

SENATE No. 1309**The Commonwealth of Massachusetts**

PRESENTED BY:

Mark C. Montigny*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 increase kennel safety aka Ollie's Law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Adam Gomez</i>	<i>Hampden</i>	<i>1/25/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/2/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/6/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/7/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/9/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/15/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/24/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/1/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/6/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/15/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>4/10/2023</i>

SENATE No. 1309

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1309) of Mark C. Montigny, Adam Gomez, Jacob R. Oliveira, Jack Patrick Lewis and other members of the General Court for legislation to increase kennel safety aka Ollie’s Law. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to increase kennel safety aka Ollie’s Law.

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. This Act shall be known as Ollie’s Law.

2 SECTION 2. Section 136A of chapter 140 of the General Laws, as appearing in the 2020
3 Official Edition, is hereby amended by striking out, in lines 2 and 7, the figure “174F” and
4 inserting in place thereof, in each instance, the following figure:- 174G.

5 SECTION 3. Section 136A of Chapter 140 of the General Laws, is hereby further
6 amended in the definition of “Personal kennel” by striking in line 77-79 the phrase “more than 4
7 dogs, 3 months old or older, owned or kept under single ownership, for private personal use;”
8 and replacing with the following phrase:-

9 5 or more dogs, 6 months old or older, owned or kept under single ownership, for private
10 personal use;

SECTION 4. Section 136A of Chapter 140 of the General Laws is hereby further amended in the definition of “Kennel” by adding in line 53 after the phrase “domestic charitable corporation kennel,” the phrase:- personal breeder kennel,

SECTION 5. Section 136A of Chapter 140 of the General Laws, is hereby further amended by inserting the following definition:-

“Personal breeder kennel”, a pack or collection of 3 or more intact female dogs on a single premise, kept for the purpose of breeding and selling the offspring to breeders or individuals by private sale, provided that this does not include a personal kennel where animals are only bred for private personal use and not offered for sale or exchange, nor a commercial breeder kennel where animals are sold or exchanged to wholesalers, brokers or pet shops in return for consideration.

SECTION 6. Chapter 129 of the General Laws is hereby amended by inserting after section 39G the following new section:-

39H. Every person operating a kennel, as defined in section 136A of Chapter 140, shall obtain a license as required by said chapter.

SECTION 7. Chapter 140 of the General Laws is hereby further amended by inserting after section 174F, the following section:-

Section 174G.

The department shall promulgate rules and regulations for commercial boarding or training kennels, including those located at a private residence, including, but not limited to staff to animal ratios, fire and emergency planning, group sizes and supervision, minimum housing

and care requirements, indoor and outdoor physical facility requirements, dog handling, and insurance. The department shall require commercial boarding or training kennels to report injuries to animals or people. The department shall develop a form for such reporting and a time frame for submitting a report after an injury. The form shall be available on the department's website for the public to report injuries. The department shall make investigative reports publicly available on its website if the investigation results in the department bringing enforcement action against the kennel. The department shall promulgate rules and regulations for commercial and personal breeder kennels to ensure that the animals and their offspring have proper housing, which shall include requirements for adequate space, temperature, solid flooring and a prohibition on the stacking of cages, nutrition, hydration, behavioral requirements, grooming, staffing, handling, health and veterinary care, exercise, socialization and other general standards of care.

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

SECTION 8. There shall be a committee to advise the commissioner of agricultural resources on the promulgation of regulations as required by section 174G of chapter 140 and to annually review the regulations once promulgated. The committee should advise on issues including, but not limited to, appropriate training for kennel staff. Such committee shall be appointed by the commissioner and consist of: 1 representative from the department of agricultural resources; 1 owner of a boarding kennel or doggie daycare with a kennel license with a capacity of not more than 50 dogs; 1 owner of a boarding kennel or doggie daycare with a kennel license with a capacity of 50 or more dogs in a kennel not located in a home; 1 animal control officer or representative of an association organized in the commonwealth for animal

control officers; 1 veterinarian or member of a veterinary medical association organized in the commonwealth; 1 member of the general public with an interest in the well-being of domestic animals; 1 animal behaviorist certified by International Association of Animal Behavior Consultants or a program as approved by the department; 1 person with a minimum of 5 years' experience training people on dog behavior; 1 dog breeder who breeds fewer than 10 dogs per year; 1 dog breeder who breeds more than 10 dogs per year; 1 representative from an animal protection organization; and other individuals as determined by the department.

The commissioner shall consider diversity, equity and inclusion aspects when appointed said committee. Members of the committee shall be residents of the commonwealth or do business in the commonwealth. The committee shall elect a chair at the initial meeting and every two years thereafter.

The commissioner shall appoint said committee within 90 days of the passage of this law.

SECTION 9. Section 137 of chapter 140 of the General Laws is hereby further amended by striking out, in subsection (c), the sixth sentence.

SECTION 10. Section 137A of chapter 140 of the General Laws, is hereby amended by striking out subsection (a) and (b) and inserting in place thereof the following subsection:-

(a) A person keeping 5 or more dogs, 6 months old or older shall obtain a kennel license. The kennel license is in addition to the individual licenses for dogs over the age of 6 months, as required in section 137. A licensing authority shall issue and revoke kennel licenses as specified in this chapter and any other laws. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, a licensing authority shall deny a kennel license until a kennel has passed inspection by an animal control officer.

(b) The issuing city or town shall determine the period of time for which a kennel license shall be valid, including the date of issuance of the license through the date on which the license expires, inclusive, and shall further determine the fee for the issuance and renewal of the license. To determine the amount of the license fee for a kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel. The name and address of the owner of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the kennel and available for inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.

SECTION 11. Section 137A of chapter 140 of the General Laws, is hereby further amended by striking subsection (d) and inserting place thereof the following:-

(d) The licensing authority shall specify the type of kennel, as defined in 136A of chapter 140, and the maximum number of animals that may be maintained by the licensee on the license. Such number shall be determined by the licensing authority and the animal control officer following the required inspection, and in accordance with regulations in section 174G to ensure the property can support the number of animals while ensuring their health and safety.

(e) The licensing authority shall annually on June 1 send to the department a list of all kennels and their addresses licensed by the city or town under this section.

(f) A city or town officer who refuses or willfully neglects to perform the duties imposed upon the officer by this section shall be in violation of this section.

(g) A person who violates this section shall be assessed a fine of \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

SECTION 12. Said chapter 140 is hereby further amended by striking out section 137C, as so appearing, and inserting in place thereof the following section:-

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

Twenty-five citizens of a city or town may file a petition with the mayor of a city, the selectmen of a town or the police commissioner in the city of Boston, as the case may be, stating that they are aggrieved or annoyed to an unreasonable extent that constitutes a nuisance by a dog maintained in the city or town due to excessive barking or other conditions connected with a kennel. The mayor, selectmen or police commissioner, as the case may be, shall, not more than 7 days after the filing of the petition, give notice to all interested parties of a public hearing. The hearing shall be held not more than 14 days after the date of the notice. The mayor, selectmen or police commissioner shall, not more than 7 days after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order: (i) suspend the kennel or license; (ii) revoke the kennel or license; (iii) further regulate the kennel; or (iv) dismiss the petition.

(b) The inspection of a kennel to enforce the rules and regulations promulgated under section 174G may be done by the commissioner or an authorized inspector and shall take place between the hours of 7:00 a.m. and 7:00 p.m. unless an alternate time is mutually agreed upon by

the inspector and the operator. The operator or an authorized agent of the operator shall be present during the inspection and the operator shall be given a reasonable notice prior to the inspection; provided, however, that the commissioner or other authorized inspector may determine that it is not appropriate to provide advance notice to the operator before arriving at the facility if necessary to adequately perform the inspection. If a kennel regulated under said section 174G is located at a private residence, only the areas of the residence that are used for kennel purposes or for the maintenance of kennel records shall be required to be available for inspection. If, in the judgment of the commissioner or an authorized inspector, a kennel is not being maintained in a sanitary and humane manner or if records have not been properly kept as required by law and in compliance with said section 174G, the commissioner or authorized inspector shall, by order, suspend the license for the kennel depending on the severity of the offense or issue to the operator a written citation or notice which explains the noncompliant issue and requires the operator to come into compliance within a reasonable, specified timeframe. If the operator fails to come into compliance within the time period specified by the commissioner or authorized inspector, the commissioner or authorized inspector shall, by order, revoke the license for the kennel.

(c) A written notice under subsection (a) of an order revoking or suspending the license, further regulating the kennel or dismissing the petition shall be mailed immediately to the licensee and to the officer that issued the license. Not more than 10 days after the written notice of the order, the licensee may file a petition in the district court in the judicial district in which the kennel is maintained seeking review of the order. The decision of the court shall be final and conclusive upon the parties. A person maintaining a kennel after the license to maintain a kennel has been revoked or suspended shall be punished by a fine of not more than \$250 for a first

143 offense, by a fine of not less than \$500 for a second offense and by a fine of not more than
144 \$1,500 for a third or subsequent offense.

145 (d) An enforcement action under subsection (b) from the department may be appealed
146 within 21 days to the Division of Administrative Law Appeals pursuant to M.G.L. c. 30A.

147 SECTION 13. Section 37 of Chapter 129 of the General Laws, as appearing in the 2020
148 Official Edition, is hereby amended by inserting after the fourth sentence the following
149 sentence:-

150 Such fines shall not revert to the General Fund and shall instead be deposited in the
151 Homeless Animal Prevention and Care Fund, as established by section 35ww of chapter 10 of
152 General Laws and shall be available for use in subsequent fiscal years.

153 SECTION 14. The department of agricultural resources shall promulgate the regulations
154 required under section 174G of chapter 140 of the General Laws not more than 18 months after
155 the effective date of this act.