

HOUSE No. 5006

Substituted by the House, on motion of Mr. Pedone of Worcester, for a bill with the same title (House, No. 4893). July 23, 2008.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO THE RENTAL OF PETS.

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 272 of the General Laws is hereby amended by inserting
2 after Section 80H the following sections:—

3 Section 80I. (a) As used in this section, the following words shall,
4 unless the context clearly requires otherwise, have the following
5 meanings:-

6 “Assistance and service dog”, any canine specifically trained to
7 help people who have disabilities or any canine trained to help a
8 person with a disability in life. This term shall also include canines
9 trained for search and rescue and medical response dogs.

10 “Canine foster care”, any organization based in the Common-
11 wealth that places canines in a temporary home while awaiting pet
12 adoption.

13 “Pet adoption”, the process of taking permanent ownership of and
14 responsibility for a pet that a previous owner has abandoned or oth-
15 erwise abdicated its responsibility.

16 “Earth dog”, any canine breed used as hunting dogs to track game
17 above and below ground.

18 “Farm dog”, any canine that works on a farm to assist humans or
19 other animals.

20 “Renting and leasing”, the intentional practice and advertising of
21 renting a dog for a fee or a cost which will knowingly result in a
22 temporary ownership of the animal by another party.

23 “Therapy dog”, any canine that is used under the ownership and
24 care of its handler that visits people for educational, medical or
25 mental purposes.

26 (b) No person shall engage in the business of leasing or renting
27 dogs. Any dogs held for such leasing or renting may be seized or
28 impounded by an organization or authorized agent thereof that is
29 empowered to seize or impound under the General Laws. A viola-
30 tion of this section shall be punished by a fine not less than \$100
31 dollars for the first violation, not less then \$500 dollars for the
32 second violation and \$1000 dollars for subsequent violations. Fines
33 may be levied on both the business that is leasing dogs and the
34 person that has entered into a rental agreement. This section is not
35 intended to prohibit service animal businesses or organizations, pet
36 adoption and foster care services, and working animals for the
37 following purposes including, but not limited to: service animal
38 businesses or organizations, pet adoption and foster care services,
39 farming and agriculture, working dog activities, dogs working in
40 entertainment and shows which are already acceptable under the
41 General Laws; dogs participating in performance sports or activities,
42 including but not limited to sporting, hunting, earth dog, and racing
43 dog activities; and people engaged in breeding, training, showing
44 dogs, and dogs used for medical or scientific purposes so long it is
45 lawful. This section shall not prohibit a pet store or kennel or pet
46 adoption service or other entity allowed to sell pets under the
47 General Laws for a fee or a cost from taking back a pet they may
48 have sold if the owner cannot keep or handle the pet they acquired.