



**OPPOSE SB230 - An Act Banning the Retail Sale of Cats and Dogs in Pet Shops
– Sen. Patrick M. O’Connor (R)**

Referred to: Joint Committee on Environment, Natural Resources and Agriculture

**OPPOSE HB384 - 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

WHAT THESE BILLS DO:

They would force pet shops to sell only dogs, cats and rabbits that come from a nonprofit shelter 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). The pet shop must keep records of the source and destination of every animal for at least one year. Each animal sold in violation of this section would be punished by a fine of not more than \$500. It would take effect 90 days after the bill passes.

WHY YOU SHOULD OPPOSE THESE BILLS:

Facts Necessary to Understand the Current Situation:

- Currently, pet store puppies and kittens are 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 conditions at commercial kennels – 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.
- Currently the largest suppliers of dogs in our state are shelters and rescues. Over 300 are registered and importing over 18,000 dogs a year. That doesn’t include others trying to operate under the radar without registration.
- The 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 and parasites, many of which affect people as well as animals.

What Would Happen if These Bills Become Law:

- It would substitute pets from federally regulated, inspected sources and replace them with pets with less health regulation and less proper socialization (shelters and rescues).
- Choices would be limited to primarily teenaged and adult mixed breeds – very few purebreds or puppies.

- Stores may not be able to partner with shelters, because the shelters don't want to give up this lucrative trade. When New Jersey passed a similar law, some stores had to do their own importing and brought in serious health problems.
- The law would encourage cheating: After California passed a similar law, some pet suppliers in Iowa and other locations tried to pass their puppies off as rescues in California.

People have the right to have the pet of their choice. We believe this bill is 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 greatly reduce access to a popular type of pet--purebreds raised in regulated facilities. Imports would increase and consumers would be forced to settle for poorer temperament and less healthy pets, limiting opportunities to own the kind of dog that allows people to ENJOY dog ownership.

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; acgjohn@aol.com; 978-456-8644

06/06/21

SENATE No. 230

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 to ban 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>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/25/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/25/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/26/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/26/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/3/2021</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/3/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/3/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/15/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/15/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/17/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/24/2021</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>3/24/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/26/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/26/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/9/2021</i>

SENATE No. 230

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 230) of Patrick M. O'Connor, James M. Murphy, Steven G. Xiarhos, Adam J. Scanlon 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 175 OF 2019-2020.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
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An Act to ban 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 or
9 cats 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 or cats from a breeder or broker for payment or compensation.

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

18 “Broker” means a person that transfers dogs or cats 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 dog or cat 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 dog or cat
25 owned by a public or private charitable nonprofit animal shelter or animal rescue organization
26 for purposes of adoption of the dog or cat by a member of the public, so long as the pet shop
27 does not receive any fee from the adoption and does not have any monetary or ownership interest
28 in the dog or cat.

29 (d) Each pet shop shall maintain records sufficient to document the source of each dog or
30 cat that the pet shop acquires for at least one year following the date of acquisition. Such records

31 shall be made available, immediately upon request, to any officer of the Division of Animal
32 Health.

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

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

HOUSE No. 384

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:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/29/2021</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/19/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/25/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/25/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/25/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/26/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>3/3/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/3/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/10/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>3/10/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/22/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>3/29/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/29/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>4/6/2021</i>

HOUSE No. 384

By Ms. Higgins of Leominster, a petition (accompanied by bill, House, No. 384) of Natalie M. Higgins and others for legislation to further regulate to sale of certain domestic animals. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 800 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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
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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.