

# SENATE NO. 1197

## **AN ACT** RELATIVE TO THE REGULATION OF ANIMAL SHELTERS

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

1 Whereas, the Massachusetts Legislature recognizes that shelters and rescue organizations are:  
2 an integral part of helping stray, homeless, displaced, abused, neglected cats and dogs find  
3 shelter, permanent homes and foster care; whose primary goal is to advocate and protect  
4 animals and not to profit from their sale;

5 Whereas the Massachusetts Legislature recognizes that shelters are non profit organizations who  
6 function through employed management and staff, work of volunteers, charitable contributions  
7 and foundations;

8 Whereas the Massachusetts Legislature recognizes that: importing animals from other states,  
9 territories and countries pose potential health and safety concerns for the constituents of the  
10 Commonwealth including the introduction of diseases; that the health and safety of the  
11 constituents of the Commonwealth should remain the primary goal of the State and its agencies;  
12 Chapter 129 of the general laws is hereby amended by inserting the following:

13 Section 39E: Shelters: Regulations

14 SECTION1:

15 Definitions:

16 "Shelter" – For the purposes of this section shelter shall be considered a non profit 501 (c) 3  
17 organization whose mission includes rescuing cats and dogs from homelessness or abusive  
18 homes and is dedicated to sheltering, caring for, and finding them permanent homes.

19 "Rescue organization" – a 501(c)3 organization which arranges for the transfer of cats  
20 and/or dogs to foster homes.

21 "Department"- Department of agricultural resources

22 "Pet supply store" – a commercial establishment that sells provisions for pets which may  
23 include the sales of small animals but shall not include the sales of dogs and cats.

24 SECTION 2: The department is hereby authorized to draft and issue regulations for the  
25 operation of shelters and rescue organizations operating in or conducting business in the  
26 Commonwealth provided those regulations are limited to the following:

27 a) Require record keeping for each animal. Records must include the following  
28 information: description of the animal, record of current and known prior diseases,  
29 record of vaccinations, city and/or state of origin

30 b) For animals coming in from outside of Massachusetts, animals must be in isolation  
31 in an approved facility in Massachusetts for up to 48 hours prior to entering an  
32 adoptive home or being released into the general population unless the animal is an  
33 owner-surrender and has been in a home in a contiguous state for at least 90 days.

34 c) Allow shelters to partner with pet supply stores to adopt animals when the adopting  
35 family has been through counseling with the shelter and the prospective owner has  
36 been approved by the shelter. Animals shall not be housed at such facilities  
37 overnight. Such pet supply stores must be registered with the Department upon the  
38 establishment of such a partnership and shall not be required to obtain a pet shop  
39 license solely on the basis of this partnership. The animal's health records must be  
40 available and presented to adoptive families and proper regulatory authorities at the  
41 time of adoption.

42 The Department may grant exemptions from its regulations at its discretion when the  
43 organization in question rescues or adopts less than 15 animals per year

44 The Department may grant exemptions in the case of catastrophic disasters.

45 The Commissioner shall appoint an advisory committee of seven members to make  
46 recommendations for the creation of regulations authorized under section 3 and shall include the  
47 following: an individual involved in a shelter organization, an individual involved in a breed  
48 rescue, an animal control officer, a representative of the Massachusetts Veterinary Medical  
49 Association and two members of the public.

50 All entities rescuing cats and/or dogs in and providing adoption to homes within the  
51 Commonwealth as well as organizations or individuals who sell cats or dogs within the  
52 Commonwealth must register with the department. Such entities or individuals must file a report  
53 annually with the department

54 The Department shall update the regulations from time to time as it feels necessary with the  
55 input of the advisory committee.