

SENATE No. 1322

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/18/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/25/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/25/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/9/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>4/2/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/14/2021</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>7/13/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>9/24/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>10/21/2021</i>

SENATE No. 1322

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1322) of Harriette L. Chandler, Steven G. Xiarhos, Jack Patrick Lewis, Michael J. Barrett and other members of the General Court for legislation to protect the health and safety of puppies and kittens in cities and towns. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2760 OF 2019-2020.]

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, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting after section 141B the following section:-

3 Section 141C. (a) 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, is hereby amended by
7 inserting after the word “horses”, the following words:- but not including dogs or cats

SECTION 3. Chapter 129 of the General Laws is hereby amended by inserting after section 39G the following new section:-

39H. Every person engaged in the business of operating a commercial boarding or training kennel or a commercial breeder kennels, as defined in section 136A of Chapter 140, as well as personal kennels or catteries in which not less than 5 or more sexually-intact female dogs or cats are kept for the purpose of breeding the dogs or cats and sell the offspring as household pets, shall obtain a license thereof from the director. This license shall be in addition to the kennel or cattery license requirement under section 137A of chapter 140.

SECTION 4. 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 and daycare facilities for dogs and cats, including home-based kennels and catteries and daycare facilities, including, but not limited to staff to dog and cat ratios, group sizes and supervision, minimum housing and care requirements, indoor and outdoor physical facility requirements, dog and cat handling, insurance, and penalties for violation thereof. The department shall approve required training programs regarding animal behavior, handling, and body language for staff employed at any commercial boarding or training kennel. The department shall require that licensed commercial boarding or training kennels report injuries to dogs or people. The department shall develop a form for such reporting and a time frame for submitting a report after the injury. Additionally, the form shall be available on the department's

website for the public to use to report injuries. The department shall make investigative reports publicly available on their website.

The department shall make rules and regulations for the maintenance and inspection of commercial breeder kennels or catteries and personal kennels or catteries in which 5 or more sexually-intact female dogs or cats are kept for the purpose of breeding the dogs or cats and sell the offspring as household pets. The rules and regulations shall ensure that the dogs, cats and offspring thereof: (i) 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, waste disposal, exercise, socialization and other general standards of care; (ii) are bred in accordance with responsible breeding practices; and (iii) have their housing regularly inspected to ensure that their kennels and catteries are maintained in accordance with this section.

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

The rules and regulations must be promulgated not more than 18 months after the date of enactment.

SECTION 5. Section 136A of chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the definition of “Attack” the following definition:-

“Cattery”, a pack or collection of cats on a single premise as defined by the department including, but not limited to, commercial boarding or training kennels and premises where cats are kept for breeding and selling of the offspring.

SECTION 6. 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 cattery or cause the inspection of a kennel or cattery at least 1 time per year. If a person holding a license or applying for a license to operate a kennel or cattery refuses to allow an inspector to enter and inspect a kennel or cattery, the refusal shall be grounds for denial, suspension or revocation of a person's license to operate a kennel or cattery.

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 or cat maintained in the city or town due to excessive barking or other conditions connected with a kennel or cattery. 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 cattery license; (ii) revoke the kennel or cattery license; (iii) further regulate the kennel or cattery; or (iv) dismiss the petition.

(b) The inspection of a kennel or cattery 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 or cattery regulated under said section 174G is located at a private residence, only the areas of the residence that are used for kennel or cattery purposes or for the maintenance of kennel or cattery records shall be required to be available for inspection. If in the judgment of the commissioner or an authorized inspector a kennel or cattery 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 or cattery 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 or cattery.

(c) A written notice under subsection (a) or (b) of an order revoking or suspending the license, further regulating the kennel or cattery 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 or cattery 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 or cattery after the license to maintain a kennel or cattery has been revoked or suspended shall be punished

by a fine of not more than \$250 for a first offense, by a fine of not less than \$500 for a second offense and by a fine of not more than \$1,500 for a third or subsequent offense.

SECTION 7. Section 137 of chapter 140 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in subsection (c), the first and second sentence.

SECTION 8. Section 137 of chapter 140 of the General Laws is hereby further amended by striking out, in subsection (c), the sixth sentence.

SECTION 9. Section 137A of chapter 140 of the General Laws, is hereby amended by striking out subsection (a), as appearing in the 2016 Official Edition, and inserting in place thereof the following subsection:-

(a) A person keeping more than 4 dogs, 3 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. 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. The licensing authority shall specify the maximum number of dogs 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. 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 10. Section 137A of chapter 140 of the General Laws, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-.

(b) A person maintaining a cattery shall obtain a cattery license. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, a licensing authority shall not issue a cattery license until a cattery has passed inspection by an animal control officer. The issuing city or town shall determine the period of time for which a cattery 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. The licensing authority shall specify the maximum number of cats 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. The name and address of the owner of each cat kept in a cattery, if other than the person maintaining the kennel, shall be kept at the cattery and available for inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer. The licensing authority shall specify the maximum number of cats 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.

SECTION 11. Section 137A of chapter 140 of the General Laws, is hereby further amended by inserting, in line 33, after the word "license" the words:- or cattery license

140 SECTION 12. Said chapter 140 is hereby further amended by striking section 137B, as
141 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

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

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

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

149 SECTION 13. Chapter 140 of the General Laws is hereby amended by inserting after
150 section 141C the following section:-

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

155 (b) This section shall not apply to: (1) the transfer of a dog or cat by, or to, a shelter,
156 municipal animal control facility or animal rescue organization that is registered with the
157 department, if required, and regardless of payment or compensation; or (2) the display of a dog
158 or cat as part of a state or county fair exhibition, a 4-H program or similar exhibition or
159 educational program.

160 (c) A person that violates this section shall be punished by a fine of not more than \$50 for
161 a first offense, a fine of not more than \$100 for a second offense and a fine of not more than
162 \$300 for a third or subsequent offense. Each dog or cat sold in violation of this section shall
163 constitute a separate offense.

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