

HOUSE No. 1774

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:
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>

<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>

HOUSE No. 1774

By Mrs. Campbell of Methuen, a petition (accompanied by bill, House, No. 1774) of Linda Dean Campbell and others relative to oversight of dogs and cats by cities and towns. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

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

4 SECTION 2. Section 137 of chapter 140 of the General Laws is hereby further amended
5 by striking out, in line 19, the words “leather or other”

6 SECTION 3. Section 137 of chapter 140 of the General Laws is hereby further amended
7 by striking out, in subsection (c), the sixth sentence.

8 SECTION 4. Section 137A of chapter 140 of the General Laws, is hereby amended by
9 striking out subsection (a), as appearing in the 2016 Official Edition, and inserting in place
10 thereof the following subsection:-

11 (a) A person keeping more than 4 dogs, 3 months old or older shall obtain a kennel
12 license. The kennel license is in addition to the individual licenses for dogs over the age of 6
13 months, as required in section 137. In the case of an applicant for initial licensure and in the case
14 of an applicant for license renewal, a licensing authority shall deny a kennel license until a
15 kennel has passed inspection by an animal control officer.

16 SECTION 5. Section 137A of chapter 140 of the General Laws, is hereby further
17 amended by striking out, in subsection (b), the first through the fourth sentence.

18 SECTION 6. Section 137A of chapter 140 of the General Laws, is hereby further
19 amended by striking out, in subsection (b), the sixth sentence.

20 SECTION 7. Section 137A of chapter 140 of the General Laws is hereby further
21 amended by inserting, after subsection (c), the following subsection:-

22 (d) The licensing authority shall specify the maximum number of dogs that may be
23 maintained by the licensee on the license. Such number shall be determined by the licensing
24 authority and the animal control officer following the required inspection.

25 SECTION 8. Said chapter 140 is hereby further amended by striking section 137B, as
26 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

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

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

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

34 SECTION 9. Chapter 140 of the General Laws, as appearing in the 2016 Official Edition,
35 is hereby amended by inserting after section 141B the following section:-

36 Section 141C. No person shall sell or offer for sale a puppy or kitten that is under 8
37 weeks of age. A violation of this subsection shall be punished by a fine of \$100 for each puppy
38 or kitten transferred.

39 SECTION 10. Chapter 140 of the General Laws is hereby amended by inserting after
40 section 141C the following section:-

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

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

50 (c) A person that violates this section shall be punished by a fine of not more than \$50 for
51 a first offense, a fine of not more than \$100 for a second offense and a fine of not more than

52 \$300 for a third or subsequent offense. Each dog or cat sold in violation of this section shall
53 constitute a separate offense.

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

56 SECTION 11. Chapter 140 of the General Laws is hereby further amended by inserting
57 after section 141D, the following section:-

58 Section 141E. The department shall promulgate rules and regulations for (i) boarding and
59 daycare facilities for dogs and cats, including those that conduct overnight stays and home-based
60 kennels; and (ii) commercial breeder kennels and personal kennels where dogs are used for the
61 purpose of breeding and selling the offspring. Such rules and regulations shall include, but be not
62 limited to, housing and care requirements; facility requirements; staff qualifications, if
63 applicable; provider/animal ratios; socialization, including group sizes and supervision; animal
64 handling; and emergency response protocols. The rules and regulations must be promulgated not
65 more than 18 months after date of enactment.