

SENATE No. 2992

The Commonwealth of Massachusetts

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

SENATE, July 11, 2022.

The committee on Rules to whom was referred the House Bill protecting research animals (House, No. 901),- reports, recommending that the matter be placed in the Orders of the Day with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2992.

For the committee,
Joan B. Lovely

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1 Chapter 140 of the General Laws is hereby amended by inserting after section 174D the
2 following section:-

3 Section 174D½. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Animal rescue organization”, an organization: (i) whose mission and practice is the
6 placement of abandoned, unwanted, neglected or abused animals;(ii)that does not obtain dogs or
7 cats from a breeder or broker for payment or compensation; and (iii) that is an organization
8 exempt from taxation under section 501(c)(3) of the federal Internal Revenue Code or
9 corresponding sections of that code.

10 “Animal shelter”, a facility operated, owned or maintained by an animal rescue
11 organization that exists for the purpose of receiving, maintaining, caring for, transporting or
12 transferring ownership of a domestic animal; provided, however, that “animal shelter” shall not
13 include a foster home.

14 “Product testing facility”, a facility that is engaged in animal research for the testing of
15 consumer products.

“Research facility”, a higher education facility that utilizes dogs or cats for educational, medical or scientific research that receives public funds or a facility that provides such research through a contractual agreement with a higher education facility.

(b) A research facility or product testing facility shall, after the completion of testing or research involving a dog or cat that does not require euthanasia of the dog or cat upon the termination of the study, as defined and approved by the research or testing protocol, assess the health of the animal and determine whether the dog or cat is suitable for adoption. Except as otherwise provided in subsection (c), a research facility or product testing facility that intends to euthanize a dog or cat shall, before euthanizing the dog or cat, make a reasonable effort to offer the dog or cat for adoption to an individual, animal shelter or animal rescue organization to facilitate the adoption of the dog or cat to a permanent adoptive home. A research facility or product testing facility may enter into a collaborative agreement with an individual, animal shelter or animal rescue organization to carry out this subsection. A research facility, product testing facility, animal shelter or animal rescue organization that is facilitating the adoption of a dog or cat used for research or testing shall make reasonable efforts to: (i) facilitate permanent adoptions and discourage post-adoption transfers; and (ii) select adopters who demonstrate a willingness and ability to keep the animal permanently, provide an appropriate living space and accept lifelong responsibility for the animal’s care. Prior to entering into a collaborative agreement with an individual, an animal shelter or an animal rescue organization, a research facility or product testing facility shall carefully review the individual’s, animal shelter’s or animal rescue organization’s reputation, history of involvement with animal adoption and criminal history and, for an animal shelter or animal rescue organization, its mission statement.

(c) A research facility or product testing facility shall not be required to offer a dog or a cat to an individual, animal shelter or rescue organization pursuant to subsection (b) if the dog or cat: (i) manifests a behavioral or medical defect that poses a risk to the health and safety of the public; (ii) manifests symptoms of a disease, injury, congenital or hereditary condition that adversely affects, or is likely to adversely affect, the health of the dog or cat; or (iii) is a newborn dog or cat in need of maternal care and not appropriate for adoption. The attending veterinarian of the research facility or product testing facility or the attending veterinarian's designee shall assess the suitability of the dog or cat and determine its availability for adoption under this section.

(d) A research facility or product testing facility that is required to offer dogs and cats for adoption under this section shall not owe a duty of care to an animal shelter or animal rescue organization that accepts a dog or cat or to a person or entity that adopts a dog or cat, regardless of whether the adoption occurs through an animal shelter or animal rescue organization or private placement. A research facility or product testing facility shall not be responsible or liable for any injury, property damage or other damage or loss that results from the adoption or placement of a dog or cat pursuant to this act.