

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dean Campbell

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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/19/2021</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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. Chapter 140 of the General Laws is hereby amended by inserting after
2 section 141B the following section:-

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

6 SECTION 2. Section 1A of Chapter 128 of the General Laws, as appearing in the 2018
7 Official Edition, is hereby amended in line 6 by inserting after the word “horses” the first time it
8 appears the following:- but not including dogs or cats

9 SECTION 3. Chapter 129 of the General Laws, as appearing in the 2018 Official Edition,
10 is hereby amended by inserting after section 39G a new section:-

11 39H. Every person engaged in the business of operating a commercial boarding or
12 training kennel or a commercial breeder kennel, as defined in section 136A of chapter 140, shall

13 obtain a license thereof from the director. The director shall also determine when a license is
14 required for a personal kennel, as defined in section 136A of chapter 140, when used for the
15 purpose of breeding dogs to sell the offspring as household pets. This license shall be in addition
16 to any kennel license required under section 137A of chapter 140.

17 SECTION 4. Section 137 of chapter 140 of the General Laws, as appearing in the 2016
18 Official Edition, is hereby amended by striking out, in subsection (c), the first and second
19 sentence.

20 SECTION 5. Section 137 of chapter 140 of the General Laws is hereby further amended
21 by striking out, in subsection (c), the sixth sentence.

22 SECTION 6. Section 137A of chapter 140 of the General Laws, is hereby amended by
23 striking out subsection (a), as appearing in the 2016 Official Edition, and inserting in place
24 thereof the following subsection:-

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

30 SECTION 7. Section 137A of chapter 140 of the General Laws, is hereby further
31 amended by striking out, in subsection (b), the first through the fourth sentence.

32 SECTION 8. Section 137A of chapter 140 of the General Laws is hereby further
33 amended by inserting, after subsection (c), the following subsection:-

34 (d) The licensing authority shall specify the maximum number of dogs that may be
35 maintained by the licensee on the license. Such number shall be determined by the licensing
36 authority and the animal control officer following the required inspection.

37 SECTION 9. Said chapter 140 is hereby further amended by striking section 137B, as
38 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

39 Section 137B. (a) Every holder of a kennel license, on delivering a dog to a purchaser or
40 to any other person, shall record the name and address of such purchaser, the date of purchase,
41 exchange or gift and a description of the dog.

42 (b) The licensee shall retain such records for a period of 36 months.

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

46 SECTION 10. Chapter 140 of the General Laws is hereby further amended by inserting
47 after section 141C the following section:-

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

52 (b) This section shall not apply to: (1) the transfer of a dog or cat by, or to, a shelter,
53 municipal animal control facility or animal rescue organization that is registered with the
54 department, if required, and regardless of payment or compensation; or (2) the display of a dog

55 or cat as part of a state or county fair exhibition, a 4-H program or similar exhibition or
56 educational program.

57 (c) A person that violates this section shall be punished by a fine of not more than \$50 for
58 a first offense, a fine of not more than \$100 for a second offense and a fine of not more than
59 \$300 for a third or subsequent offense. Each dog or cat sold in violation of this section shall
60 constitute a separate offense.

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

63 SECTION 11. Chapter 140 of the General Laws is hereby further amended by inserting
64 after section 141D, the following section:-

65 Section 141E. The department shall promulgate rules and regulations for entities licensed
66 in section 39H of chapter 129. Such rules and regulations shall include, but be not limited to,
67 housing and care requirements; facility requirements; staff qualifications, if applicable;
68 insurance, provider/animal ratios; socialization, including group sizes and supervision; animal
69 handling; and emergency response protocols.

70 The department shall approve required training programs regarding animal behavior for
71 staff employed at any commercial boarding or training kennel. The department shall require that
72 commercial boarding or training kennels report injuries to dogs or people to the department. The
73 department shall develop a form for such reporting and a time frame for submitting a report after
74 the injury. Additionally, the form shall be available on the department's website for the public to
75 report such injuries. The department shall make investigative reports publicly available on their
76 website.

77 The department shall have the ability to enforce this section under its powers in Chapter
78 129.

79 The rules and regulations shall be promulgated not more than 2 years after the date of
80 enactment.