i>Norfolk and Plymouth</i>        | <i>2/1/2019</i>  |
| <i>Bradford Hill</i>       | <i>4th Essex</i>                   | <i>2/1/2019</i>  |
| <i>Mark C. Montigny</i>    | <i>Second Bristol and Plymouth</i> | <i>2/1/2019</i>  |

|                                |                                     |                  |
|--------------------------------|-------------------------------------|------------------|
| <i>Brian W. Murray</i>         | <i>10th Worcester</i>               | <i>2/4/2019</i>  |
| <i>Paul R. Feeney</i>          | <i>Bristol and Norfolk</i>          | <i>2/4/2019</i>  |
| <i>James K. Hawkins</i>        | <i>2nd Bristol</i>                  | <i>2/6/2019</i>  |
| <i>Maria Duaine Robinson</i>   | <i>6th Middlesex</i>                | <i>2/11/2019</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>2/15/2019</i> |

**SENATE . . . . . No. 175**

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By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 175) of Patrick M. O'Connor, Jason M. Lewis, James T. Welch, Marc R. Pacheco and other members of the General Court for legislation to ban the retail sale of cats and dogs in pet shops. Consumer Protection and Professional Licensure.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act banning the retail sale of cats and dogs in pet shops.

*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. Chapter 129 of the General Laws is hereby amended by adding the  
2 following new section:-

3 Section 39H. (a) For the purpose of this section, the following words shall have the  
4 following meanings:

5 "Animal Shelter", means a public animal control facility or other facility which is  
6 operated by an organization or individual for the purpose of protecting animals from cruelty,  
7 neglect or abuse and, if required, is registered with the state's Department Agricultural  
8 Resources. The term does not include an entity that is a breeder or broker or that obtains dogs,  
9 cats, or rabbits from a breeder or broker for payment or consideration

10 "Animal Rescue Organization", means a non-for-profit organization that has tax-exempt  
11 status under section 501(c)(3) of the Internal Revenue Code and is registered with the state's

12 Department of Agricultural Resources, if required, and that either on its own behalf or as a  
13 facilitator for others engages or arranges for others to engage in the activities of transferring  
14 ownership of domestic animals. The term does not include an entity that is a breeder or broker or  
15 that obtains dogs, cats, or rabbits from a breeder or broker for payment or compensation.

16 “Breeder” means a person that maintains dogs, cats, or rabbits for the purpose of breeding  
17 and selling their offspring.

18 “Broker” means a person that transfers dogs, cats, or rabbits for resale by another person.

19 “Pet shop” means any place or premise where birds, mammals, or reptiles are kept for the  
20 purpose of either wholesale or retail sale, import, export, barter, exchange or gift.

21 (b) A pet shop may not sell, deliver, offer for sale, barter, auction or otherwise dispose of  
22 a cat, dog, or rabbit except as provided in subsection (c).

23 (c) The provisions of subsection (b) shall not apply to: (1) A public or private charitable  
24 nonprofit animal shelter or animal rescue organization; (2) A pet shop offering a cat, dog, or  
25 rabbit owned by a public or private charitable nonprofit animal shelter or animal rescue  
26 organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so  
27 long as the pet shop does not receive any fee from the adoption and does not have any monetary  
28 or ownership interest in the cat, dog, or rabbit.

29 (d) Each pet shop shall maintain records sufficient to document the source of each dog,  
30 cat, or rabbit that the pet shop acquires for at least one year following the date of acquisition.  
31 Such records shall be made available, immediately upon request, to any officer of the Division of  
32 Animal Health.

33           (e) A person who violates this section shall be punished by fine of not more \$500. Each  
34 dog, cat, or rabbit sold or offered for sale in violation of this section shall constitute a separate  
35 offense.

36           SECTION 2. This act shall go into effect 90 days after its passage.

**HOUSE . . . . . No. 800**

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Natalie M. Higgins*

*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 banning the retail sale of cats and dogs in pet shops.

PETITION OF:

| NAME:                         | DISTRICT/ADDRESS:      |
|-------------------------------|------------------------|
| <i>Natalie M. Higgins</i>     | <i>4th Worcester</i>   |
| <i>Jack Patrick Lewis</i>     | <i>7th Middlesex</i>   |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i>   |
| <i>Peter Capano</i>           | <i>11th Essex</i>      |
| <i>Mary S. Keefe</i>          | <i>15th Worcester</i>  |
| <i>Ann-Margaret Ferrante</i>  | <i>5th Essex</i>       |
| <i>David Paul Linsky</i>      | <i>5th Middlesex</i>   |
| <i>Ruth B. Balsler</i>        | <i>12th Middlesex</i>  |
| <i>Tram T. Nguyen</i>         | <i>18th Essex</i>      |
| <i>Tommy Vitolo</i>           | <i>15th Norfolk</i>    |
| <i>Lindsay N. Sabadosa</i>    | <i>1st Hampshire</i>   |
| <i>Elizabeth A. Malia</i>     | <i>11th Suffolk</i>    |
| <i>Louis L. Kafka</i>         | <i>8th Norfolk</i>     |
| <i>Daniel J. Ryan</i>         | <i>2nd Suffolk</i>     |
| <i>Adrian C. Madaro</i>       | <i>1st Suffolk</i>     |
| <i>David M. Rogers</i>        | <i>24th Middlesex</i>  |
| <i>Jason M. Lewis</i>         | <i>Fifth Middlesex</i> |
| <i>David Allen Robertson</i>  | <i>19th Middlesex</i>  |

|                                 |                                  |
|---------------------------------|----------------------------------|
| <i>Carole A. Fiola</i>          | <i>6th Bristol</i>               |
| <i>Bruce E. Tarr</i>            | <i>First Essex and Middlesex</i> |
| <i>Joan Meschino</i>            | <i>3rd Plymouth</i>              |
| <i>Patrick M. O'Connor</i>      | <i>Plymouth and Norfolk</i>      |
| <i>Michelle M. DuBois</i>       | <i>10th Plymouth</i>             |
| <i>Josh S. Cutler</i>           | <i>6th Plymouth</i>              |
| <i>Patrick Joseph Kearney</i>   | <i>4th Plymouth</i>              |
| <i>Denise Provost</i>           | <i>27th Middlesex</i>            |
| <i>Tricia Farley-Bouvier</i>    | <i>3rd Berkshire</i>             |
| <i>Joseph D. McKenna</i>        | <i>18th Worcester</i>            |
| <i>James M. Murphy</i>          | <i>4th Norfolk</i>               |
| <i>John Barrett, III</i>        | <i>1st Berkshire</i>             |
| <i>Richard M. Haggerty</i>      | <i>30th Middlesex</i>            |
| <i>Mike Connolly</i>            | <i>26th Middlesex</i>            |
| <i>Jonathan Hecht</i>           | <i>29th Middlesex</i>            |
| <i>Denise C. Garlick</i>        | <i>13th Norfolk</i>              |
| <i>Michael S. Day</i>           | <i>31st Middlesex</i>            |
| <i>John C. Velis</i>            | <i>4th Hampden</i>               |
| <i>Sean Garballey</i>           | <i>23rd Middlesex</i>            |
| <i>James Arciero</i>            | <i>2nd Middlesex</i>             |
| <i>Colleen M. Garry</i>         | <i>36th Middlesex</i>            |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i>            |
| <i>Marjorie C. Decker</i>       | <i>25th Middlesex</i>            |
| <i>Daniel R. Cullinane</i>      | <i>12th Suffolk</i>              |
| <i>Edward F. Coppinger</i>      | <i>10th Suffolk</i>              |
| <i>Bradford Hill</i>            | <i>4th Essex</i>                 |
| <i>Paul Brodeur</i>             | <i>32nd Middlesex</i>            |
| <i>Brian M. Ashe</i>            | <i>2nd Hampden</i>               |
| <i>Steven Ultrino</i>           | <i>33rd Middlesex</i>            |
| <i>Bruce J. Ayers</i>           | <i>1st Norfolk</i>               |
| <i>Paul F. Tucker</i>           | <i>7th Essex</i>                 |
| <i>David Biele</i>              | <i>4th Suffolk</i>               |
| <i>William C. Galvin</i>        | <i>6th Norfolk</i>               |
| <i>Lenny Mirra</i>              | <i>2nd Essex</i>                 |
| <i>James K. Hawkins</i>         | <i>2nd Bristol</i>               |
| <i>Brian W. Murray</i>          | <i>10th Worcester</i>            |
| <i>Linda Dean Campbell</i>      | <i>15th Essex</i>                |
| <i>Paul R. Feeney</i>           | <i>Bristol and Norfolk</i>       |

**HOUSE . . . . . No. 800**

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By Ms. Higgins of Leominster, a petition (accompanied by bill, House, No. 800) of Natalie M. Higgins and others for legislation to further regulate to sale of certain domestic animals. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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12 Department of Agricultural Resources, if required, and that either on its own behalf or as a

13 facilitator for others engages or arranges for others to engage in the activities of transferring  
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32 Animal Health.

33           (e) A person who violates this section shall be punished by fine of not more \$500. Each  
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36           SECTION 2. This act shall go into effect 90 days after its passage.