

**HOUSE . . . . . No. 2148**

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**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>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/25/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/25/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/25/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/26/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/26/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/26/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/26/2021</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/8/2021</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>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>4/7/2021</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>4/7/2021</i>

<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>7/6/2021</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>7/13/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>9/21/2021</i>

**HOUSE . . . . . No. 2148**

By Mrs. Campbell of Methuen, a petition (accompanied by bill, House, No. 2148) of Linda Dean Campbell and others relative to the business of operating a commercial boarding or training kennels or commercial breeder kennels. Municipalities and Regional Government.

**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.