

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Harriette L. Chandler***

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*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 protecting the health and safety of puppies and kittens in cities and towns.

\_\_\_\_\_

PETITION OF:

NAME:

*Harriette L. Chandler*

DISTRICT/ADDRESS:

*First Worcester*

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

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act protecting the health and safety of puppies and kittens in cities and towns.

*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

2 Chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby  
3 amended by inserting after section 141B the following section:-

4 Section 141C. (a) No person shall sell or offer for sale a puppy or kitten that is under 8  
5 weeks of age. A violation of this subsection shall be punished by a fine of \$100 for each puppy  
6 or kitten transferred.

7 SECTION 2

8 Chapter 140 of the General Laws is hereby further amended by inserting after section  
9 174F, the following section:-

10 Section 174G. The department shall promulgate rules and regulations for boarding  
11 kennels and daycare facilities for dogs and cats, including home-based kennels and catteries and  
12 daycare facilities, including, but not limited to staff to dog and cat ratios, group sizes and

13 supervision, minimum housing and care requirements, indoor and outdoor physical facility  
14 requirements, dog and cat handling, insurance, and penalties for violation thereof.

15         The department shall make rules and regulations for the maintenance and inspection of  
16 commercial breeder kennels or catteries and personal kennels or catteries in which not less than 5  
17 sexually-intact female dogs or cats are kept for the purpose of breeding the dogs or cats and sell  
18 the offspring as household pets. The rules and regulations shall ensure that the dogs, cats and  
19 offspring thereof: (i) have proper housing, which shall include requirements for adequate space,  
20 temperature, solid flooring and a prohibition on the stacking of cages, nutrition, hydration,  
21 behavioral requirements, grooming, staffing, handling, health and veterinary care, waste  
22 disposal, exercise, socialization and other general standards of care; (ii) are bred in accordance  
23 with responsible breeding practices; and (iii) have their housing regularly inspected to ensure  
24 that their kennels and catteries are maintained in accordance with this section.

25         In developing rules and regulations under this section, the department shall consider the  
26 recommended standards of the American Veterinary Medical Association.

27         The rules and regulations must be promulgated not more than 18 months after date of  
28 enactment.

### 29         SECTION 3

30         Section 136A of chapter 140 of the General Laws, as appearing in the 2016 Official  
31 Edition, is hereby amended by inserting after the definition of “Attack” the following definition:-

32 “Cattery”, a pack or collection of cats on a single premises, including a commercial  
33 boarding or training cattery, a commercial breeder cattery, a domestic charitable corporation  
34 cattery, a personal cattery and a veterinary cattery.

35 SECTION 4

36 Said chapter 140 is hereby further amended by striking out section 137C, as so appearing,  
37 and inserting in place thereof the following section:-

38 Section 137C. (a) The mayor of a city, the selectmen of a town, the police commissioner  
39 in the city of Boston, a chief of police or an animal control officer shall inspect a kennel or  
40 cattery or cause the inspection of a kennel or cattery at least 1 time per year. If a person holding a  
41 license or applying for a license to operate a kennel or cattery refuses to allow an inspector to  
42 enter and inspect a kennel or cattery, the refusal shall be grounds for denial, suspension or  
43 revocation of a person’s license to operate a kennel or cattery.

44 Twenty-five citizens of a city or town may file a petition with the mayor of a city, the  
45 selectmen of a town or the police commissioner in the city of Boston, as the case may be, stating  
46 that they are aggrieved or annoyed to an unreasonable extent that constitutes a nuisance by a dog  
47 or cat maintained in the city or town due to excessive barking or other conditions connected with  
48 a kennel or cattery. The mayor, selectmen or police commissioner, as the case may be, shall, not  
49 more than 7 days after the filing of the petition, give notice to all interested parties of a public  
50 hearing. The hearing shall be held not more than 14 days after the date of the notice. The mayor,  
51 selectmen or police commissioner shall, not more than 7 days after the public hearing,  
52 investigate or cause to be investigated the subject matter of the petition and shall, by order: (i)

53 suspend the kennel or cattery license; (ii) revoke the kennel or cattery license; (iii) further  
54 regulate the kennel or cattery; or (iv) dismiss the petition.

55 (b) The inspection of a kennel or cattery to enforce the rules and regulations promulgated  
56 under section 174G may be done by the commissioner or an authorized inspector and shall take  
57 place between the hours of 7:00 a.m. and 7:00 p.m. unless an alternate time is mutually agreed  
58 upon by the inspector and the operator. The operator or an authorized agent of the operator shall  
59 be present during the inspection and the operator shall be given a reasonable notice prior to the  
60 inspection; provided, however, that the commissioner or other authorized inspector may  
61 determine that it is not appropriate to provide advance notice to the operator before arriving at  
62 the facility if necessary to adequately perform the inspection. If a kennel or cattery regulated  
63 under said section 174G is located at a private residence, only the areas of the residence that are  
64 used for kennel or cattery purposes or for the maintenance of kennel or cattery records shall be  
65 required to be available for inspection. If in the judgment of the commissioner or an authorized  
66 inspector a kennel or cattery is not being maintained in a sanitary and humane manner or if  
67 records have not been properly kept as required by law and in compliance with said section  
68 174G, the commissioner or authorized inspector shall, by order, suspend the license for the  
69 kennel or cattery depending on the severity of the offense or issue to the operator a written  
70 citation or notice which explains the noncompliant issue and requires the operator to come into  
71 compliance within a reasonable, specified timeframe. If the operator fails to come into  
72 compliance within the time period specified by the commissioner or authorized inspector, the  
73 commissioner or authorized inspector shall, by order, revoke the license for the kennel or cattery.

74 (c) A written notice under subsection (a) or (b) of an order revoking or suspending the  
75 license, further regulating the kennel or cattery or dismissing the petition shall be mailed

76 immediately to the licensee and to the officer that issued the license. Not more than 10 days after  
77 the written notice of the order, the licensee may file a petition in the district court in the judicial  
78 district in which the kennel or cattery is maintained seeking review of the order. The decision of  
79 the court shall be final and conclusive upon the parties. A person maintaining a kennel or cattery  
80 after the license to maintain a kennel or cattery has been revoked or suspended shall be punished  
81 by a fine of not more than \$250 for a first offense, by a fine of not less than \$500 for a second  
82 offense and by a fine of not more than \$1,500 for a third or subsequent offense.

83 SECTION 5

84 Section 137 of chapter 140 of the General Laws, as appearing in the 2016 Official  
85 Edition, is hereby amended by striking out, in subsection (c), the first and second sentence.

86 SECTION 6

87 Section 137 of chapter 140 of the General Laws is hereby further amended by striking  
88 out, in line 19, the words “leather or other”

89 SECTION 7

90 Section 137 of chapter 140 of the General Laws is hereby further amended by striking  
91 out, in subsection (c), the sixth sentence.

92 SECTION 8

93 Section 137A of chapter 140 of the General Laws, is hereby amended by striking out  
94 subsection (a), as appearing in the 2016 Official Edition, and inserting in place thereof the  
95 following subsection:-

96 (a) A person keeping more than 4 dogs, 3 months old or older shall obtain a kennel  
97 license. The kennel license is in addition to the individual licenses for dogs over the age of 6  
98 months, as required in section 137. In the case of an applicant for initial licensure and in the case  
99 of an applicant for license renewal, a licensing authority shall deny a kennel license until a  
100 kennel has passed inspection by an animal control officer.

101 SECTION 9

102 Section 137A of chapter 140 of the General Laws, is hereby further amended by striking  
103 out, in subsection (b), the first through the fourth sentence.

104 SECTION 10

105 Section 137A of chapter 140 of the General Laws, is hereby further amended by striking  
106 out, in subsection (b), the sixth sentence.

107 SECTION 11

108 Section 137A of chapter 140 of the General Laws is hereby further amended by inserting,  
109 after subsection (c), the following subsection:- (d) The licensing authority shall specify the  
110 maximum number of dogs that may be maintained by the licensee on the license. Such number  
111 shall be determined by the licensing authority and the animal control officer following the  
112 required inspection.

113 SECTION 12

114 Said chapter 140 is hereby further amended by striking section 137B, as appearing in the  
115 2016 Official Edition, and inserting in place thereof the following section:-

116 Section 137B. (a) Every holder of a kennel license, on delivering a dog to a purchaser or  
117 to any other person, shall record the name and address of such purchaser, the date of purchase,  
118 exchange or gift and a description of the dog. (b) The licensee shall retain such records for a  
119 period of 36 months.

120 (c) The licensee shall within 30 days of the date of purchase, exchange or gift send a copy  
121 of the record to: (i) the clerk in the city or town where the kennel license is held; and (ii) the  
122 licensing authority in the city or town where such purchaser resides.

### 123 SECTION 13

124 Chapter 140 of the General Laws is hereby amended by inserting after section 141C the  
125 following section:-

126 Section 141D. (a) No person shall sell, exchange, trade, barter, lease or display for  
127 commercial purposes any dog or cat on any roadside, public right-of-way, parkway, median,  
128 park or other recreation area, flea market or other outdoor market, or commercial or retail  
129 parking lot.

130 (b) This section shall not apply to: (1) the transfer of a dog or cat by, or to, a shelter,  
131 municipal animal control facility or animal rescue organization that is registered with the  
132 department, if required, and regardless of payment or compensation; or (2) the display of a dog  
133 or cat as part of a state or county fair exhibition, a 4-H program or similar exhibition or  
134 educational program.

135 (c) A person that violates this section shall be punished by a fine of not more than \$50 for  
136 a first offense, a fine of not more than \$100 for a second offense and a fine of not more than



137 \$300 for a third or subsequent offense. Each dog or cat sold in violation of this section shall  
138 constitute a separate offense.

139 (d) A city or town shall enforce this section through its animal control officers or police  
140 officers in a manner consistent with the disposition provisions in section 21D of chapter 40.