

HOUSE No. 901**The Commonwealth of Massachusetts**

PRESENTED BY:

Carolyn C. Dykema*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 research animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/10/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/17/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/17/2021</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/18/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/19/2021</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/20/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/22/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/24/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/24/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/25/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/25/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/26/2021</i>

<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>3/3/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/7/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>3/9/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>3/16/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/18/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>3/25/2021</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>3/26/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>3/29/2021</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/30/2021</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>3/31/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>4/5/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/12/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/28/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>4/30/2021</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>6/9/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>11/18/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>11/22/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/6/2022</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/20/2022</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>1/20/2022</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/21/2022</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/24/2022</i>

HOUSE No. 901

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 901) of Carolyn C. Dykema and others relative to the adoption of certain research animals. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

An Act protecting research animals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 140 of the General Laws, as appearing in the 2018 Official Edition, is hereby
2 amended by inserting after Section 174D the following section:-

3 (a) Section 174D1/2. As used in this section, the following words shall have the
4 following meanings, unless the context clearly requires otherwise:

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

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

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

(b) A research facility or product testing facility shall, after the completion of any testing or research involving a dog or cat that does not require euthanasia of the animal 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 animal 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, an animal shelter or an animal rescue organization for the purpose of facilitating the adoption of said dog or cat to a permanent adoptive home. A research facility or product testing facility may enter into a collaborative agreement with an individual, an animal shelter or an animal rescue organization for the purpose of carrying out the provisions of this subsection. A research facility, product testing facility, animal shelter or animal rescue organization involved with the adoption of a dog or cat used for research or testing shall make reasonable efforts to adhere to the principles of (i) facilitating permanent adoptions and discouraging post-adoption transfers, (ii) selecting adopters for willingness and ability to keep the animal permanently, provide an appropriate living space and accept lifelong responsibility for the animal’s care; and (iii) ensuring that collaboration with an individual, an animal shelter or an animal rescue organization should only occur after careful review of the

entity's mission statement (if an animal shelter or an animal rescue organization), reputation, history of involvement with animal adoption and criminal history.

(c) A research facility or product testing facility is not required to offer a dog or 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; or (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. The attending veterinarian of the research facility or product testing facility or designee shall be responsible for assessing the suitability of the dog or cat and determining its availability for adoption under this section.

(d) A facility that is required to offer dogs and cats for adoption under this section shall owe no duty of care to an animal shelter or rescue organization that accepts the animal or to a person or entity that adopts those animals, whether through the organizations or through private placement. No assumption of responsibility or liability for injuries, property damage or other damages or losses shall be incurred by a research institution or product testing facility on account of the adoption or placement of a dog or cat pursuant to the provisions of this act.

(e) Nothing in this act shall require a research institution or product testing facility to offer a dog or cat for adoption to an animal shelter, rescue organization or through private placement if the dog or cat is a newborn dog or cat in need of maternal care and not appropriate for adoption.