

**SENATE . . . . . No. 90**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gomez*

*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 relative to animal welfare and DCF regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam Gomez</i>	<i>Hampden</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/23/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/9/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</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>

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By Mr. Gomez, a petition (accompanied by bill, Senate, No. 90) of Adam Gomez, Jack Patrick Lewis, Vanna Howard, Angelo J. Puppolo, Jr. and other members of the General Court for legislation relative to animal welfare and DCF regulations. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

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

An Act relative to animal welfare and DCF regulations.

*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 42 of Chapter 19A, as appearing in the 2020 Official Edition of the  
2 General Laws, is hereby amended by striking out, in line 52, the words “During any investigation  
3 or evaluation reported under section 18, any” and replacing with the following word:- "Any".

4 SECTION 2. Section 14 of Chapter 19C, as appearing in the 2020 Official Edition of the  
5 General Laws, is hereby amended by striking out, in line 1, the words “During any investigation  
6 or evaluation reported under section 5, any” and replacing with the following word:- "Any".

7 SECTION 3. Section 85 of Chapter 119, as appearing in the 2020 Official Edition of the  
8 General Laws, is hereby amended by striking out, in line 1, the words “During any investigation  
9 or evaluation reported under section 51A, any” and replacing with the following word:- "Any".

10 SECTION 4. Chapter 119, as appearing, is hereby amended by adding the following new  
11 section:-

12 Section 26D.

13 The Department reserves the right to request that a foster/pre-adoptive parent applicant or  
14 foster/pre-adoptive parent obtain and provide a copy of a behavior/temperament assessment  
15 and/or provide veterinary records on any animal maintained on the premises used as a foster/pre-  
16 adoptive home. The cost of the behavior/temperament assessment will be borne by the foster/pre-  
17 adoptive parent or applicant. The Department shall not restrict placement of a child solely based  
18 on the presence of any particular breed of dog in the home. The department may consider:

19 (a) The age, size, and sex of the child;

20 (b) Any prior incidents of dangerous behavior between child and animals in previous  
21 placements;

22 (c) Dog is free from disease and parasites and licensed and vaccinated as prescribed by  
23 law;

24 (d) The age, sex, and size of the dog;

25 (e) Whether the dog has been neutered;

26 (f) A copy of a behavior/temperament assessment, the cost of which should be borne by  
27 the foster/pre-adoptive parent or applicant;

28 (g) Veterinary records and contact information of veterinarian of any animal on the  
29 premises used as a foster/pre-adoptive home;

30 (h) Any prior incidents of dangerous behavior/incidents by the dog;

31 (i) Behavioral aspects of the child(ren);

32 (j) Number of dogs on the premises; and

33 (k) Whether the dog is penned or caged at any time, and if so, under what circumstances  
34 and for what purpose.

35 The Department reserves the right to request that the foster/pre-adoptive parent applicant  
36 or foster/pre-adoptive parent obtain and provide any other information deemed necessary to the  
37 safety and well-being of the children as it relates to the status of animals in the home.

38 SECTION 5. Notwithstanding any general or special law to the contrary, the department  
39 of children and families may promulgate regulations for the purpose of implementing this Act.