# **SENATE . . . . . . . . . . . . . . . No. 175**

### The Commonwealth of Massachusetts

PRESENTED BY:

#### Patrick M. O'Connor

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 banning the retail sale of cats and dogs in pet shops.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Patrick M. O'Connor	Plymouth and Norfolk	
Jason M. Lewis	Fifth Middlesex	1/23/2019
James T. Welch	Hampden	1/28/2019
Marc R. Pacheco	First Plymouth and Bristol	1/29/2019
Daniel J. Hunt	13th Suffolk	1/30/2019
Bruce E. Tarr	First Essex and Middlesex	1/30/2019
Ryan C. Fattman	Worcester and Norfolk	1/30/2019
James M. Murphy	4th Norfolk	1/31/2019
Joseph D. McKenna	18th Worcester	1/31/2019
Jack Patrick Lewis	7th Middlesex	1/31/2019
Mike Connolly	26th Middlesex	1/31/2019
William C. Galvin	6th Norfolk	2/1/2019
Colleen M. Garry	36th Middlesex	2/1/2019
Sal N. DiDomenico	Middlesex and Suffolk	2/1/2019
Michael O. Moore	Second Worcester	2/1/2019
John F. Keenan	Norfolk and Plymouth	2/1/2019
Bradford Hill	4th Essex	2/1/2019
Mark C. Montigny	Second Bristol and Plymouth	2/1/2019

Brian W. Murray	10th Worcester	2/4/2019
Paul R. Feeney	Bristol and Norfolk	2/4/2019
James K. Hawkins	2nd Bristol	2/6/2019
Maria Duaime Robinson	6th Middlesex	2/11/2019
William N. Brownsberger	Second Suffolk and Middlesex	2/15/2019
John Barrett, III	1st Berkshire	5/1/2019
Patrick Joseph Kearney	4th Plymouth	5/1/2019
Julian Cyr	Cape and Islands	5/8/2019
Walter F. Timilty	Norfolk, Bristol and Plymouth	7/11/2019
Michael J. Soter	8th Worcester	7/18/2019
Kathleen R. LaNatra	12th Plymouth	7/24/2019
James B. Eldridge	Middlesex and Worcester	12/11/2019
Joanne M. Comerford	Hampshire, Franklin and Worcester	1/13/2020

## **SENATE . . . . . . . . . . . . . . . No. 175**

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 175) of Patrick M. O'Connor, Jason M. Lewis, James T. Welch, Marc R. Pacheco and other members of the General Court for legislation to ban the retail sale of cats and dogs in pet shops. Consumer Protection and Professional Licensure.

### The Commonwealth of Alassachusetts

In the One Hundred and Ninety-First General Court (2019-2020)

An Act banning the retail sale of cats and dogs in pet shops.

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 129 of the General Laws is hereby amended by adding the
- 2 following new section:-
- 3 Section 39H. (a) For the purpose of this section, the following words shall have the
- 4 following meanings:
- 5 "Animal Shelter", means a public animal control facility or other facility which is
- 6 operated by an organization or individual for the purpose of protecting animals from cruelty,
- 7 neglect or abuse and, if required, is registered with the state's Department Agricultural
- 8 Resources. The term does not include an entity that is a breeder or broker or that obtains dogs,
- 9 cats, or rabbits from a breeder or broker for payment or consideration
- 10 "Animal Rescue Organization", means a non-for-profit organization that has tax-exempt
- status under section 501(c)(3) of the Internal Revenue Code and is registered with the state's

Department of Agricultural Resources, if required, and that either on its own behalf or as a facilitator for others engages or arranges for others to engage in the activities of transferring ownership of domestic animals. The term does not include an entity that is a breeder or broker or that obtains dogs, cats, or rabbits from a breeder or broker for payment or compensation.

"Breeder" means a person that maintains dogs, cats, or rabbits for the purpose of breeding and selling their offspring.

"Broker" means a person that transfers dogs, cats, or rabbits for resale by another person.

"Pet shop" means any place or premise where birds, mammals, or reptiles are kept for the purpose of either wholesale or retail sale, import, export, barter, exchange or gift.

- (b) A pet shop may not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat, dog, or rabbit except as provided in subsection (c).
- (c) The provisions of subsection (b) shall not apply to: (1) A public or private charitable nonprofit animal shelter or animal rescue organization; (2) A pet shop offering a cat, dog, or rabbit owned by a public or private charitable nonprofit animal shelter or animal rescue organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so long as the pet shop does not receive any fee from the adoption and does not have any monetary or ownership interest in the cat, dog, or rabbit.
- (d) Each pet shop shall maintain records sufficient to document the source of each dog, cat, or rabbit that the pet shop acquires for at least one year following the date of acquisition.

  Such records shall be made available, immediately upon request, to any officer of the Division of Animal Health.

- 33 (e) A person who violates this section shall be punished by fine of not more \$500. Each dog, cat, or rabbit sold or offered for sale in violation of this section shall constitute a separate offense.
- 36 SECTION 2. This act shall go into effect 90 days after its passage.