



MASSACHUSETTS ANIMAL FUND

Animal Control Officer Training Institute

**Animal Laws
and Regulations in
Massachusetts**

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MASSACHUSETTS ANIMAL FUND

ANIMAL LAWS AND REGULATIONS IN
MASSACHUSETTS

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A searchable list of all Massachusetts General Laws and Regulations can be found at:.....<https://malegislature.gov/>

Animal Control Laws

Massachusetts General Laws Chapter 140

A reference for laws pertaining to your job as an animal control officer.

Massachusetts has a variety of laws that are in place to ensure proper regulation of companion animals. Massachusetts General Laws (MGL) Chapter 140, Sections 136A - 174E, cover the majority of authorities and responsibilities associated with the performance of the animal control officer (ACO) position.
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140>

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CHAPTER 140

Section 136A: Definitions applicable to Secs. 137 to 174F

The following words as used in sections 137 to 174F, inclusive, shall have the following meanings unless the context requires otherwise:

"Adoption", the delivery of a cat or dog to a person 18 years of age or older for the purpose of taking care of the dog or cat as a pet.

"Animal control officer", an appointed officer authorized to enforce sections 136A to 174F, inclusive.

"Attack", aggressive physical contact initiated by an animal.

"Commercial boarding or training kennel", an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

"Commercial breeder kennel", an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

"Commissioner", the commissioner of agricultural resources.

"Dangerous dog", a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

"Department", the department of agricultural resources.

"Domestic animal", an animal designated as domestic by regulations promulgated by the department of fish and game.

"Domestic charitable corporation kennel", a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

"Euthanize", to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

"Hearing authority", the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department, the chief or commissioner's designee or the person charged with the responsibility of handling dog complaints in a town or city.

"Keeper", a person, business, corporation, entity or society, other than the owner, having possession of a dog.

"Kennel", a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

"License period", the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive.

"Licensing authority", the police commissioner of the city of Boston and the clerk of any other municipality.

"Livestock or fowl", a fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or

under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.

"Nuisance dog", a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

"Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

"Research institution", an institution operated by the United States, the commonwealth or a political subdivision thereof, a school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, a medical diagnostic laboratory, a biomedical corporation, or biological laboratory or a hospital or other educational or scientific establishment within the commonwealth above the rank of secondary school which, in connection with any of the activities thereof, investigates or provides instruction relative to the structure or function of living organisms or to the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

"Shelter", a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

"Veterinary kennel", a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

CHAPTER 140

Section 137 Registration and licensing of dogs

- (a) The owner or keeper of a dog over the age of 6 months shall obtain a license for the dog. The registering, numbering, describing and licensing of a dog shall be conducted in the office of the licensing authority in the city or town in which the dog is kept.
- (b) A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated in accordance with section 145B, certification that such dog is exempt from the vaccination requirement under said section 145B or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.
- (c) The license shall be granted upon condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl. The owner of a dog may add descriptive words, not over 10 in number, upon the license form to indicate the color, breed, weight or special markings of the licensed dog. The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee for the substitute shall, if received by a city or town clerk, be retained by the clerk unless otherwise provided by law. This section shall not apply to a person to whom a valid kennel license has been issued.
- (d) This section shall not apply to a dog or cat housed in a research institution.

CHAPTER 140

Section 137A Kennel licenses

- (a) A person maintaining a kennel shall obtain a kennel license. An owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by an animal control officer.
- (b) A kennel license shall be in lieu of any other license for a dog kept at a kennel during any portion of the period for which the kennel license is valid. A kennel licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the number of the kennel license, the name of the city or town issuing the license and the year of issue. Tags shall be furnished to the owner or keeper by the licensing authority in quantities not less than the number of dogs kept in the kennel. The issuing city or town shall determine the period of time for which a kennel license shall be valid, including the date of issuance of the license through the date on which the license

expires, inclusive, and shall further determine the fee for the issuance and renewal of the license. To determine the amount of the license fee for a kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel. The name and address of the owner of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the kennel and available for inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.

(c) The licensing authority shall issue a kennel license without charge to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering.

(d) A person who violates this section shall be assessed a fine of \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

CHAPTER 140

Section 137B Sale or other delivery of unlicensed dog by kennel licensee

Every holder of a kennel license, on delivering an unlicensed dog to a purchaser or to any other person, shall attach to such dog a collar or harness which shall carry a tag marked with the name and address of such kennel licensee, and a number, which number shall be properly recorded on the records of such licensee, and shall also furnish to the person to whom the dog is delivered a certificate bearing the same number and a description of the dog. Such certificate shall bear the date of purchase, exchange or gift and, with the tag, shall, for a period of two weeks following such date, be a legal substitute for a license. The purchaser or other recipient of a dog shall, within two weeks of the purchase or receipt of such dog, either return the same to the licensee from whom it was received, together with the collar or harness, tag and certificate, or return to such licensee said tag, and a certificate signed by the clerk of the town or city where the dog is to be kept and certifying that the dog has been licensed in the name of such purchaser or recipient or of some other person. If any such purchaser or recipient fails to comply with the preceding sentence, such licensee shall notify the clerk of the town or city in which he is licensed of the purchase, exchange or gift of such dog and shall furnish to such clerk the date thereof, and the name and address of the purchaser or recipient.

CHAPTER 140

Section 137C Inspection of kennels; revocation, suspension and reinstatement of license; nuisance

The mayor of a city, the selectmen of a town, the police commissioner in the city of Boston, a chief of police or an animal control officer may at any time inspect a kennel or cause the inspection of a kennel. If, in the judgment of such person or body, the kennel is not being maintained in a sanitary and humane manner or if records are not properly kept as required by law, such person or body shall, by order, revoke or suspend the license for the kennel. Upon the petition of 25 citizens, filed with the mayor of a city, the selectmen

of a town or the police commissioner in the city of Boston setting forth a statement that such citizens are aggrieved or annoyed to an unreasonable extent by a dog maintained in such city or town due to excessive barking or other conditions connected with a kennel constituting a nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7 days after the filing of the petition, give notice to all parties in interest of a public hearing to be held within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall, within 7 days after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate the kennel or dismiss the petition. Written notice of an order revoking or suspending the license, regulating the kennel or dismissing the petition shall be mailed immediately to the officer issuing the license and to the holder of the license. Within 10 days after the order, the holder of the license may bring a petition in the district court within the judicial district in which the kennel is maintained, addressed to the justice of the court, praying that the order be reviewed by the court. After notice to all parties as the court may consider necessary, the court shall review the action, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the court shall be final and conclusive upon the parties. A person maintaining a kennel after the license to maintain a kennel has been so revoked, or while such a license is suspended, shall be punished by a fine of not more than \$1,000 for a second or subsequent offense.

CHAPTER 140

Section 137D Surrender of license or tag for offenses against animals

Unless otherwise specifically provided by law, every license and tag issued under the provisions of sections one hundred and thirty-seven and one hundred and thirty-seven A, or under any ordinance or by-law relative to the licensing of dogs made under the authority of this chapter, held by any person found guilty of, or penalized in any manner for, a violation of any provision of sections seventy-seven, 801/2, eighty A, ninety-four or ninety-five of chapter two hundred and seventy-two, shall be void, and shall immediately be surrendered to the authority issuing such license and tag.

The clerk of the court in whose jurisdiction such finding has been made shall notify the licensing authority in the city or town where the guilty person resides.

No person shall be given a license and tag under authority of section one hundred and thirty-seven and one hundred and thirty-seven A during a period of 5 years from the date of his being found guilty or penalized as aforesaid, and any such license and tag so issued shall be void and shall be surrendered on demand of any authority granting such license and tag. No fee received for a license and tag made void under this section shall be refunded to the holder thereof.

CHAPTER 140

Section 138 Change of owner or keeper of licensed dog; dog brought into commonwealth

A person who during any license period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice in writing to the clerk of such town or city, or if kept in Boston to the police commissioner, that he has become such owner or keeper and said clerk or police commissioner, as the case may be, shall change the record of such license to show the name and address of the new owner or keeper. Any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of thirty days therefrom shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth, cause such dog to be registered, numbered, described and licensed for the remainder of the then current license period.

CHAPTER 140

Section 139 Fees; certificate or statement that dog has been spayed; service dogs defined by Americans with Disabilities Act; dogs owned by persons aged 70 or over; refunds

(a) The fee for a license shall, except as otherwise provided, be determined by a city or town; provided, however, that no fee shall be increased without a majority vote of the city or town council or the voters present at a town meeting.

(b) The license fee for a spayed or neutered dog shall be less than the license fee for an intact dog. Upon application for a license, a city or town clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered; provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian who performed such procedure or a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth describing the dog and stating that the veterinarian has examined the dog, which appears to have been spayed or neutered and incapable of propagation.

(c) No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid over to a city or town under section 147.

CHAPTER 140

Section 139A Shelters; sale or gift of dog or cat not spayed or neutered

No shelter shall sell or give away any dog or cat that has not been spayed or neutered, unless a written agreement is entered into and a deposit of not less than \$40 for spaying

or neutering such dog or cat has been tendered to the shelter. The shelter may make appropriate arrangements for the spaying or neutering of such dog or cat by a licensed veterinarian, or may return the deposit to the person purchasing or receiving the dog or cat upon presentation of a written statement or receipt from a veterinarian or clinic that the dog or cat has been spayed or neutered by a licensed veterinarian.

Any dog or cat six months of age or older at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days, or the deposit shall be deemed unclaimed. Any dog or cat under six months of age at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days after reaching six months of age, or the deposit shall be deemed unclaimed.

Any deposit not claimed under this section shall be used only for the following purposes:

- (1) a public education program to prevent overpopulation of dogs or cats;
- (2) a program to spay or neuter dogs or cats;
- (3) a follow up program to assure that animals sold or given away by the shelter are spayed or neutered; or
- (4) costs incurred under this section.

A shelter may enter into a cooperative agreement with another shelter and with a veterinarian in carrying out the provisions of this section.

The commissioner may set fines for violations of this section and may further establish regulations to ensure compliance with this section. Additionally, an animal control officer, an officer licensed under section 57 of chapter 22C, a police officer or the owner, director or a duly authorized agent of an animal shelter from which an animal was obtained may bring a petition in the district court within the judicial district in which the dog or cat is owned or kept for an action of forfeiture and relinquishment of ownership. Legal fees or court costs incurred in the enforcement of this section shall be the responsibility of the owner of the animal.

CHAPTER 140

Section 141 Violation of statutes

Whoever violates section 137, 137B or 138 shall be assessed a penalty of not less than \$50, which shall be paid to the city or town wherein the violation occurred.

CHAPTER 140

Section 141A Application of law; exception

Sections one hundred and thirty-seven to one hundred and forty-one, inclusive, shall not apply to any institution licensed under the provisions of chapter forty-nine A.

CHAPTER 140

Section 141B Application of law; licensed pet shops exempted

Section 141B. Sections one hundred and thirty-seven to one hundred and forty-one, inclusive, shall not apply to any pet shop the owner of which is licensed under the provisions of section thirty-nine A of chapter one hundred and twenty-nine.

CHAPTER 140

Section 145 Symptoms of rabies printed on license; description supplied by department of public health

Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon. Such description shall be supplied by the department of public health.

CHAPTER 140

Section 145A Anti-rabic vaccine and treatment; rates of compensation

The board of health of a city or town shall, upon application, furnish free of charge to any uninsured resident thereof who has been exposed to rabies, or may have been so exposed, anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the department of public health is hereby authorized to make. Except in Boston, such person shall have the right to select his own physician, who shall be paid by the city or town at a rate established as hereinafter provided, and the fact that a physician is a member of a board of health shall not disqualify him from being so selected and from being paid by the city or town for his services. Boards of health shall establish rates of compensation for such treatment.

CHAPTER 140

Section 145B Vaccination against rabies; certificate; tag; proof of vaccination; exemption; penalty

(a) Each owner or keeper of a dog, cat or ferret that is 6 months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth shall be vaccinated within 30 days after the acquisition or arrival of such animal into the commonwealth or upon reaching the age of 6 months, whichever last occurs. It shall be the duty of each veterinarian, at the time of vaccinating a dog, cat or ferret, to complete a certificate of rabies vaccination which shall include, but not be limited to, the following information: the owner's name and address; a description of the animal, including breed, sex, age, name and distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine lot number.

(b) The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of the dog, cat or ferret to a collar or harness made of suitable material to be worn by the dog, cat or ferret; provided, however, that the owner of a cat or ferret may choose not to affix the tag, but shall have the tag available for inspection by authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation of the original vaccination certificate, be issued a new tag.

(c) In order for a dog, cat or ferret to be accepted at an animal hospital, veterinarian's office or boarding facility, an owner or keeper of such animal shall show proof of current vaccination against rabies; provided, however, that if an animal has not been so vaccinated or such owner or keeper fails to show proof of vaccination, the animal shall be vaccinated against rabies prior to being discharged if the animal's medical condition permits.

(d) A licensing authority may grant an exemption from this section for a dog, cat or ferret that:

(i) the local board of health has declared exempt from the rabies vaccination requirement upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time for such reasons; (ii) is in transit; or (iii) was brought into the commonwealth temporarily for the sole purpose of display in a show or for exhibition.

(e) This section shall not apply to a dog, cat or ferret housed in a research institution.

(f) Whoever violates this section shall be punished by a fine of not more than \$100.

CHAPTER 140

Section 146 License valid throughout state; removal of dog into another town or city

A license duly recorded shall be valid throughout the commonwealth, except that, in the case of the permanent removal of a dog into another town within the commonwealth, the owner or keeper thereof shall, within thirty days after such removal, present the original license and tag of such dog to the clerk of the town or city to which such dog has been removed and the clerk shall take up the same and issue to such owner or keeper a transfer license and a tag for such dog upon payment of an amount to be determined by the city or town which shall be retained by the clerk unless otherwise provided by law. The provisions of section one hundred and thirty-seven relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this section.

CHAPTER 140

Section 147 Issuance of licenses; disposition of fees; action on official bond

The police commissioner of the city of Boston and the clerks of other cities and towns shall issue dog licenses and tags, receive the money therefor and pay such funds into the treasuries of their respective cities and towns on the first Monday of each month or more often, at their discretion. The clerks of cities and towns, except the city of Boston, may

retain for their own use \$.75 cents for each license issued, unless otherwise provided by law, and shall certify under penalties of perjury the amounts of money thus received and paid over to them. The police commissioner of the city of Boston and each city or town clerk shall make a record of the name of the owner or keeper of each dog licensed and the name, registered number and description of each dog licensed. Such records shall be open to public inspection during the usual office hours of the city or town clerk. All blanks for the licenses and tags and the record books shall be paid for out of the city or town treasury. The police commissioner of the city of Boston and any city or town clerk or city or town treasurer violating this section shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 1 month nor more than 1 year in a jail or house of correction, or both such fine and imprisonment. If a city or town clerk neglects or fails to pay the money into the city or town treasury as required by this section, the city or town may recover the amount thereof for the benefit of the city or town, with all damages sustained through such neglect or failure, and interest thereon, in an action on the official bond required, in the case of a city clerk, by section 13A of chapter 41 and, in the case of a town clerk, by section 13 of said chapter 41. All payments required under this section shall be subject to section 52 of said chapter 41.

CHAPTER 140

Section 149 Accounts of treasurers

Each city or town treasurer shall keep an accurate and separate account of all money received and expended by the treasurer under this chapter relating to animals.

CHAPTER 140

Section 150 Lists of dogs; refusal to answer person listing dogs; false answers

Persons authorized or directed by section 4 of chapter 51 or by a special law, to make lists of residents 3 years of age or older shall make a list of all dogs owned by the inhabitants at the time of making such lists and shall annually return the same, in duplicate, to the city or town clerk or to the police commissioner in the city of Boston. An owner or keeper of a dog who refuses to answer or answers falsely to a person directed or authorized to make such a list shall be punished by a fine of not less than \$20 which shall be paid to the city or town.

CHAPTER 140

Section 151 Animal control officers; reimbursement of cities and towns for services; contracts with corporation to perform duties of officers; turning over or sale of animals; penalty

(a) The mayor of each city and the board of selectmen of each town shall annually designate an animal control officer, who may be a police officer or constable. The mayor or board of selectmen shall immediately submit to the commissioner the names,

addresses and dates of hire of such animal control officers. Except as provided in this section, if a city or town shall fail to make such appointment, the commissioner shall appoint an animal control officer for that city or town. An animal control officer who fails to comply with the terms of such officer's warrant shall immediately be removed from office by the mayor or board of selectmen and notice of the removal shall immediately be given to the commissioner. Animal control officers shall have completed, under the supervision of a veterinarian registered under section 55 or 56C of chapter 112, a course of instruction in humane techniques for the execution of animals before euthanizing an animal. Before euthanizing or giving or turning over to another a dog or cat in the officer's possession, an animal control officer shall first examine the animal for the presence of a microchip or tattoo, check the description of the animal against descriptions within the city or town relative to the species of animal licensed or registered in the municipality in order to verify the identity of the animal and to provide notice to the owner of the animal before the animal is euthanized, given away or turned over to another. Bills for such services shall be approved by the mayor of the city or the board of selectmen of the town in which the dogs or cats are kept or euthanized and shall be paid by that city or town. An animal control officer appointed under this section shall also attend to all complaints or other matters pertaining to animals, as prescribed by the officer's respective city or town, in addition to the duties imposed upon the officer by the officer's warrant, and shall be paid for such services by the town or city treasurer upon bills approved by the mayor or board of selectmen. The mayor of a city or the board of selectmen of a town may, instead of appointing an animal control officer, enter into a contract with a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of an animal control officer. In that case, the payments to the corporation under the terms of the contract shall be in full for all services rendered by it in that capacity.

(b) An animal control officer shall not be a licensed animal dealer registered with the United States Department of Agriculture. An animal control officer shall not give, sell or turn over any animal which may come into the officer's custody to a business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture either privately or in the course of carrying out the officer's official assignments as an agent for the officer's municipality. A municipality shall not give, sell or turn over an animal which may come into its custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates this subsection shall be punished by a fine of not more than \$1,000.

CHAPTER 140

Section 151A Issuance of warrant to officers; duties; confinement of dogs; allowance for care; records

(a) The mayor or board of selectmen, as the case may be, shall annually issue a warrant to the animal control officer directing the officer to seek out, catch and confine all dogs within the city or town which are not licensed, collared or harnessed, or tagged, as

required by this chapter, and to enter and prosecute a complaint for failure to comply with this chapter against the owners or keepers of such dogs, if known, and to euthanize or cause to be euthanized only by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia, or by gunshot in case of emergency, each such dog not licensed, collared or harnessed, or tagged after being detained by or for the officer for a period of 7 days; provided, however, that after 7 days, the animal control officer may make available for adoption any dog found free of disease for a sum of not less than \$3 to be determined by the city or town and shall keep an account of all moneys received by the officer for the adoption and shall immediately pay over the moneys to the treasurer who shall forward it to the city or town. Before delivery of a dog so adopted, the animal control officer shall require the purchaser to show identification and to procure a license and tag for the dog from the clerk of the city or town wherein the dog is to be kept. Dogs detained under this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The commissioner from time to time shall cause such places wherein animals are detained under this section to be inspected and shall make necessary orders in relation thereto. An animal control officer having custody of a detained dog or cat shall be allowed a sum determined by the city or town per day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the city or town.

(b) Each animal control officer shall make, keep and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal in the officer's custody: (1) the date and location of apprehension; (2) a description of the animal; (3) the place of detainment; (4) if tagged, the name and address of the owner of the animal; (5) the name and address of a new owner, if any, including the date of sale or transfer of the animal; (6) if the animal is euthanized, the method and date of such euthanization and the name of the person who euthanized the animal; and (7) the date, location and description of an animal euthanized by gunshot in case of emergency, the disposition of the animal remains and a description of the situation requiring the gunshot.

Each animal control officer shall forward a copy of the record to the town or city clerk within 30 days. Copies of the record shall be kept for 2 years in the office of the city or town clerk wherein such animal control officer is employed.

CHAPTER 140

Section 151B Emergency treatment of dogs or cats injured on ways; payment to veterinarians

A veterinarian registered under section 55 or 56A of chapter 112 who renders emergency care or treatment to, or who euthanizes, a dog or cat that is injured on any way shall receive payment from the owner of such dog or cat, if known, or, if not known, from the city or town in which the injury occurred in an amount not to exceed \$250 for such care,

treatment or euthanization; provided, however, such emergency care, treatment or euthanization shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of the dog or cat is identified or for 24 hours, whichever is sooner. A veterinarian who renders such emergency care or treatment to a dog or cat or euthanizes a dog or cat shall notify the municipal animal control officer and the animal control officer shall assume control of the dog or cat or the remains of the dog or cat.

CHAPTER 140

Section 151C Animal control officer training course

The commissioner shall, from time to time and subject to the availability of funds from the Homeless Animal Prevention and Care Fund in section 35WW of chapter 10, provide for a training course for animal control officers. For a training course established under this section, there shall be a preference for persons who have been in the employ of a city or town as an animal control officer for 12 months or less. A training course that is offered by a private entity including, but not limited to, the Animal Control Officers Association of Massachusetts, shall not be eligible for reimbursement from the Homeless Animal Prevention and Care Fund unless such course has been approved by the commissioner.

CHAPTER 140

Section 152 Returns by officers

Each police officer, constable or animal control officer to whom such warrant is issued shall make returns, on or before October first, on or before January first, and on or before April first, in each year, and at the expiration of his term of office, to the mayor or chairman of the board of selectmen issuing the same, and shall state in said returns the number of dogs and cats which he has caught, confined or killed, or made available for adoption, the names of the owners or keepers thereof and whether all unlicensed dogs in his town have been caught, confined or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of this chapter relating to animals, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report.

CHAPTER 140

Section 153 Form of warrant to officers

In the several cities and towns of the several counties, such warrant may be in the following form:?

COMMONWEALTH OF MASSACHUSETTS

(Seal)

, ss.

To, constable of the city (or town) of

In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed only by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case of emergency each dog which after being detained for a period of 7 days, shall not then have been duly licensed, collared or harnessed, and tagged, except that any dog not found to be diseased may be made available for adoption for not less than \$3, and you shall keep an account of any such adoption and forthwith pay over the money to the town treasurer. Before delivery of any dog so adopted you shall require the purchaser to show identification and to register and procure a license and tag for such dog from the town clerk of the town where the dog is to be kept, in accordance with the provisions of section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

Hereof fail not, and make due return of this warrant with your doings therein, on or before the first day of October next, on or before the first day of January next, and on or before the first of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed, or adopted, and the name of the owners or keepers thereof, and whether all unlicensed dogs and cats in said city (or town) have been caught, confined and/or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of said chapter one hundred and forty, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said chapter one hundred and forty.

Given under my hand and seal at ___ aforesaid the ___ day of ___ in the year 2000 and

Mayor of (or Chairman of the Selectmen of)

CHAPTER 140

Section 155 Liability for damage caused by dog; minors; presumption and burden of proof

If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.

CHAPTER 140

Section 155A Indemnification of law enforcement officers; damages caused by dogs used in performance of official duties

If an action is brought against a law enforcement officer because of damage caused by a dog which said officer was caring for or maintaining in connection with his official duties, the commonwealth or the political subdivision employing said officer shall indemnify him for expenses or damages incurred in the settlement or defense of such action; provided that in the case of an officer employed by the commonwealth the settlement or defense of such case shall have been made by the attorney general, and that in the case of an officer employed by a city or town such settlement or defense shall have been made by the city solicitor or town counsel or by an attorney legally employed for the purpose by a city or town.

CHAPTER 140

Section 156 Killing dogs under certain conditions; wounded dogs

Any person may kill a dog which suddenly assaults him while he is peaceably standing, walking or riding outside the enclosure of its owner or keeper; and any person may kill a dog found out of the enclosure of its owner or keeper and not under his immediate care in the act of worrying, wounding or killing persons, live stock or fowls, and if any person shall kill or attempt to kill a dog so found, and in the act of worrying, wounding or killing persons, live stock or fowls, he shall not be held liable for cruelty to the dog unless it shall be shown that he intended to be cruel to the dog, or that he acted with a wanton and reckless disregard for the suffering of the dog. A person killing or wounding a dog under the conditions set out in this section shall promptly report to the owner, animal control officer or police officer such killing or wounding. Prompt killing of a wounded dog, or a prompt report to the owner or to a dog officer of the wounding of the dog, shall be considered evidence of sufficient regard for the suffering of the dog.

CHAPTER 140

Section 157 Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order

(a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
- (4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

- (i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;
- (ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;
- (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
- (iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has

not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality. If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).

CHAPTER 140

Section 157A Non-compliance of dog owner or keeper with order; transferring ownership or selling of dangerous dog

(a) An owner or keeper of a dog who fails to comply with an order of a hearing authority or district court shall be punished, for a first offense, by a fine of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.

(b) No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under section 157 shall permit a child under the age of 17 to own, possess or have the care or custody of such dog.

(c) No person shall transfer ownership or possession of a dog which such person knows, or reasonably should have known, has been deemed dangerous under section 157 or offer such dangerous dog for sale or breed without informing the recipient of the dog of the finding of dangerousness.

CHAPTER 140

Section 158 Euthanizing unrestrained dogs or dogs in wild state

A police officer, constable or animal control officer may capture, detain or, in the case of a threat to public safety, euthanize a dog in a humane manner if found to be in violation of an order of a hearing authority or a district court and may euthanize a dog, in a humane manner, if it is living in a wild state.

CHAPTER 140

Section 159 Treble damages for injuries caused by dogs ordered to be restrained

If a hearing authority or a district court has deemed a dog to be a dangerous dog and such dog wounds a person or worries, wounds or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort to the person injured by the dog for 3 times the amount of damages sustained by such person.

CHAPTER 140

Section 160 Euthanizing dogs that have worried or killed stock or fowl; bond

The mayor of a city, the selectmen of a town, or their agents who are authorized in writing, to act in such mayor or selectmen's stead may, after written notice to the owner or keeper of a dog, enter upon the premises of the owner or keeper known to such persons to have worried or killed livestock or fowl and then and there euthanize such dog in a humane manner unless such owner or keeper whose premises are entered for that purpose shall give a bond in the sum of \$200, with sufficient sureties, conditioned that the dog shall be restrained for 12 months next ensuing. If the owner or keeper of the dog declares an intention to give such a bond, the selectmen, chief of police, or the agent of the selectmen or chief, as the case may be, shall allow the owner or keeper 7 days, exclusive of Sundays and holidays, in which to procure and prepare such bond and to present it, or to file it with the clerk of the town or city in which the owner or keeper resides.

CHAPTER 140

Section 161 Damages caused by dogs and paid by city or town; compensation for appraisers

Whoever suffers loss by the worrying, maiming or killing of such person's livestock or fowl by a dog outside the premises of the owner or keeper of the dog, may, if the damage is done in a city, inform the animal control officer and may, if the damage is done in a town, inform the chair of the board of selectmen of the town or, if the chairman is absent or ill, any of the selectmen. The officer, chair or selectman shall proceed to the premises

where the damage was done to determine whether the damage was inflicted by a dog and, if so determined, appraise the amount of damage if it does not exceed \$100. If in the opinion of the officer, chair or selectman, the amount of damage exceeds \$100, the damage shall be appraised, on oath, by 3 persons, 1 of whom shall be the officer, chair or selectman, 1 of whom shall be appointed by the person alleged to be damaged and 1 shall be appointed by the other 2. Within 10 days thereafter, the appraisers shall consider and include in their appraisal the labor and time necessarily to be expended to find and collect the livestock or fowl injured or separated and the value of those lost or otherwise damaged by the dog. The officer, chair or selectman shall return a certificate of the damages found to the treasurer of the city or town in which the damage was done within 10 days after the appraisal is completed. The treasurer shall immediately submit the appraisal to the city or town clerk who, within 30 days, shall examine all bills for damages. The city or town clerk may summons the appraisers or, upon the request of an interested party, shall summons the appraisers and all parties interested and make such investigation as the clerk shall deem proper. The city or town clerk shall issue an order upon the treasurer of the city or town for such amounts, if any, determined to be just and shall notify all interested parties of the decision. The treasurer shall pay all orders drawn upon the treasurer in full, for the above purpose and payments made shall be charged to the city or town.

CHAPTER 140

Section 161A Damages caused by dogs not reimbursable; amount of awards

No owner of live stock or fowls shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog if, at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of the age of three months or older. No reimbursement shall be made on account of damages by a dog to deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other live stock or fowls determined by the department of fisheries, wildlife and environmental law enforcement to be wild unless they are kept by, or under permit from, said department, nor unless they shall be kept in proper houses or in suitable enclosed yards. No reimbursement shall be made for damage by a dog to dogs, cats and other pets. Awards shall in no case exceed the fair cash market value of such live stock or fowls.

CHAPTER 140

Section 163 Notice to euthanize dog which has caused damage

If the mayor, aldermen or board of selectmen determines, after notice to parties interested and a hearing, the identity of the owner or keeper of a dog which is found to have worried, maimed or killed livestock or fowl, thereby causing damages for which the owner of the livestock or fowl may become entitled to compensation from the city or town under section 161, the mayor, aldermen or selectmen shall serve upon the owner or keeper of such dog a notice directing the owner or keeper, within 24 hours, to euthanize the dog in a humane manner or restrain the dog.

CHAPTER 140

Section 164 Failure to euthanize, confine or restrain dog after notice

A person who owns or keeps a dog and who has received such notice under section 163 and does not, within 24 hours, euthanize the dog or thereafter keep it on the owner's or keeper's premises or under the immediate restraint and control of some person, shall be punished by a fine of not less than \$25 and a police officer, constable or animal control officer may euthanize the dog in a humane manner if it is found outside the enclosure of its owner or keeper and not under the owner or keeper's immediate care.

CHAPTER 140

Section 165 Investigation of damages caused by dogs; settlement; action against owner or keeper; payments over to city or town treasurer

A city or town may investigate any case of damage done by a dog of which the chair of the board of selectmen, mayor or animal control officer shall have been informed as provided in section 161. If the chair, mayor or animal control officer believes that the evidence is sufficient to sustain an action against the owner or keeper of the dog and believes that such owner or keeper is able to satisfy any judgment recovered in an action, the chair, mayor or animal control officer shall bring the action unless the owner or keeper pays the amount in settlement of the damage as the chair, mayor or officer deems reasonable before the action is brought. The action may be brought in the name of the chair, mayor or animal control officer prosecuting the action and the chair, mayor or animal control officer shall have the same powers and authority as animal control officers appointed under section 151 and acting under sections 136A to 174E, inclusive. All damages received or recovered under this section shall be paid over to the city or town treasurer.

CHAPTER 140

Section 166 Election of remedy by person damaged

The owner of live stock or fowls which have been worried, maimed or killed by dogs shall have his election to proceed under section one hundred and sixty-one or sections one hundred and fifty-seven to the hundred and fifty-nine, inclusive; but, having signified his election by proceeding in either mode, he shall not have the other remedy.

CHAPTER 140

Section 167 Ordering dogs to be restrained; euthanizing unrestrained dogs

The mayor, aldermen or board of selectmen may order that all dogs shall be restrained from running at large during such times as shall be prescribed by the order. Once passed, a certified copy of the order shall be posted in at least 2 public places in the city or town

or, if a daily newspaper is published in the city or town, by publishing a copy once in that newspaper. Following publication, the mayor, aldermen or board of selectmen may issue a warrant to a police officer or constable in a city or town, who shall, not sooner than 24 hours after the publication of the notice, euthanize all dogs in a humane manner that are found running at large contrary to the order. Notwithstanding the foregoing, a police officer or constable may, in the officer's or constable's discretion, hold any such dog for not more than 7 days. If the owner of the dog claims it and pays to the officer or constable a penalty of \$40 for each day that the dog has been held, the dog shall be returned to its owner. The amount shall be paid over to the city or town.

CHAPTER 140

Section 168 Service of order to muzzle or restrain dogs; penalty

The aldermen, board of selectmen or mayor may cause service of such order to be made upon the owner or keeper of the dog by causing a certified copy thereof to be delivered to him; and if he refuses or neglects for twelve hours thereafter to muzzle or restrain such dog as so required, he shall be punished by a fine of not less than \$25.

CHAPTER 140

Section 169 Penalty on officer; report of refusal or neglect of officer to perform duties

A city or town officer who refuses or willfully neglects to perform the duties imposed upon the officer by this chapter relating to dogs shall be punished by a fine of not less than \$100, which shall be paid to the city or town. Whoever is aggrieved by such refusal or neglect may report the same forthwith to the district attorney of his district.

CHAPTER 140

Section 171 Liability to city or town of owner or keeper of dog

The owner or keeper of a dog which has done damage to livestock or fowl shall be liable in tort to the city or town for all damages so done which the mayor, aldermen or board of selectmen have ordered to be paid as provided in this chapter.

CHAPTER 140

Section 173 Ordinances and by-laws relating to animals

A city or town may make additional ordinances or by-laws relative to the licensing and control of animals not inconsistent with sections 136A to 174F, inclusive.

CHAPTER 140

Section 173A Violation of dog control laws; non-criminal disposition

Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. The fine for the first offense committed by a person shall be \$50. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered. Payment shall be made only by money order or check. Notwithstanding the foregoing procedure and schedule of fines, but subject to all other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated in this section. Notwithstanding this section, a municipality may seek a remedy under section 157 for a nuisance dog.

Proceedings under this section shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If a person notified to appear, as hereinbefore provided, fails to appear or pay the fine within twenty-one days of the sending of the notice, or having appeared, does not desire to avail himself of the procedure established by this section, the clerk shall issue the complaint and the procedure established for criminal cases shall be followed.

If any person fails to appear in accordance with the summons issued upon such complaint, the clerk of the court shall send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his arrest will be issued.

CHAPTER 140

Section 174 Recovery of penalties

All fines and penalties provided in the preceding sections relating to dogs may be recovered before a district court in the county where the offence was committed.

CHAPTER 140

Section 174A Euthanizing of dogs or cats by barbiturates

A dog or cat whose killing is authorized under this chapter shall be euthanized only by the administration of barbiturates in a manner deemed acceptable by the American

Veterinary Medical Association Guidelines on Euthanasia or as otherwise allowed in section 151A.

CHAPTER 140

Section 174B Restraint of dogs in public highway rest areas; penalty

Whoever is the owner or keeper of a dog shall restrain said dog by a chain or leash when in an officially designated public highway rest area. Whoever violates the provisions of this section shall be punished by a fine of not more than \$100.

CHAPTER 140

Section 174D Research institutions; license to use dogs or cats; rules and regulations

(a) No research institution shall employ dogs or cats in scientific investigation, experiment or instruction or for the testing of drugs or medicines without having first been issued a license therefor under this section by the commissioner of public health. A research institution desiring to obtain a license shall make application to the commissioner of public health. On receipt of such application the commissioner of public health shall make or cause to be made such investigation as he may deem necessary to determine whether the public interest would be served by the issue of such license. The commissioner of public health shall issue such license unless, after notice and hearing, he finds that the research institution, by reason of its standards, facilities, practices or activities, is not a fit and proper institution to receive such license, and that the issue thereof is not in the public interest. Each research institution licensed under this chapter shall before such license issues pay to the commissioner of public health a license fee of fifty dollars. Each license shall expire on June thirtieth next following the date of issue. The commissioner of public health shall annually renew each license upon the application of the licensee unless, after notice and hearing, he finds that by reason of the standards, facilities, practices or activities of the licensee such renewal is not in the public interest. The commissioner of public health may, after notice and hearing, cancel, suspend or revoke any license if he finds that by reason of the standards, facilities, practices or activities of the licensee the continuation of such license is not in the public interest. Whoever knowingly violates any of the provisions of this section shall be liable for a civil penalty of not more than one hundred dollars for each offense. The superior court department of the trial court shall have authority to enjoin any violation of this section or to take such other actions as equity or justice may require.

(b) The commissioner of public health may make such rules and regulations, not inconsistent with this section, necessary to carry out its purposes, and may alter, rescind or add to any rules or regulations previously made. The commissioner of public health or an agent designated by him may, in connection with the granting, continuance or renewal of a license, visit and inspect the animal research and care facilities of any licensee or of any research institution which has applied for a license. The Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston may be

designated as agents of the commissioner of public health. For purposes of this paragraph the term "animal" shall refer to the dog and cat specifically and all other sentient creatures except humans.

CHAPTER 140

Section 174E Chaining or tethering dog to stationary object; confinement; restrictions; penalty

(a) No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m. to 6:00 a.m., unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.

(b) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

(1) inside a pen or secure enclosure, if the following conditions are met:

(i) the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;

(ii) the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed; and

(iii) the minimum height of the fence shall be adequate to successfully confine the dog;

(2) a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

(3) a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:

(i) only 1 dog shall be tethered to each cable run;

(ii) the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;

(iii) there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;

(iv) the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and

(v) the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described in subsection (c); provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could

result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.

(c) A person owning or keeping a dog confined outside in accordance with subsection (b) shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least 3 sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.

(d) A person shall not leave a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of the dog based on the dog's breed, age or physical condition, unless the tethering is for not more than 15 minutes.

(e) An exception to a restriction on outdoor confinement under this section that is reasonably necessary for the safety of a dog shall be made for a dog that is: (i) present in a camping or recreational area pursuant to the policy of the camping or recreational area; or (ii) actively engaged in conduct that is directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products.

(f) No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or the tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:

- (1) filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
- (2) taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
- (3) subjecting a dog to dangerous conditions, including attacks by other animals.

(g) A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50, for a second offense, be punished by a fine of not more than \$200 and for a third or subsequent offense, be punished by a fine of not more than \$500, and be subject to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

(h) A special police officer appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston under section 57 of chapter 22C may enforce this section following the same procedures relating to notice and court procedure in section 21D of chapter 40 for the non-criminal disposition of a violation, if an animal control officer contacted by either of these agencies in response to a violation of this section is unresponsive or unavailable.

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

CHAPTER 140

Section 174F Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

a) A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.

(b) After making reasonable efforts to locate a motor vehicle's owner, an animal control officer, as defined in section 136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.

(c) An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.

(d) An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or fire fighter shall be immune from criminal or civil liability that might otherwise result from the removal.

(e) After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal

in immediate danger unless the person: (i) notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.

(f) A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.

(g) A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150 for a first offense, by a fine of not more than \$300 for a second offense and by a fine of not more than \$500 for a third or subsequent offense.

(h) Nothing in this section shall preclude prosecution under section 77 of chapter 272.

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

Animal Cruelty Statues

Massachusetts General Laws Chapter 272

Laws pertaining to cruelty to animals.

If the ACO feels they are seeing evidence of violations of Massachusetts General Laws Chapter 272 it necessitates the involvement of law enforcement through your municipality. Many municipalities also rely on the Animal Rescue League of Boston (ARL) or the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) for support when investigating possible animal cruelty cases.

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CHAPTER 272

Section 77 Cruelty to animals; prohibition from work involving contact with animals

Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000 or by both fine and imprisonment; provided, however, that a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000 or by both such fine and imprisonment. Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the

district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section. In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E1/2, 80F, 86, 86A, 86B or 94 the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction. A person convicted of a crime of cruelty to an animal shall be prohibited from working in any capacity that requires such person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

CHAPTER 272

Section 77A Willfully injuring police dogs and horses

Whoever willfully tortures, torments, beats, kicks, strikes, mutilates, injures, disables or otherwise mistreats, a dog or horse owned by a police department or police agency of the commonwealth or any of its political subdivisions or whoever, willfully by any action whatsoever, interferes with the lawful performance of such dog or horse shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not more than two and one-half years or both. Persons violating this section may be arrested without a warrant by any officer qualified to serve criminal process provided said offense is committed in his presence.

CHAPTER 272

Section 77B Exhibition of wild animals

No person shall exhibit or sponsor an exhibition of any wild animal for the purpose of attracting trade at or for any place of amusement, recreation or entertainment. This section shall not be deemed to prevent the exhibition of any wild animal in a zoological garden or in connection with any theatrical exhibition or circus or by any educational institution or wild animal farm, whether on or off the premises of such educational institution or wild animal farm. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days.

CHAPTER 272

Section 77C: Sexual contact with animal

(a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Animal", a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate.

"Sexual contact", (i) any act between a person and an animal that involves contact between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii) touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer or transmission of semen by the person upon any part of the animal; or (iv) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

(b) A person who willingly: (i) engages in sexual contact with an animal or advertises, offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual contact with an animal to be conducted on any premises under the person's control; (v) induces or otherwise entices a child younger than 18 years of age or a person with a developmental or intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact with an animal or engages in sexual contact with an animal in the presence of a child younger than 18 years of age or a person with a developmental or intellectual disability; (vi) forces another person to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or other depictions prohibited sexual contact with an animal shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or house of correction for not more than 2 1/2 years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.

(c) Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.

(d) Upon a conviction for a violation of this section and in addition to any other penalties as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis of the conviction to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.

Upon a conviction for a violation of this section, the defendant shall not: (i) work in any capacity that requires the person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; or (ii) harbor, own, possess or exercise control over an animal, reside in a household where any animals are present or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody.

(e) This section shall not apply to lawful and accepted practices that relate to veterinary medicine performed by a licensed veterinarian or a certified veterinary technician under the guidance of a licensed veterinarian, artificial insemination of animals for the purpose of procreation, accepted animal husbandry practices, including raising, breeding or assisting with the birthing process of animals or any other practice that provides care for animals, or conformation judging.

CHAPTER 272

Section 78 Selling, leading, or using horses not fit for work; forfeiture of auctioneer's license

No person holding an auctioneer's license shall receive or offer for sale or sell at public auction, nor shall any person sell at private sale, or lead, ride or drive on any public way, for any purpose except that of conveying the horse to a proper place for its humane keeping or killing, or for medical or surgical treatment, any horse which, by reason of debility, disease or lameness, or for other cause, could not be worked in the commonwealth without violating the laws against cruelty to animals. This section shall not prohibit the purchase of horses by humane societies incorporated under the laws of the commonwealth for the purpose of humanely killing the same. Violation of this section shall be punished by a fine of not less than five nor more than one hundred dollars or by imprisonment for not more than six months. If a licensed auctioneer violates this section, he shall also forfeit his license.

CHAPTER 272

Section 78A Sale of foals under five months; penalty

No person shall sell, offer for sale or otherwise dispose of any foal under five months of age other than for the purpose of immediate slaughter or humane killing unless such foal is accompanied by its dam. Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

CHAPTER 272

Section 79 Violations by business entities of statutes relating to the treatment, care and protection of animals

A for-profit corporation, nonprofit corporation, business, professional corporation, partnership, limited liability company, limited partnership, limited liability partnership or any other business entity violating section 112 of chapter 266 or section 77, 77A, 77B, 78, 78A, 79A, 801/2, 80A, 80B, 80C, 80D, 80E, 80E1/2, 80F, 80G, 80H, 80I, 81, 85A, 85B, 87, 94 or 95 of this chapter shall be punished by a fine as therein provided, and shall be responsible for the knowledge and acts of its agents and servants relative to animals transported, owned or used by it or in its custody.

CHAPTER 272

Section 79A Cutting bones or muscles to dock or set tail of horse; wound as evidence

Whoever cuts the bone of the tail of a horse for the purpose of docking the tail, or whoever causes or knowingly permits the same to be done upon premises of which he is the owner, lessee, proprietor or user, or whoever assists in or is present at such cutting, shall be punished by imprisonment for not more than one year or by a fine of not less than one hundred nor more than three hundred dollars; and whoever cuts the muscles or tendons of the tail of a horse for the purpose of setting up the tail, or whoever causes or knowingly permits the same to be done upon premises of which he is the owner, lessee, proprietor or user, or whoever assists in or is present at such cutting, shall be punished by a fine of not more than two hundred and fifty dollars. If a horse is found with the bone of its tail cut as aforesaid or with the muscles or tendons of its tail cut as aforesaid, and with the wound resulting from such cutting unhealed, upon the premises or in the charge and custody of any person, such fact shall be prima facie evidence of a violation of this section by the owner or user of such premises or the person having such charge or custody, respectively.

CHAPTER 272

Section 79B Exhibiting horse with tail cut under Sec. 79A; affidavit as to cutting in state where not prohibited; inspection

Whoever shows or exhibits at any horse show or exhibition in the commonwealth a horse with its tail cut in either manner prohibited in section seventy-nine A shall be punished by a fine of not more than two hundred and fifty dollars; provided, that this section shall not apply to the showing or exhibiting at such a show or exhibition of a horse with its tail cut in either manner prohibited by section seventy-nine A, if the owner of such horse furnishes to the manager or other official having charge of the horse show or exhibition at which such horse is shown or exhibited an affidavit by the owner, in a form approved by the director of the division of animal health of the department of food and agriculture, that the tail of such horse was so cut in a

state wherein such cutting was not then specifically prohibited by the laws thereof and while the horse was actually owned by a legal resident of such state. Said affidavit shall state the year of such cutting, the name of the state wherein the cutting was done, and the sex and age of the horse, shall describe the markings of the horse, if any, and shall be subject to inspection by any officer or agent mentioned in section eighty-four.

CHAPTER 272

Section 80 1/2 Devocalization of dogs or cats; definitions; penalty; exceptions; records

(a) For the purposes of this section, the following words shall have the following meanings:

"Board", the board of registration in veterinary medicine.

"Devocalization", a procedure on the larynx or vocal cords of an animal which causes the reduction or elimination of vocal sounds produced by that animal.

(b) Whoever performs, or causes to be performed, the surgical devocalization of a dog or cat shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2 1/2 years, or by a fine of not more than \$2,500 or by both such fine and imprisonment. In addition to this penalty, the court may order that any person who violates this section shall successfully complete a course of instruction relative to the humane treatment of animals or be barred from owning or keeping a dog or cat or sharing a residence with another who owns or keeps a dog or cat for a period of time as determined by said court.

(c) Subsection (b) shall not apply if:

(1) the person performing such devocalization is licensed under section 55 of chapter 112; and

(2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm; or

(3) the person who causes a devocalization procedure to be performed is relying upon the opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm.

(d) A veterinarian who performs a surgical devocalization procedure on a dog or cat shall keep a record of the procedure for a period of 4 years after the last contact with the animal. This record shall include: the name and address of the animal's owner; the name and address of the person from whom payment is received for the procedure; a description of the animal, including its name, species, breed, date of birth, sex, color, markings and current weight; the license number and municipality

that issued the license for the animal; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis or test results to support the diagnosis. These records shall be subject to audit by the board.

Any person who performs a devocalization procedure on a dog or cat shall report the number of all such procedures to the board annually on or before March 30. The board shall maintain all notices received under this subsection for 4 years from the date of receipt.

Records maintained under this subsection shall not be considered a public record, as defined in clause twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66, and these records shall not be publicly disseminated.

(e) The board shall, annually on or before March 1, report to the joint committee on the environment, natural resources and agriculture the number of animals that were the subject of devocalization notices received under subsection (d).

(f) Whoever being licensed under section 55 of chapter 112 violates any provision of this section shall be subject to the suspension or revocation of such license under section 59 of said chapter 112 and 256 CMR 7.00.

CHAPTER 272

Section 80A Cropping or cutting off ear of dog; wound as prima facie evidence

Whoever, not being a veterinarian duly registered under chapter one hundred and twelve, crops or cuts off the whole or any part of the ear of a dog shall be punished by a fine of not more than two hundred and fifty dollars. If a dog with an ear cropped or cut off in whole or in part and with the wound resulting therefrom unhealed is found confined upon the premises or in the charge or custody of any person other than such veterinarian, or a dog officer of a city or town duly appointed under section one hundred and fifty-one of chapter one hundred and forty, such fact shall be prima facie evidence of a violation of this section by the person in control of such premises or the person having such charge or custody.

CHAPTER 272

Section 80B Exhibiting dogs with ears cropped or cut off

Whoever shows or exhibits or procures to be shown or exhibited at any dog show or exhibition in the commonwealth a dog with an ear or ears cropped or cut off, except when and as certified to be reasonably necessary by a veterinarian duly registered under the laws of the state of his residence, shall be punished by a fine of not more than two hundred and fifty dollars.

CHAPTER 272

Section 80C Taking cat, dog or bird to exhibit it, subject it to experimentation or mutilation, or to sell it for such purposes; application of law

Whoever, without the consent of the owner, takes a cat, dog or bird, with intent to exhibit or cause it to be exhibited or to subject it or cause it to be subjected to experimentation or mutilation while alive, or with intent to sell it or cause it to be sold for the purpose of being exhibited or subjected to experimentation or mutilation as aforesaid, shall be punished by a fine of not less than one hundred dollars nor more than the maximum fine permitted by law for the larceny of an article of the same value as such cat, dog or bird. This section shall not apply to an institution acquiring a cat, dog or bird under the provisions of chapter forty-nine A.

CHAPTER 272

Section 80D Living rabbits, baby chickens, ducklings or other fowl; sale, barter or gift

No person shall sell, offer for sale, barter or give away as premiums living baby chickens, ducklings or other fowl under two months of age.

No person shall sell, offer for sale, barter, display or give away living rabbits, chickens, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

Nothing in this section shall be construed to prohibit the sale or display of baby chickens, ducklings or other fowl under two months of age by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising; provided, however, that prior to May first in any year, such ducklings may be sold or purchased only in quantities of twenty-four or more.

This section shall not prohibit, however, the sale or donation of such chickens, ducklings or fowl to schools for use in classroom instruction.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

CHAPTER 272

Section 80E Use of decompression chambers for putting animals to death

Whoever puts any animal to death by the use of a decompression chamber shall be punished by a fine of not less than one hundred dollars.

CHAPTER 272

Section 80E¹/₂ Putting animal to death by drowning

Whoever puts an animal to death by drowning shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in a jail or

house of correction for not more than 21/2 years, by a fine of not more than \$5,000 or by both such fine and imprisonment for a first offense and punished by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment for a second or any subsequent offense.

CHAPTER 272

Section 80F Giving away live animals as prize or award

No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

CHAPTER 272

Section 80G Experiments on vertebrates; vivisection, dissection of animals; care

No school principal, administrator or teacher shall allow any live vertebrate to be used in any elementary or high school under state control or supported wholly or partly by public money of the state as part of a scientific experiment or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions, or in which said vertebrates are injured through any other type of treatment, experiment or procedure including but not limited to anesthetization or electric shock, or where the normal health of said animal is interfered with or where pain or distress is caused.

No person shall, in the presence of a pupil in any elementary or high school under state control or supported wholly or partly by public money of the state, practice vivisection, or exhibit a vivisected animal. Dissection of dead animals or any portions thereof in such schools shall be confined to the class room and to the presence of pupils engaged in the study to be promoted thereby, and shall in no case be for the purpose of exhibition.

Live animals used as class pets or for purposes not prohibited in paragraphs one and two hereof in such schools shall be housed or cared for in a safe and humane manner. Said animals shall not remain in school over periods when such schools are not in session, unless adequate care is provided at all times.

The provisions of the preceding three paragraphs shall also apply to any activity associated with or sponsored by the school.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

CHAPTER 272**Section 80H Motor vehicles; striking, injuring or killing dogs or cats**

The operator of a motor vehicle that strikes and injures or kills a dog or cat shall forthwith report such an accident to the owner or custodian of said dog or cat or to a police officer in the town wherein such accident has occurred. A violation of this section shall be punished by a fine of not more than \$100 for a first offense or not more 10 days in a house of corrections and a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house of correction for not more than 6 months or both such fine and cost and imprisonment for a second and subsequent offense. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.

CHAPTER 272**Section 80I Leasing or renting dogs; penalties**

(a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Assistance and service dog", a canine specifically trained to help persons with disabilities or a canine trained to help a person with a disability in life; provided, however, that **"assistance and service dog"** shall also include a canine trained for search and rescue and a medical response dog.

"Canine foster care", an organization that places canines in a temporary home while awaiting pet adoption.

"Earth dog", a canine breed used as a hunting dog to track game above and below ground.

"Farm dog", a canine that works on a farm to assist humans or other animals.

"Pet adoption", the permanent ownership of and responsibility for a pet that a previous owner has abandoned or otherwise abdicated its responsibility.

"Renting and leasing", the practice of renting a dog for a fee or a cost which will knowingly result in a temporary possession of the animal by another party.

"Therapy dog", a canine that is used under the ownership and care of its handler that visits people for educational, medical or mental purposes.

(b) No person shall engage in the business of leasing or renting a dog. A dog held for such leasing or renting may be seized or impounded by an organization or agent thereof that is authorized to seize or impound animals under the General Laws. A violation of this section shall be punished by a fine of not less than \$100 for the first violation, not less than \$500 for the second violation and \$1,000 for subsequent violations. Fines may be levied on both the business that is leasing a dog and the person that has entered into a rental agreement. Nothing in this section shall prohibit service animal businesses or organizations, pet adoption and foster care services, and working animals for the following purposes including, but not limited to: service animal businesses or organizations, pet adoption and foster care services, farming and agriculture, working dog activities, dogs working in entertainment and shows

which are authorized to do so under the General Laws, dogs participating in performance sports or activities including, but not limited to, sporting, hunting, earth dog and racing dog activities and people engaged in breeding, training and showing dog, and dogs used for medical or scientific purposes so long as such use is lawful. This section shall not prohibit a pet store, kennel, pet adoption service or other entity authorized to sell pets under the General Laws for a fee or a cost from taking back a pet that it may have sold if the owner is unable to keep or handle that pet.

CHAPTER 272

Section 81 Rest, water and feed for transported animals; lien; liability for detention

Railroad corporations shall not permit animals carried or transported by them to be confined in cars longer than twenty-eight consecutive hours without unloading them for at least five consecutive hours for rest, water and feeding, unless prevented by storm or accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall during such rest be properly fed, watered and sheltered by the owner or person having the custody of them, or, in case of his default, by the railroad corporation transporting them, at the expense of said owner or person in custody thereof. In such case the corporation shall have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention. A corporation, owner or custodian of such animals failing to comply with this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars. This section shall not apply to animals carried in cars in which they can and do have proper food, water, space and opportunity for rest.

CHAPTER 272

Section 82 Arrest without warrant for violation of Sec. 77 or 81; notice; care of animals; lien

A person found violating any provision of section seventy-seven or eighty-one may be arrested and held without a warrant as provided in section fifty-four; the person making an arrest with or without a warrant shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, shall properly care and provide for such animals until the owner thereof takes charge of them, not, however, exceeding sixty days from the date of said notice, and shall have a lien on said animals for the expense of such care and provision.

CHAPTER 272

Section 83 Complaint, warrant and search relative to cruelty to animals

If complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant has reasonable cause to believe that the laws relative to cruelty to animals have been or are violated in any particular building or place, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer to search such building or place; but no such search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

CHAPTER 272

Section 84 Prosecutions under Secs. 77 to 81

Sheriffs, deputy sheriffs, constables and police officers shall prosecute all violations of sections seventy-seven to eighty-one, inclusive, which come to their notice.

CHAPTER 272

Section 85A Injuring, taking away or harboring domesticated animals or birds; removal of dog license tag, collar or harness; imitation tag

Whoever with wrongful intent kills, maims, entices or carries away a dog or other domesticated animal or bird shall be liable in tort to its owner for three times its value. Any person who removes from the dog of another its license tag, collar or harness, or who, without the authorization of the owner or keeper, holds or harbors a dog or other domesticated animal of another, or who holds or harbors a lost or strayed dog or other domesticated animal for more than forty-eight hours after such animal comes into his possession without reporting or taking it to the police station or dog officer nearest to the place where it was found and informing the police officer or dog officer in charge where such dog or other animal was found, the name, color, age, size and pedigree, as fully as possible, of such animal and the person's own name and address, or who shall cause a dog to wear an imitation or counterfeit of the official tag prescribed by section one hundred and thirty-seven, one hundred and thirty-seven A or one hundred and thirty-seven B of chapter one hundred and forty, shall be punished by a fine of not more than one hundred dollars.

CHAPTER 272

Section 85B Assistance animals stolen or attacked; actions for economic and non-economic damages

(a) A physically impaired person who uses an assistance animal or the owner of the assistance animal, may bring an action for economic and non-economic damages against a person who steals or attacks the assistance animal. The action authorized by

this subsection may be brought by the physically impaired person or owner notwithstanding that the assistance animal was in the custody or under the supervision of another person when the theft or attack occurred. If any other non-assistance animal should attack an assistance animal, the owner of the assistance animal may seek compensation from the owner or custodian of the non-assistance animal found to have caused harm to the assistance animal.

(b) If the theft or attack of an assistance animal as described in subsection (a) results in the death of the animal or the animal is not returned or if injuries sustained prevent the assistance animal from returning to service, the measure of economic damages shall include, but are not limited to, the veterinary medical expenses and the replacement cost of an equally trained assistance animal, without any differentiation for the age or the experience of the animal.

(c) A cause of action shall not arise under this section if the physically impaired individual, owner or the individual having custody or supervision of the assistance animal was engaged in the commission of a crime at the time of injury sustained by the assistance animal.

CHAPTER 272

Section 86 Stabling horses or mules on second or higher floors, in places other than cities

No person shall stable a horse or mule on the second or any higher floor of any building, unless there are two means of exit therefrom, at opposite ends of the building, to the main or street floor, unless such building is equipped with an automatic sprinkler system. This section shall not apply to cities.

CHAPTER 272

Section 86A Stabling horses and mules above first floor; exceeding six; fire exits

No person shall stable a horse or mule above the first or ground floor of any building not equipped with an automatic sprinkler system, or horses or mules exceeding six in all on the first or ground floor of any building not so equipped, unless there are two unobstructed means of exit from each floor whereon it or they are stabled, as far apart as practicable and so constructed as to grade that the said animal or animals can quickly and safely leave the building in case of fire and approved as to situation, arrangement and utility by the chief of the fire department. The person in charge of horses and mules stabled in any building not equipped with such a system and requiring two exits as aforesaid shall cause each such animal to use each such exit at least once a week. This and the four following sections shall apply only to cities.

CHAPTER 272

Section 86B Stabling horses or mules exceeding fifteen

No person shall stable horses or mules exceeding fifteen in all at any one time in a building not equipped with an automatic sprinkler system unless a watchman is employed constantly on the premises to guard against fire.

CHAPTER 272

Section 86C Smoking in buildings used for stabling horses or mules

No person shall have a lighted cigarette, cigar or pipe in his possession in any building in which by the provisions of section eighty-six A two unobstructed means of exit are required or in which by the provisions of section eighty-six B the employment of a watchman is required, except in a room in said building made fire-resisting.

CHAPTER 272

Section 86D Pails of water and sand in buildings used for stables

On every floor of a building not equipped with an automatic sprinkler system, where horses or mules are stabled, there shall be kept in accessible locations and filled at all times, four pails of water and one pail of sand, for each one thousand square feet of floor space, to be used for no other purpose than extinguishing fires and to be so marked.

CHAPTER 272

Section 86E Entry upon premises to enforce Secs. 86A to 86D; orders

The chief of the fire department or any person designated by him may, at all reasonable hours, enter into buildings within their jurisdiction where horses or mules are stabled, or upon premises adjacent thereto, for the purpose of enforcing sections eighty-six A to eighty-six D, inclusive, and if any such official or person so authorized finds the existence of conditions likely to cause a fire in such buildings or on such premises, he shall order such conditions to be remedied. Such order shall be served by delivering the same in hand or by posting the same in a conspicuous place on the building or premises affected thereby.

CHAPTER 272

Section 86F Violation of Secs. 86 to 86D; refusal or neglect to comply with Sec. 86E orders

Whoever violates any provision of sections eighty-six to eighty-six D, inclusive, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one month, or both. Whoever refuses or unreasonably neglects to comply with any order issued under section eighty-six E shall be punished by a fine of not more than ten dollars for each day during which such refusal or neglect continues after service of said order.

CHAPTER 272

Section 87 Keeping or using birds to be shot at; shooting them; permitting premises to be used for shooting

Whoever keeps or uses any live bird, to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or lets any building, room, field or premises, or knowingly permits the use thereof, for the purpose of such shooting, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than one month, or both. Nothing herein contained shall apply to the shooting of wild game.

CHAPTER 272

Section 88 Complaints and warrants relative to fighting animals; searches; arrests

If complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant has reasonable cause to believe that preparations are being made for an exhibition of the fighting of birds, dogs or other animals, or that such exhibition is in progress, or that birds, dogs or other animals are kept, owned, possessed, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94 at any place or in any building or tenement, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer, or special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals or at the request of the Animal Rescue League of Boston, to search such place, building or tenement at any hour of the day or night and take possession of all such animals and all paraphernalia, implements, equipment or other property used or employed, or intended to be used or employed, in violation of section 94 there found, and arrest all persons there present.

CHAPTER 272

Section 89 Exhibition place of fighting animals; entry without warrant; arrests; seizure of animals

Any officer authorized to serve criminal process, or any special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, or any municipal officer involved with animal control may, without a warrant, enter any place or building in which there is an exhibition of any fighting birds, dogs or other animals, preparations are being made for such an exhibition, or birds, dogs or other animals are owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94. Any such officer may arrest all persons there present and take possession of and remove from the place of seizure such animals there found in violation of said section 94, and hold the same in custody subject to the order of court as hereinafter provided.

CHAPTER 272

Section 90 Custody of arrested persons; time limitation

Persons arrested under either of the two preceding sections shall be kept in jail or other convenient place not more than twenty-four hours, Sundays and legal holidays excepted, at or before the expiration of which time they shall be taken before a district court and proceeded against according to law.

CHAPTER 272

Section 91 Forfeiture of animal or property used or employed in violation of Sec. 94; application; notice; hearing; adjudication; assessment of forfeited animal for suitability for adoption; transfer or other disposition of animal

After seizure and removal of animals or property used or employed, or intended to be used or employed, in violation of section 94, application shall be made to a court having jurisdiction over the offense for a decree of forfeiture of the animals or property. If after a hearing on the application, notice thereof having been previously given as the court orders, it shall be found that the animals, at the time of seizure, were engaged in or were intended to be engaged in fighting at an exhibition thereof or the animals were owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94, such animals shall be adjudged forfeited. A forfeited animal shall be individually assessed by the organization to which it is forfeited to determine the animal's suitability for adoption or the organization shall transfer it to another organization or for another disposition. Any person shall be allowed to appear as claimant in the proceeding upon the application for a decree of forfeiture.

CHAPTER 272

Section 92 Appeal; recognizance; custody and disposition of animals

An owner or claimant aggrieved by such judgment may, within twenty-four hours after the entry thereof and before its execution, appeal therefrom to the superior court; and all proceedings upon and after such appeal, including the right of exception, shall conform, so far as may be, to those in criminal cases, except that before such appeal is allowed the appellant shall recognize to the commonwealth in the sum of two hundred dollars, with sufficient sureties, to prosecute his appeal and to pay such expenses of the prosecution as the court may order and such expenses as may be thereafter incurred in the care and keeping of the birds, dogs or other animals claimed by such appellant if final judgment is rendered against them, and to abide the judgment of the court thereon. Upon the final judgment, the birds, dogs or other animals held in custody to abide such judgment shall be disposed of, under the direction of the superior court, in like manner as the court or justice might have disposed of them if no appeal had been taken. During the pendency of the appeal, all birds, dogs or other animals adjudged forfeited shall be kept in custody in a place other than that from which they were taken.

CHAPTER 272

Section 93 Expenses of care and destruction of fighting animals

The necessary expenses incurred in the care and destruction of such birds, dogs and other animals may be allowed and paid in the same manner as expenses in criminal prosecutions.

CHAPTER 272

Section 94 Owning, possessing or training fighting animals; establishing or promoting exhibition; loaning, selling or exporting fighting animals; owning or possessing animals for breeding fighting animals

Whoever: (i) owns, possesses, keeps or trains any bird, dog or other animal, with the intent that it shall be engaged in an exhibition of fighting; (ii) establishes or promotes an exhibition of the fighting of any birds, dogs or other animals; (iii) loans, sells, exports or otherwise transfers any bird, dog or other animal for the purpose of animal fighting; or (iv) owns, possesses or keeps any bird, dog or other animal for the purpose of breeding such animal with the intent that its offspring be used for animal fighting shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 1 year, or by a fine of not more than \$1,000 or by both such fine and imprisonment.

CHAPTER 272

Section 95 Aiding or being present at exhibition of fighting animals

Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in or contributes to such exhibition, shall be punished by a fine of not more than \$1,000 or by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2 years or by both such fine and imprisonment.

CHAPTER 272

Section 98A Physically handicapped persons with dog guides; public places or conveyances; charges or fares; penalties

Notwithstanding any other provision of law, any blind person, or deaf or hearing handicapped person, or other physically handicapped person accompanied by a dog guide, shall be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the commonwealth, to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no such blind person, or deaf or hearing handicapped, or other physically handicapped person shall be required to pay any charge or fare for or on account of the transportation on any public conveyance for himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for his own transportation. Whoever deprives any blind person, or deaf or hearing handicapped person, or other physically handicapped person of any right conferred by this section shall be punished by a fine of not more than three hundred dollars and shall be liable to any person aggrieved thereby for such damages as are set forth in section five of chapter one hundred and fifty-one B; provided, however, that such civic forfeiture shall be of an amount not less than one hundred dollars.

CHAPTER 272

Section 104. Security for seizure and impoundment of animals relating to cruelty to animals or animal fighting

(a) As used in this section, the word "authority" shall mean an organization or the authorized agent of an organization that seizes or impounds an animal pursuant to the General Laws.

(b) If an animal is seized or impounded pursuant to section 112 of chapter 266 or section 77, 77C or 94 of chapter 272 resulting in the issuance of a criminal complaint or a criminal indictment, the authority or prosecuting agency, including the district attorney or attorney general, may file a petition with the court requesting that the person from whom the animal was seized or a person claiming an interest in the seized animal be ordered to post a security. The authority or prosecuting agency shall serve a copy of the petition on the person from whom the animal was seized or who

is claiming an interest in the seized animal; provided, however, that if such a person cannot be found, service may be made by posting a copy of the petition at the place from which the animal was seized. If the petition is filed by the authority, the authority shall also serve a copy of the petition on the prosecuting agency.

(c) The security shall be in an amount sufficient to secure payment for the reasonable expenses incurred by the authority that has custody of the seized or impounded animal and the reasonable expenses anticipated by the authority. In determining the amount of the security, expenses shall be calculated from the date of seizure or impoundment and continue until the authority ends custody of the animal; provided, however, that the amount shall be determined for a period of not less than 30 days. The amount of the security shall be determined by the court upon the recommendation of the authority. Reasonable expenses shall include, but shall not be limited to, estimated medical care, quarantine costs, shelter and board.

(d) When a security is posted in accordance with this section, the authority may draw from the security the actual, reasonable costs incurred for medical care, quarantine costs, shelter, board and any other expenses ordered by the court. If the expenses already incurred by the seizing authority at the time of judicial decision on the petition exceed the petitioned for security amount, the court may order the security to be paid in its entirety to the authority through the court or directly from the respondent to the authority, as the court deems appropriate in the interest of justice.

(e) If the court orders the posting of a security, the security shall be posted with the clerk within 10 business days of the court's allowance of the petition. The defendant's failure to post the security within the appointed time shall be deemed an immediate forfeiture of the seized animal to the authority. The court may waive the security requirement or reduce the amount of the security for good cause. The court may extend the time for posting the security with the clerk; provided, however, that the time between the court's allowance of the petition and the posting shall be not more than 20 business days.

(f) The posting of the security shall not prevent the authority from euthanizing the seized or impounded animal for humane reasons before the expiration of the period covered by the security; provided, however, that the euthanasia shall be done in a humane manner.

(g) The authority may humanely transfer or euthanize the animal at the end of the period for which expenses are covered by the security if a transfer or euthanasia is ordered by the court. If the transfer or euthanasia order is denied, the court may require the animal's owner or custodian or any other person claiming interest in the animal to provide an additional security to secure payment of reasonable expenses and to extend the period of time pending adjudication by the court of the charges against the person from whom the animal was seized.

(h) The owner or custodian of an animal, or a person claiming interest in such an animal pursuant to this section, that is humanely transferred or euthanized shall not be entitled to recover damages or the actual value of the animal if the owner, custodian or other person failed to post the required security.

(i) The court may direct a refund to the person who posted the security in whole or part, for expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.

Animal Disease Control

Massachusetts General Laws Chapter 129

Laws pertaining to disease control.

Quick Reference Guide *Please note this is an abbreviated list, for a full list of Laws pertaining to disease control visit <https://malegislature.gov/>

Laws Pertaining to Animal Inspector Duties

Massachusetts General Law, Chapter 129, Section 1

Definitions

Massachusetts General Law, Chapter 129, Section 2

Powers and Duties of Director

Massachusetts General Law, Chapter 129, Section 3

Records of inspectors; forms

Massachusetts General Law, Chapter 129, Section 6

Aide to Director and Inspectors

Massachusetts General Law, Chapter 129, Section 7

Entry on premises

Massachusetts General Law, Chapter 129, Section 9

MSPCA and ARL Agents; Powers; Duties

Massachusetts General Law, Chapter 129, Section 15

Appointment of Animal Inspector

Massachusetts General Law, Chapter 129, Section 16

Refusal or neglect of town to appoint inspector; appointment by director

Massachusetts General Law, Chapter 129, Section 17

Oath of inspectors; compensation; reimbursement of towns

Massachusetts General Law, Chapter 129, Section 21

Quarantine of diseased animals; notice or order; records

Massachusetts General Law, Chapter 129, Section 22

Quarantine of diseased animals; notice or order; records
Massachusetts General Law, Chapter 129, Section 24
Notice of quarantine
Massachusetts General Law, Chapter 129, Section 37
Enforcement Actions
Massachusetts General Law, Chapter 129, Section 39A
Licensing of Pet Shops
Massachusetts General Law, Chapter 129, Section 39B
Licensing of Guard Dog Businesses
Massachusetts General Law, Chapter 129, Section 39F
Service Dog Trainer Rights
Massachusetts General Law, Chapter 129, Section 39G
Dogs and cats Being Brought into Commonwealth; Requirements
Massachusetts General Law, Chapter 129, Section 43
Penalties for Violations Section 39 through Section 42

CHAPTER 129

Section 1 Definitions

The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Agents", employees of the division of animal health in the department of food and agriculture especially designated as agents by the director.

"Contagious disease", such disease as is recognized by the United States department of agriculture, animal health division, to be contagious or infectious.

"Director", director of animal health.

"Division", the division of animal health of the department of food and agriculture.

"Domestic animals", all animals including poultry that are kept or harbored as domesticated animals. Poultry as used in this section shall include chickens, roosters, capons, hens, turkeys, pigeons, guinea fowl, and ducks and geese other than wild species.

"Guard Dog Business", the business of furnishing, whether by lease or sale, dogs trained as guard dogs to protect life or property, or of training such guard dogs.

"Hearing dog", a dog that has completed a program of professional training to aid deaf and hearing impaired individuals whenever such dog is professionally trained by a person engaged in the hearing dog business to aid the deaf and actually being used for such purpose, or a dog owned by a person engaged in the hearing dog business within the commonwealth during the period such dog is being trained or bred for such purpose.

"Hearing dog business", the business of furnishing, whether by lease, sale or otherwise, dogs trained as hearing dogs, or of training such hearing dogs.

"Inspector", inspector of animals appointed under section fifteen or sixteen.

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

CHAPTER 129

Section 2 Powers and duties of director; orders

The director may make and enforce reasonable orders, rules and regulations relative to the following: the sanitary condition of neat cattle, other ruminants and swine and of places where such animals are kept; the prevention, suppression and extirpation of contagious diseases of domestic animals; the establishing of disease-free herds of cattle and the issuing of certificates in connection therewith; the inspection, examination, quarantine, care and treatment or destruction of domestic animals affected with or which have been exposed to contagious disease, the burial or other disposal of their carcasses, and the cleansing and disinfection of places where contagion exists or has existed. No rules or regulations shall take effect until approved by the governor and council.

CHAPTER 129

Section 3: Records of inspectors; forms

The director shall make and prescribe forms for records of inspectors, certificates of examination, notices and orders of quarantine, notices and orders for killing and burial, and for returns of inspectors required by this chapter.

CHAPTER 129

Section 6 Aid to director and inspectors by sheriffs, constables and police officers

Sheriffs, constables and police officers shall upon request of the director or an inspector assist him in the performance of his duties and shall have the same powers and protection, while so engaged, as peace officers.

CHAPTER 129

Section 7: Entry on premises

For the purpose of inspecting or examining animals or the places where they are kept, the director, any of his agents or an inspector, duly qualified, may enter any building or part thereof or any enclosure or other place, and may examine or inspect such animals or places. Whoever prevents, obstructs or interferes with such director, agent, inspector or other person having like authority in the performance of any of his duties, or whoever hinders, obstructs or interferes with his making such inspection or examination, or whoever secretes or removes any animal, for the purpose of preventing it from being inspected or examined, shall be punished by a

fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

CHAPTER 129

Section 9 Massachusetts Society for the Prevention of Cruelty to Animals; Animal Rescue League of Boston; agents; powers and duties

The agents of the Massachusetts Society for the Prevention of Cruelty to Animals and the agents of the Animal Rescue League of Boston may visit all places at which neat cattle, horses, mules, sheep, swine or other animals are delivered for transportation or are slaughtered, any pet shop where animals, birds, fish or reptiles are sold, or exhibited, or for sale, any guard dog business, any hearing dog business and any stable where horses are kept for hire or boarded for a fee, or any licensed kennel where animals are boarded for a fee or any animal dealer licensed with the United States Department of Agriculture, for the purpose of preventing violations of any law and of detecting and punishing the same and such agents shall have the power to prosecute any such violation coming to their notice. Records of inspection made under authority of this section shall be filed with the office of the division of animal health, within the department of agriculture no later than three months after such inspection. Any person who prevents, obstructs or interferes with any such agent in the performance of such duties shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

CHAPTER 129

Section 15 Inspector of animals; appointment

The city manager in cities having a plan D or plan E charter, the mayor in all other cities, except Boston, the town manager in towns having a town manager form of government and the selectmen in all other towns shall annually, in March, nominate one or more inspectors of animals, and before April first shall send to the director the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the director.

In a town which has a board of health and accepts this paragraph, the nomination of such inspectors shall be made by the board of health and not by the selectmen or town manager.

CHAPTER 129

Section 16 Refusal or neglect of town to appoint inspector; appointment by director

A town shall, for each refusal or neglect of its officers to comply with the requirements of the preceding section, forfeit not more than five hundred dollars. The director may appoint one or more inspectors for such town, and may remove an inspector who refuses or neglects to be sworn or who, in the opinion of the director,

does not properly perform the duties of his office and may appoint another inspector for the residue of his term.

CHAPTER 129

Section 17: Oath of inspectors; compensation; reimbursement of towns

Each inspector shall be sworn to the faithful performance of his official duties, and shall receive from the town for which he is appointed reasonable compensation, if appointed by the town, or such compensation as shall be fixed by the director, but not in excess of five hundred dollars a year, if appointed by the director. Towns having a valuation of less than two and one half million dollars shall be reimbursed by the commonwealth, upon certificate of the selectmen, approved by the director, for one half of such compensation, not exceeding two hundred and fifty dollars for each inspector in any one year.

CHAPTER 129

Section 21: Quarantine of diseased animals; notice or order; records

An inspector who, upon an examination of a domestic animal, suspects, or has reason to believe, that it is affected with a contagious disease shall immediately cause it to be quarantined or isolated for at least ten days upon the premises of the owner or of the person in whose charge it is found, or in such other place as he may designate, and shall take such other sanitary measures to prevent the spread of such disease as may be necessary or as shall be prescribed by any order or regulation of the director. He shall also deliver to the owner or person in charge of such animal, or to any person having an interest therein, a written notice or order of quarantine signed by him, in such form as the director shall prescribe, and shall enter a copy of said notice upon his records.

CHAPTER 129

Section 22: Service of notice or order of quarantine; return; evidence

Such notice or order may be served by an inspector or officer qualified to serve civil process, by delivery in hand to, or leaving at the last and usual place of abode of, the owner or person having an interest in or in charge of the animal concerned, or by posting upon the premises where said animal is quarantined or isolated. A copy thereof, with the return of said officer or inspector thereon that such service has been made, shall be competent evidence in any court that such quarantine has been imposed. If an animal has been so quarantined, it shall remain in quarantine until the further order of the director.

CHAPTER 129

Section 24: Notice of quarantine

An inspector who has caused a domestic animal to be quarantined, as provided in section twenty-one, shall immediately give a written notice thereof, with a copy of the order of quarantine, to the director, and shall give such information to no other person.

CHAPTER 129 LIVESTOCK DISEASE CONTROL

Section 37 Enforcement actions; jurisdiction of commissioner of agriculture, district and superior courts

As used in this section, the word "commissioner" shall mean the commissioner of agriculture or his designee, and any rules, regulations, orders, licenses or permits issued under this chapter. The commissioner may assess administrative fines, not to exceed \$500 per offense, for violations of this chapter. Each animal involved in a violation may constitute a separate offense, and each day that a violation continues after receipt of written notice of such violation from the department may constitute a separate offense. Total fines assessed in any given action under this section shall not exceed \$10,000. The commissioner may deny any application for, suspend or revoke any license or permit issued under this chapter upon a finding of consistent or continual failure to keep or produce records required by this chapter. Denial, suspension or revocations shall be effective pending resolution of any appeal, unless otherwise ordered by a court of competent jurisdiction. Without alleging or proving the lack of other adequate remedies at law, the commissioner may apply for an injunction to restrain any violation of this chapter in order to protect human or animal health. The remedies provided in this section are available in addition to, and without limiting, any other penalties provided by law or equity, in this chapter or elsewhere. The district and superior courts shall have concurrent jurisdiction to enforce this chapter and to restrain violations thereof. Enforcement actions brought under this section and appeals thereof shall conform to the applicable provisions of chapter 30A and hearing regulations promulgated thereunder. The commissioner may promulgate regulations to implement this section. The commissioner may issue orders necessary to enforce this chapter and to restrain violations thereof. Such orders shall be effective pending resolution of any appeal, unless otherwise ordered by a court of competent jurisdiction.

CHAPTER 129

Section 39A Pet shops; licensing operation; animal health inspections

Every person engaged in the business of operating a pet shop, shall obtain a license therefor from the director, the fee for which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven for the filing thereof, and such license shall expire on December thirty-first following the date of issuance, unless sooner revoked. The director, subject to the approval of the governor, may make rules and regulations governing the issuance and revocation of such licenses and the conduct of the businesses so licensed and relative to the maintenance of premises, buildings and conveyances, the health of the

birds, mammals or reptiles and the method and time of inspection and checking of said animals.

This section shall not apply to a publicly or privately owned zoological park, a publicly owned animal pound, an institution, as defined in section one of chapter forty-nine A, to persons selling, exchanging or otherwise transferring the offspring of their personally owned animals, or to horse or cattle auctions.

CHAPTER 129 LIVESTOCK DISEASE CONTROL

Section 39B Guard dog businesses; licenses

Every person engaged in operating a guard dog business shall obtain a license therefor from the director, the fee for which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven for the filing thereof, and such licenses shall expire on December thirty-first following the date of issuance, unless sooner revoked. The director may make rules and regulations governing the issuance and revocation of such licenses and the conduct of the businesses so licensed, and relative to the maintenance of the premises and conveyances, the health of the dogs and the method and time of inspection of such businesses.

CHAPTER 129

Section 39F Service dogs; trainer rights

A person accompanied by and engaged in the raising or training of a service dog, including a hearing, guide or assistance dog, shall have the same rights, privileges and responsibilities as those afforded to an individual with a disability under the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.

CHAPTER 129

Section 39G Official health certificate requirement for dog or cat brought or shipped into commonwealth; purchase of animal for resale; vaccination record; devocalization prohibited

(a) A dog or cat brought or shipped into the commonwealth shall be accompanied by an official health certificate issued by an accredited veterinarian, a copy of which shall be sent to the commissioner of agricultural resources.

(b) For purposes of this section, an "official health certificate" shall mean a legible certificate or form issued by an accredited veterinarian and approved by the chief livestock official of the state or county of origin and shall contain the name and address of the consignor and consignee. The official health certificate shall also show the age, sex, breed and description of each dog or cat and certify that the dog or cat is free from visual evidence of infectious or contagious disease. An official health certificate shall show proof of rabies vaccination within the previous 12 months. If a dog or cat is imported into the commonwealth with an official health certificate that

reflects that the dog or cat is not currently vaccinated for rabies, the dog or cat shall be vaccinated as required under section 145B of chapter 140.

(c) A dog or cat purchased within the commonwealth for resale by a commercial establishment or pet shop shall be accompanied by an official health certificate.

(d) A commercial establishment, pet shop, firm or corporation shall not import into the commonwealth, for sale or resale in the commonwealth, a cat or dog less than 8 weeks of age.

(e) A dog or cat sold in the commonwealth by a commercial establishment, pet shop, firm or corporation shall be accompanied by a health record indicating the date and type of each vaccine administered to each such dog or cat.

(f) No commercial establishment, pet shop, firm, corporation or person shall sell a dog or cat that has been surgically devocalized, as defined in section 801/2 of chapter 272, unless written notice that such devocalization has been conducted on the animal is provided to a prospective purchaser before the purchaser enters into an agreement to purchase that animal. In addition to the penalties set forth in this section, failure to provide such notice shall render a purchase agreement void. A violation of this subsection shall constitute an unfair or deceptive act or practice in the conduct of a trade or commerce under chapter 93A.

(g) The commissioner may, after notice and hearing, revoke or suspend a license issued under section 137A of chapter 140 or section 39A of this chapter for a violation of this section.

(h) Whoever is aggrieved by an order issued under this section may appeal within 30 days to the superior court in the county wherein the aggrieved party resides or where the aggrieved party's kennel or pet shop, which is the subject of the license, is located. The appellant shall state the findings by the commissioner and the grounds of appeal therefrom. The court shall consider the proceedings de novo and the parties shall have right of exception and appeal.

CHAPTER 129

Section 43. Penalties for violation of Sections 39 to 42

Whoever violates any provisions of sections thirty-nine to forty-two, inclusive, or of any rule or regulation made under section thirty-nine or thirty-nine A, shall be punished for a first offence by a fine of not more than one hundred dollars and for any subsequent offence by a fine of not more than five hundred dollars, or by imprisonment for not more than two and one half years, or both.



Quick Reference Guide to Additional Massachusetts Animal Laws

Below is a quick reference guide to additional Massachusetts laws relating to animals. Full law context can be accessed at:

<https://malegislature.gov/Laws/GeneralLaws/Search>

Special State Police

Massachusetts General Law, Chapter 22C, Section 57

Appointment of Agents from Humane Societies as Special State Officers

Massachusetts General Law, Chapter 22C, Section 69

Standards of Skill for Special Officers

Horseback Riding Schools

Massachusetts General Law, Chapter 128, Section 2B

Operations of Riding Schools; Rules and Regulations

Disposition of Old and Infirm Animals

Massachusetts General Law, Chapter 133, Section 1

Powers and Duties of Certain Officers Relative to Disabled Animals

Massachusetts General Law, Chapter 133, Section 2

Payment of Value of Animals Taken

Massachusetts General Law, Chapter 133, Section 3

Value of Infected Animal

Crimes Against Property

Massachusetts General Law, Chapter 266, Section 112

Malicious Killing of Domestic Animal

Transportation/ Trespass / Stray Beast

- Massachusetts General Law, Chapter 90, Section 14**
Precautions for safety of Other Travelers
- Massachusetts General Law, Chapter 90, Section 14A**
Protection of Blind Pedestrians Crossing Ways
- Massachusetts General Law, Chapter 45, Section 13**
Trespassing on Public Grounds; Penalty
- Massachusetts General Law, Chapter 49, Section 24**
Beasts at Large Without Keeper; Duties of Field Driver
- Massachusetts General Law, Chapter 49, Section 26**
Appointment of a Keeper
- Massachusetts General Law, Chapter 49, Section 27**
Fees to be Paid by Beast Owner
- Massachusetts General Law, Chapter 49, Section 28**
Impounding of Beasts on Premises by Field Driver
- Massachusetts General Law, Chapter 49, Section 29**
Distrain of Beasts Doing Damage
- Massachusetts General Law, Chapter 49, Section 30**
Impounding of Such Beasts
- Massachusetts General Law, Chapter 49, Section 31**
Persons Distraining to State Demand
- Massachusetts General Law, Chapter 49, Section 32**
Beasts not Delivered Until Costs Paid
- Massachusetts General Law, Chapter 49, Section 33**
Notice to be Given to Owner or Keeper
- Massachusetts General Law, Chapter 49, Section 34**
Notice to be Posted and Published
- Massachusetts General Law, Chapter 49, Section 35**
Determination of Disputed Amount
- Massachusetts General Law, Chapter 49, Section 36**
Determination of Disputed Amount; Fees
- Massachusetts General Law, Chapter 49, Section 37**
In not Paid, Beasts to be Sold
- Massachusetts General Law, Chapter 49, Section 38**
Disposition of Proceeds
- Massachusetts General Law, Chapter 49, Section 39**
Escaped or Rescued Beast May be Retaken
- Massachusetts General Law, Chapter 49, Section 40**
Penalty for Rescuing Beasts Distrained
- Massachusetts General Law, Chapter 49, Section 41**
Legality of Distress; Admissible Evidence
- Massachusetts General Law, Chapter 82 Section 9**
Culverts and Cattle Passes
- Massachusetts General Law, Chapter 82 Section 36**
Penalty for Misuse of Bicycle Paths

QUICK REFERENCE

Massachusetts General Law, Chapter 85, Section 10

Regulation of Use of Ways for Certain Purposes

Massachusetts General Law, Chapter 85, Section 19

Bears and Other Wild Animals

Massachusetts General Law, Chapter 134, Section 1

Finder of Lost Money or Goods to Give Notice, etc.

Massachusetts General Law, Chapter 134 Section 2

When Stray Beasts are Taken up, Notices to be Given

Massachusetts General Law, Chapter 134, Section 3

Restitution of Property

Massachusetts General Law, Chapter 134, Section 4

Rights of Finder if No Owner Appears

Massachusetts General Law, Chapter 134, Section 5

Sale of Strays

Massachusetts General Law, Chapter 134, Section 6

Rights of Owner and Finder of Strays

Massachusetts General Law, Chapter 134, Section 7

Penalty for Taking Away Strays

Massachusetts General Law, Chapter 179, Section 24

Trespass; Proprietor; Horses, Cattle or Other Beasts

Massachusetts General Law, Chapter 179, Section 27

Proprietor Injured by Beasts of Stranger

Massachusetts General Law, Chapter 247, Section 1

Replevin of Beasts Distrained

Massachusetts General Law, Chapter 247, Section 2

Bond

Massachusetts General Law, Chapter 247, Section 3

Appraisal of Property

Massachusetts General Law, Chapter 266, Section 118

Suffering Animals to Trespass on Land

Livestock Quarantines / Slaughter

Massachusetts General Law, Chapter 94, Section 139D

Slaughtering by Inhumane Methods Prohibited

Massachusetts General Law, Chapter 94, Section 139E

Administration of the Law; Certain Methods of Slaughtering Deemed Inhumane

Massachusetts General Law, Chapter 94, Section 139F

Penalties

Massachusetts General Law, Chapter 94, Section 139G

Ritual Slaughter; Religious Freedom Unabridged

Massachusetts General Law, Chapter 94, Section 151

Sale, Certain Veal Penalized

Massachusetts General Law, Chapter 94, Section 151A

Sale of Horse Meat

Massachusetts General Law, Chapter 94, Section 152

QUICK REFERENCE

Publication of Facts Relating to Condemnation of Animal or Property
Massachusetts General Law, Chapter 94, Section 152A

Sale and Transportation of Live Poultry; Licenses; Records; Sanitation
Massachusetts General Law, Chapter 94, Section 152B

Regulation of Live Poultry Containers and Conveyances
Massachusetts General Law, Chapter 94, Section 152C

Sale and Transportation of Live Poultry; Penalty for Violations
Massachusetts General Law, Chapter 111, Section 15

Tests for the Division of Animal Health
Massachusetts General Law, Chapter 111, Section 154

Killing and Rendering of Horses; Regulated; Penalty
Massachusetts General Law, Chapter 128, Section 8A

Destruction or Control of Foxes and Rodents; Investigations
Massachusetts General Law, Chapter 128, Section 8B

Supervision of Mink Ranches
Massachusetts General Law, Chapter 128, Section 10

Conduct of Farms
Massachusetts General Law, Chapter 128, Section 13

Division to Report Unsanitary Conditions
Massachusetts General Law, Chapter 129, Section 13A

Destruction of Animals affected with Scrapie; Compensation
Massachusetts General Law, Chapter 129, Section 19

Inspection of Domestic Animals
Massachusetts General Law, Chapter 129, Section 21

Quarantine of Infected Animals
Massachusetts General Law, Chapter 129, Section 22

Service of Notice of Quarantine
Massachusetts General Law, Chapter 129, Section 22A

Police Dogs; Quarantine Exemption
Massachusetts General Law, Chapter 129, Section 23

Examinations of Barns
Massachusetts General Law, Chapter 129, Section 24

Notice of Quarantine
Massachusetts General Law, Chapter 129, Section 25

Records of Inspectors of Animals
Massachusetts General Law, Chapter 129, Section 26A

Shipping, Etc., Dairy Cattle into Commonwealth Without Inspection
Massachusetts General Law, Chapter 129, Section 26B

Hatching Eggs; Baby Chicks or Live Poultry; Restriction on Sale
Massachusetts General Law, Chapter 129, Section 27

Quarantine of Imported Animals
Massachusetts General Law, Chapter 129, Section 28

Notice of Contagious Diseases
Massachusetts General Law, Chapter 129, Section 33A

Tuberculin test; Identification of Reacting Bovines; Removal of tags
Massachusetts General Law, Chapter 129, Section 35

QUICK REFERENCE

Driving Certain Cattle on Public Ways
Massachusetts General Law, Chapter 129, Section 36
Notice to be Given of Contagious Diseases
Massachusetts General Law, Chapter 129, Section 36D
Importation of Tested Animals; Testing for Brucellosis
Massachusetts General Law, Chapter 129, Section 39
License Required of Dealer in Bovine or Porcine Animals
Massachusetts General Law, Chapter 129, Section 39E
Livestock Auction; Businesses; Licenses
Massachusetts General Law, Chapter 129, Section 40
Sale and Transportation of Live Poultry; Penalty for Violations
Massachusetts General Law, Chapter 129, Section 41
Bill of Sale Signed by Owner Transporting Bovine Animals
Massachusetts General Law, Chapter 129, Section 42
Tagging Bovine Animals with Identification Tag
Massachusetts General Law, Chapter 129, Section 44
Certification of Tests for Infectious Anemia
Massachusetts General Law, Chapter 129, Section 44A
Destruction or Quarantine of Infectious Equine
Massachusetts General Law, Chapter 129, Section 45
License to Deal in or Auction Equine Animals
Massachusetts General Law, Chapter 129, Section 46
License Plates for Vehicles Transporting Equine
Massachusetts General Law, Chapter 129, Section 47
Bill of Sale or Memorandum in Connection with Animals of Slaughter
Massachusetts General Law, Chapter 129, Section 48
Violations of Section 39 –Section 42

Theft / Liens / False Pretenses

Massachusetts General Law, Chapter 200, Section 9
Property; Management and Sale
Massachusetts General Law, Chapter 223, Section 88
Perishable Property; Appraisal and Sale
Massachusetts General Law, Chapter 255, Section 24
Lien for Pasturing, Boarding and Keeping of Domestic Animals
Massachusetts General Law, Chapter 255, Section 26
Enforcement
Massachusetts General Law, Chapter 255, Section 32
Dissolution of Liens on Personality; Manner
Massachusetts General Law, Chapter 255, Section 33
Procedure for Dissolution of certain Liens on Personality
Massachusetts General Law, Chapter 266, Section 64
Fraudulent Hiring of Horses, carriages, Automobiles, etc.
Massachusetts General Law, Chapter 266, Section 47
Wrongfully Removing a Collar from a Dog

QUICK REFERENCE

Massachusetts General Law, Chapter 266, Section 93

Giving or Obtaining False Pedigree of Animals

Massachusetts General Law, Chapter 129, Section 47

Bill of Sale or Memorandum in Connection with Animals of Slaughter

Massachusetts General Law, Chapter 277, Section 27

Description of Animal in Indictment

Stables

Massachusetts General Law, Chapter 111, Section 155

Licenses for Stables in Cities and Certain Towns

Massachusetts General Law, Chapter 111, Section 158

Licenses for Stables in Small Towns

Health

Massachusetts General Law, Chapter 111, Section 16

Unsanitary Conditions of Barns

Massachusetts General Law, Chapter 128, Section 13

Bureau of Dairying to Report Unsanitary Conditions

Massachusetts General Law, Chapter 128A, Section 13B

Licenses for Stables in Cities and Certain Towns

Massachusetts General Law, Chapter 270, Section 3A

Placement of Poison for Rodents

Veterinarians

Massachusetts General Law, Chapter 112, Section 58A

Emergency Care to Animals; Exemption from Civil Liability

Massachusetts General Law, Chapter 112, Section 58B

Reports of Suspected Cruelty to Animals

Massachusetts General Law, Chapter 112, Section 59

Illegal Practice of Veterinary Medicine; Penalties

Massachusetts General Law, Chapter 112, Section 59A

Disposal of Abandoned Animals

Massachusetts General Law, Chapter 112, Section 60

Applications of Section 54 – Sections 59

Fish and Wildlife

Massachusetts General Law, Chapter 131, Section 1

Definitions and Rules of Construction

Massachusetts General Law, Chapter 131, Section 19A

Permit to Import Live Birds or Mammals; Rules and Regulations

Massachusetts General Law, Chapter 131, Section 19B

Transporting Mammals for the Purpose of Euthanasia

QUICK REFERENCE

- Massachusetts General Law, Chapter 131, Section 20**
Field Trials for Retriever or Bird Dogs
- Massachusetts General Law, Chapter 131, Section 21**
Training of Hunting Dogs; Field Trials
- Massachusetts General Law, Chapter 131, Section 21A**
Unfair Hunting Practices Prohibited
- Massachusetts General Law, Chapter 131, Section 22**
Sale of Fish and Game
- Massachusetts General Law, Chapter 131, Section 22A**
Disposition of Deer, Rules and Regulations
- Massachusetts General Law, Chapter 131, Section 23**
Propagation; Dealing in Fish, Birds, Mammals, Reptiles or Amphibians
- Massachusetts General Law, Chapter 131, Section 24**
Sale of Fish and Game; Protected
- Massachusetts General Law, Chapter 131, Section 25**
Possession of Live Birds, Mammals, Reptiles or Amphibians; Regulated
- Massachusetts General Law, Chapter 131, Section 25A**
Quarantine of Deceased Animals
- Massachusetts General Law, Chapter 131, Section 25B**
Quarantined Animals; Destruction and Disposal
- Massachusetts General Law, Chapter 131, Section 25C**
Quarantined Animals; Prohibited Acts
- Massachusetts General Law, Chapter 131, Section 26**
Permit to Import Live Birds or Mammals; Rules and Regulations
- Massachusetts General Law, Chapter 131, Section 36**
Fishing, Hunting and Trapping on Private Land
- Massachusetts General Law, Chapter 131, Section 37**
Killing, Hunting of Birds or mammals upon Land by Owner
- Massachusetts General Law, Chapter 131, Section 38**
Permit for Trapping Certain Birds; Inspection of Traps
- Massachusetts General Law, Chapter 131, Section 43**
Use of Poison in Killing Birds and Mammals Forbidden
- Massachusetts General Law, Chapter 131, Section 58**
Hunting Near Highways and Dwellings
- Massachusetts General Law, Chapter 131, Section 59**
Hunting on Public Lands
- Massachusetts General Law, Chapter 131, Section 70**
Hunting of Birds or Mammals with Firearm or by Aid of Dog, Regulated
- Massachusetts General Law, Chapter 131, Section 73**
Hunting Moose
- Massachusetts General Law, Chapter 131, Section 74**
Taking of Nests of Birds
- Massachusetts General Law, Chapter 131, Section 75**
Hunting of Wild Turkey
- Massachusetts General Law, Chapter 131, Section 75A**
Hunting of Birds of Prey

QUICK REFERENCE

- Massachusetts General Law, Chapter 131, Section 76**
Removal of a Mammal from a Hole
- Massachusetts General Law, Chapter 131, Section 77**
Ferrets; Possession and Use
- Massachusetts General Law, Chapter 131, Section 77A**
Wild Canid and Felid Hybrids
- Massachusetts General Law, Chapter 131, Section 79**
Use of Traps, Nets or Snares to Take Birds or Mammals; Regulated
- Massachusetts General Law, Chapter 131, Section 80**
Registration and Identification of Traps
- Massachusetts General Law, Chapter 131, Section 80A**
Use of Steel Jaw Leg Hold Trap and Certain Other Devices Restricted
- Massachusetts General Law, Chapter 131, Section 82**
Dogs Running at Large; Protection of Deer
- Massachusetts General Law, Chapter 131, Section 83**
Extermination of English Sparrow and Sterling
- Massachusetts General Law, Chapter 131, Section 84**
Protection of Homing Pigeons
- Massachusetts General Law, Chapter 131, Section 87**
Arrest and Seizure Without Warrant
- Massachusetts General Law, Chapter 131, Section 89**
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- Massachusetts General Law, Chapter 131, Section 90**
Penalties

Additional Laws Updated by Acts of 2018

- Massachusetts General Law, Chapter 6, Section 178C**
Sex Offender Definitions
- Massachusetts General Law, Chapter 19A, Section 15**
Reports of Abuse; Liability
- Massachusetts General Law, Chapter 19A, Section 42**
Reporting of Animal Abuse, Protective Services
- Massachusetts General Law, Chapter 19C, Section 1**
Definitions
- Massachusetts General Law, Chapter 19C, Section 14**
Reporting of Animal Abuse, Health and Human Services
- Massachusetts General Law, Chapter 119, Section 21**
Definitions
- Massachusetts General Law, Chapter 119, Section 85**
Reporting of Animal Abuse, Youth Services Department
- Massachusetts General Law, Chapter 131, Section 19B**
Transporting for Euthanasia, Drowning Prohibited (June 1, 2019)
- Massachusetts General Law, Chapter 186, Section 30**
Checking for Abandoned Animals, Rental Properties
- Massachusetts General Law, Chapter 239, Section 4**

QUICK REFERENCE

Animals in Evictions

Massachusetts General Law, Chapter 239, Section 4

Checking for Abandoned Animals, Eviction Properties

Massachusetts General Law, Chapter 244, Section 41

Checking for Abandoned Animals, Foreclosure Properties

Massachusetts General Law, Chapter 276, Section 58A

Release of Accused Animal Abusers

Massachusetts General Law, Chapter 4, Section 2A

Establish Study Commission

Acts of 2012 Chapter 193

Massachusetts Animal Fund.

On October 31, 2012, a law took effect that, in part, created the Homeless Animal Prevention and Care Fund (Massachusetts Animal Fund). The Fund is administered by the Massachusetts Department of Agricultural Resources with assistance from an advisory committee and seeks to end the problem of animal homelessness in Massachusetts. This program is solely funded by the voluntary tax check-off (Line 33f) on the Massachusetts Resident Income Tax Return and by monetary donations.

Animal homelessness is a problem that causes animals' lives to be lost to euthanasia, poses a public safety concern, and costs taxpayer money to pay for services for stray, abandoned, and feral animals and their offspring. It has been proven that sterilization of animals decreases not only the number of homeless and feral animals born each year, but it also decreases unwanted behavior in owned animals, including roaming and aggression, which are both factors that can lead to the surrender and euthanasia of animals. One solution to this problem is investing in spaying/neutering animals. Another is standardized and required animal control officer training that creates uniform enforcement of animal control laws.

**SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35VV the following section:-
Section 35WW.**

There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Homeless Animal Prevention and Care Fund. The fund shall be used by the department of agricultural resources to offset costs associated with the vaccination, spaying and neutering of homeless dogs and cats, to offset costs associated with the vaccination, spaying and neutering of dogs and cats owned by low-income residents and to assist with the training of animal control officers consistent with section 151C of chapter 140.¹

The department may use the fund for necessary and reasonable administrative and personnel costs related to the specific purposes of the fund. The commissioner of agricultural resources shall establish rules and regulations relating to the fund.

The fund shall consist of all revenues received by the commonwealth pursuant to the voluntary check-off donation indicated on the department of revenue's annual income tax return authorized by section 6L of chapter 62 and from public and private sources as gifts, grants and donations to further reduce the population of homeless animals.

The state treasurer shall deposit amounts in the fund in accordance with section 34 of chapter 29 in a manner that will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit shall be available for immediate withdrawal at any time. The fund may be expended by the commissioner of agricultural resources without further appropriation for the purposes stated in this section and any funds remaining at the end of any fiscal year shall not revert to the General Fund and shall be available for use in subsequent fiscal years.

SECTION 2. Chapter 62 of the General Laws is hereby amended by inserting after section 6L the following section:-

Section 6M. (a) A person filing an individual or a joint return may voluntarily contribute all or part of any refund to which they are entitled, or may voluntarily add an amount on to any amount due, to be credited to the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.

A contribution under this section may be made with respect to any taxable year at the time of filing a return of the tax established by this chapter for such taxable year. The commissioner shall prescribe the manner in which the contribution shall be made on the face of the return required by section 5 of chapter 62C; provided, however, that the commissioner shall assure that taxpayers filing any such forms are made clearly aware of their ability to make the contributions provided for by this section.

The commissioner shall annually report the total amount designated under this section to the state treasurer, who shall credit such amount to the Homeless Animal Prevention and Care Fund.

¹CHAPTER 140

Section 151C Animal control officer training course

Section 151C. The commissioner shall, from time to time and subject to the availability of funds from the Homeless Animal Prevention and Care Fund in section 35WW of chapter 10, provide for a training course for animal control officers. For a training course established under this section, there shall be a preference for persons who have been in the employ of a city or town as an animal control officer for 12 months or less. A training course that is offered by a private entity including, but not limited to, the Animal Control Officers Association of Massachusetts, shall not be eligible for reimbursement from the Homeless Animal Prevention and Care Fund unless such course has been approved by the commissioner.

Acts of 2018 Chapter 219

An act to protect animal welfare and safety in cities and towns

Approved by the Governor, August 9, 2018.
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 178C of chapter 6 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the figure “272”, in line 96, the following words:- ; engaging in sexual contact with an animal under section 77C of said chapter 272.

SECTION 2. Section 15 of chapter 19A of the General Laws, as so appearing, is hereby amended by inserting after the word “technician”, in line 3, the following words :- , animal control officer.

SECTION 3. Chapter 19A of the General Laws is hereby amended by adding the following section:-

Section 42. (a) During any investigation or evaluation reported under section 18, any employee of the department, its designated agency or any person employed pursuant to a contract with the department or its designated agency, when acting in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any local animal control authority.

(b) The report may be made within 2 working days of receiving the information concerning the animal, by facsimile transmission or a written report or by telephone. In cases where an immediate response may be necessary in order to protect the health and safety of the animal, the report should be made by telephone as soon as possible.

(c) When 2 or more employees of the department or its designated agency, or persons employed pursuant to a contract with the department or its designated agency, are present and jointly have knowledge of known or reasonably suspected

animal cruelty, abuse or neglect, and where there is agreement among them, a report may be made by 1 person by mutual agreement. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.

(d) No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith. Any privilege established by sections 135A and 135B of chapter 112 or by section 20B of chapter 233, relating to confidential communications, shall not prohibit the filing of a report pursuant to this section.

(e) Nothing in this section shall impose a duty on the department or its designated agency to investigate known or reasonably suspected animal cruelty, abuse or neglect.

(f) Nothing in this section shall prevent the department, area office or subdivision or its designated agency from entering into an agreement, contract or memorandum of understanding with the entities that investigate reports of animal cruelty, abuse or neglect as described in section 57 of chapter 22C, to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.

SECTION 4. Section 1 of chapter 19C of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word “officer”, in line 28, the first time it appears, the following words:- , animal control officer.

SECTION 5. Chapter 19C of the General Laws is hereby amended by adding the following section:-

Section 14. (a) During any investigation or evaluation reported under section 5, any investigator designated by the commission, the general counsel, or a department within the executive office of health and human services, when acting in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any local animal control authority.

(b) The report may be made within 2 working days of receiving the information concerning the animal, by facsimile transmission or a written report or by telephone. In cases where an immediate response may be necessary in order to protect the health and safety of the animal, the report should be made by telephone as soon as possible.

(c) When 2 or more investigators are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse or neglect, and where there is agreement among them, a report may be made by 1 person by mutual agreement. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.

(d) No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith. Any applicable privilege that relates to confidential communications made to the commission shall not prohibit the filing of a report pursuant to this section.

(e) Nothing in this section shall impose a duty on the commission to investigate known or reasonably suspected animal cruelty, abuse or neglect.

(f) Nothing in this section shall prevent the commission from entering into an agreement, contract or memorandum of understanding with the entities that investigate reports of animal cruelty, abuse or neglect as described in section 57 of chapter 22C, to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.

SECTION 6. Section 21 of chapter 119 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word “officer”, in line 64, the following words:- or animal control officer.

SECTION 7. Section 85 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 8 to 10, inclusive, the words “the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any local animal control authority” and inserting in place thereof the following words:- a police officer or a special state police officer appointed pursuant to section 57 of chapter 22C.

SECTION 8. Section 19B of chapter 131 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

A person authorized under this chapter to take and possess birds, reptiles, amphibians or mammals shall not put an animal to death by the use of drowning. Any such person who intentionally or knowingly puts an animal to death by the use of drowning shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or in a jail or house of correction for not more than 2½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.

The paragraph above shall not take effect until the department of Fish and Game, in consultation with the Environmental Police; the division of Animal Health; and the department of Agricultural Resources, file a report with the clerks of the senate and house of representatives, the house and senate chairs of the joint committee on municipalities and regional government, and the house and senate committees on ways and means, identifying best practices related to trapping and pest control, to include alternatives to drowning. Such report shall be filed on or before June 1, 2019. Provided that if said report is not filed on or before June 1, 2019, the above paragraph shall take effect on June 1, 2019.

SECTION 9. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 7, the figure “174E” and inserting in place thereof, in each instance, the following figure:- 174F.

SECTION 10. Section 137A of said chapter 140, as so appearing, is hereby amended by adding the following subsection:-

(d) A person who violates this section shall be assessed a fine of \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

(Approved by Governor on August 9th,2018. ACTS of 2018 Chapter 219)SECTION 11. Section 137C of said chapter 140, as so appearing, is hereby amended by striking out, in line 35, the figure “\$250” and inserting in place thereof the following:- \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

SECTION 12. Section 141 of said chapter 140, as so appearing, is hereby amended by striking out, in line 1, the figure “, 137A”.

SECTION 13. Section 173 of said chapter 140, as so appearing, is hereby amended by striking out, in line 3, the figure “174E” and inserting in place thereof the following figure:- 174F.

SECTION 14. The first paragraph of section 173A of said chapter 140, as so appearing, is hereby amended by striking out the second to seventh sentences, inclusive, and inserting in place thereof the following 6 sentences:-

The fine for the first offense committed by a person shall be \$50. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered. Payment shall be made only by money order or check. Notwithstanding the foregoing procedure and schedule of fines, but subject to all other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated in this section. Notwithstanding this section, a municipality may seek a remedy under section 157 for a nuisance dog.

SECTION 15. Section 174E of said chapter 140, as so appearing, is hereby amended by adding the following subsection:-

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

SECTION 16. Section 174F of said chapter 140, as so appearing, is hereby amended by adding the following subsection:-

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

SECTION 17. Chapter 186 of the General Laws is hereby amended by adding the following section:-

Section 30. Not more than 3 days after a property owner or a lessor knew or should have known that a property has been vacated through termination of tenancy, abandonment or other removal or exclusion of a tenant from the premises under this chapter or chapter 186A, the property owner, lessor or a designee shall inspect the property for the presence of abandoned animals.

If the property owner, lessor or a designee encounters an abandoned animal, that person shall immediately notify an animal control officer as defined in section 136A of chapter 140, a police officer or other authorized agent of the presence and condition of the animal.

The property owner, lessor or a designee who encounters an abandoned animal under this section shall not be considered the owner, possessor or person having charge or custody of the animal under section 77 of chapter 272.

For the purposes of this section, an animal shall be considered abandoned if it is found on or in a property vacated through termination of tenancy, abandonment or other removal or exclusion of a tenant from the premises under this chapter or said chapter 186A.

If the property owner, lessor or designee fails to comply with this section, the lessor or property owner shall be subject to a civil penalty of not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.

SECTION 18. Section 4 of chapter 239 of the General Laws is hereby amended by inserting after the word “thereof”, in line 5, as appearing in the 2016 Official Edition, the following words:- ; provided, however, that if an animal is found on the land or in the tenement, the officer shall immediately notify an animal control officer as defined in section 136A of chapter 140, a police officer or other authorized agent of the presence and condition of the animal.

SECTION 19. Subsection (a) of said section 4 of said chapter 239, as so appearing, is hereby amended by adding the following sentence:- This section shall not apply to an animal removed under section 30 of chapter 186, section 14 of this chapter or section 41 of chapter 244.

SECTION 20. Said chapter 239 is hereby further amended by adding the following section:-

Section 14. Not more than 3 days after a property owner or a lessor knew or should have known that a property has been vacated as a result of summary process, the property owner, lessor or a designee shall inspect the property for the presence of abandoned animals.

If the property owner, lessor or a designee encounters an abandoned animal under this section or section 4, the property owner, lessor or a designee shall immediately

notify an animal control officer as defined in section 136A of chapter 140, a police officer or other authorized agent of the presence and condition of the animal.

The property owner, lessor or designee who encounters an abandoned animal pursuant to this section shall not be considered the owner, possessor or person having the charge or custody of the animal under section 77 of chapter 272.

For the purposes of this section, an animal shall be considered abandoned if it is found on or in a property vacated as a result of summary process.

If the property owner, lessor or a designee fails to comply with this section, the lessor or property owner shall be subject to a civil penalty of not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.

SECTION 21. Chapter 244 of the General Laws is hereby amended by adding the following section:-

Section 41. Not more than 3 days after the property owner knew or should have known that a property was vacated through a mortgage foreclosure, the owner, person in control of the property or a designee shall inspect the property for the presence of abandoned animals. If the owner, person in control of the property or a designee encounters an abandoned animal under this section, such person shall immediately notify an animal control officer as defined in section 136A of chapter 140, a police officer or other authorized agent of the presence and condition of the animal.

The owner, person in control of the property or a designee who encounters an abandoned animal pursuant to this section shall not be considered the owner, possessor or person having the charge or custody of the animal under section 77 of chapter 272.

For the purposes of this section, an animal shall be considered abandoned if it is found in a property vacated through mortgage foreclosure.

If the owner or person in control of the property fails to comply with this section, such person shall be subject to a civil penalty of not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.

SECTION 22. Section 77 of chapter 272 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 32 to 35, inclusive, the words “seventy-seven A, seventy-eight, seventy-eight A, seventy-nine A, seventy-nine B, eighty A, eighty B, eighty C, eighty D, eighty F, eighty-six, eighty-six A, eighty-six B or ninety-four” and inserting in place thereof the following figures:- 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E½, 80F, 86, 86A, 86B or 94.

SECTION 23. Said chapter 272 is hereby further amended by inserting after section 77B the following section:-

Section 77C. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Animal”, a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate.

“Sexual contact”, (i) any act between a person and an animal that involves contact between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii) touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer or transmission of semen by the person upon any part of the animal; or (iv) the insertion, however slight, of any part of a person’s body or any object into the vaginal or anal opening of an animal or the insertion of any part of the animal’s body into the vaginal or anal opening of the person.

(b) A person who willingly: (i) engages in sexual contact with an animal or advertises, offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual contact with an animal to be conducted on any premises under the person’s control; (v) induces or otherwise entices a child younger than 18 years of age or a person with a developmental or intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact with an animal or engages in sexual contact with an animal in the presence of a child younger than 18 years of age or a person with a developmental or intellectual disability; (vi) forces another person to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or other depictions prohibited sexual contact with an animal shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or house of correction for not more than 2½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.

(c) Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.

(d) Upon a conviction for a violation of this section and in addition to any other penalties as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis of the conviction to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.

Upon a conviction for a violation of this section, the defendant shall not: (i) work in any capacity that requires the person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; or (ii) harbor, own, possess or exercise control over an animal, reside in a household where any animals are present or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody.

(e) This section shall not apply to lawful and accepted practices that relate to veterinary medicine performed by a licensed veterinarian or a certified veterinary technician under the guidance of a licensed veterinarian, artificial insemination of animals for the purpose of procreation, accepted animal husbandry practices, including raising, breeding or assisting with the birthing process of animals or any other practice that provides care for animals, or conformation judging.

SECTION 24. Section 79 of said chapter 272, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "corporation violating either of the two preceding sections" and inserting in place thereof the following words:- for-profit corporation, nonprofit corporation, business, professional corporation, partnership, limited liability company, limited partnership, limited liability partnership or any other business entity violating section 112 of chapter 266 or section 77, 77A, 77B, 78, 78A, 79A, 80½, 80A, 80B, 80C, 80D, 80E, 80E½, 80F, 80G, 80H, 80I, 81, 85A, 85B, 87, 94 or 95 of this chapter.

SECTION 25. Chapter 272 is hereby further amended by inserting after section 80E the following section:-

Section 80E½. Whoever puts an animal to death by drowning shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in a jail or house of correction for not more than 2½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment for a first offense and punished by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment for a second or any subsequent offense.

SECTION 26. Section 80H of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "fifty dollars" and inserting in place thereof the following words:- "\$100 for a first offense or not more 10 days in a house of corrections and a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house of correction for not more than 6 months or both such fine and cost and imprisonment for a second and subsequent offense. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.

SECTION 27. Section 91 of said chapter 272, as so appearing, is hereby amended by striking out, in line 3, the words “district court” and inserting in place thereof the following words:- court having jurisdiction over the offense.

SECTION 28. Said section 91 of said chapter 272, as so appearing, is hereby further amended by striking out the second, third and fourth sentences and inserting in place thereof the following 2 sentences:- If after a hearing on the application, notice thereof having been previously given as the court orders, it shall be found that the animals, at the time of seizure, were engaged in or were intended to be engaged in fighting at an exhibition thereof or the animals were owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94, such animals shall be adjudged forfeited. A forfeited animal shall be individually assessed by the organization to which it is forfeited to determine the animal’s suitability for adoption or the organization shall transfer it to another organization or for another disposition.

SECTION 29. Section 104 of said chapter 272, as so appearing, is hereby amended by inserting after the figure “77”, in line 6, the following figure:- , 77C.

SECTION 30. Section 58A of chapter 276 of the General Laws is hereby amended by inserting after the figure “269”, in line 23, as so appearing, the following words:- , section 112 of chapter 266 or section 77 or 94 of chapter 272.

SECTION 31. There shall be a special commission established pursuant to section 2A of chapter 4 of the General Laws to study and report on the feasibility and cost of mandating that employees and contractors of the department of children and families, employees and contractors of the department of elder affairs and investigators for the disabled persons protection commission report known or suspected animal cruelty, abuse and neglect, and of mandating that animal control officers appointed pursuant to section 151 of chapter 140 of the General Laws report known or suspected abuse of children and elderly and disabled persons. The commission shall consist of: the house and senate chairs of the joint committee on children, families and persons with disabilities, who shall serve as co-chairs; the house and senate chairs of the joint committee on elder affairs; the house and senate chairs of the joint committee on municipalities and regional government; the house and senate chairs of the joint committee on environment, natural resources and agriculture; the commissioner of the department of agricultural resources or a designee; 1 commissioner of the disabled persons protection commission or a designee; the secretary of health and human services or a designee; the attorney general or a designee; 1 member of the house who shall be appointed by the minority leader; 1 member of the senate who shall be appointed by the minority leader; and 1 representative of each of the following: the MSPCA-Angell, the Animal Rescue League of Boston, the Animal Control Officers Association of Massachusetts and the Massachusetts Municipal Police Coalition.

The commission shall: (i) estimate the potential costs associated with training employees and contractors of the department of children and families and the department of elder affairs and investigators of the disabled persons protection

commission to recognize and report animal cruelty, abuse and neglect; (ii) estimate the potential costs associated with training animal control officers to recognize and report the abuse of children and elderly and disabled persons; (iii) estimate any anticipated increase in reporting of abuse of animals, children and elderly and disabled persons; (iv) identify any potential challenges, conflicts of interest or interference with primary job responsibilities agency and municipal personnel might encounter as a result of their expanded reporting obligations; (v) identify any necessary modifications to existing rules, regulations, by-laws or ordinances; and (vi) conduct a review of other states that have passed comparable mandated reporting laws. The commission shall submit a report of its findings and make recommendations, including any proposed legislation, with the clerks of the house of representatives and the senate not later than March 1, 2019.

SECTION 32. An insurance company offering homeowners insurance coverage or renters insurance coverage that issues a policy or contract insuring against liability for injury to a person or injury to or destruction of property arising out of the ownership or lease of residential property shall, for any claim involving a dog-related incident, record circumstances relating to the incident, including but not limited to:

- a) If the perceived breed is noted on the claim and whether the determination of breed was based on visual identification or other methods;
- b) The sex of the dog;
- c) Whether at the time of the incident, the person or animal who was injured attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked;
- d) For what purpose the person or animal who was injured attacked or threatened by the dog was on the property, including but not limited to, a resident, invitee, licensee, trespasser or other status;
- e) Whether the dog was on a leash at the time of the incident; whether the incident occurred indoors or outdoors;
- f) Whether the person injured by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog;
- g) The age and behavior of the victim when the incident occurred;
- h) The exact location of the dog and the victim prior to the incident;
- i) Whether the incident occurred on the owner's property or elsewhere;
- j) Any training or past behavior evaluations of the dog;
- k) Whether the dog was declared dangerous by any municipality in Massachusetts;

l) Whether the person who was injured by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

m) Whether the dog was spayed or neutered;

n) And whether the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault.

This information shall be collected commencing on January 1, 2019 and shall be reported annually to the Massachusetts Division of Insurance, the clerks of the senate and house of representatives, the house and senate chairs of the joint committee on financial services, and the house and senate committees on ways and means on or before January 1 each year thereafter for three years with the last report to be filed on or before January 1, 2022.

Approved, August 9, 2018



Code of Massachusetts Regulations

Massachusetts state agencies issue regulations, which are compiled in the Code of Massachusetts Regulations (CMR). The CMRs are updated by the Massachusetts Register on a bi-weekly basis. To find the most current CMRs listed by subject visit:

<https://www.mass.gov/code-of-massachusetts-regulations-cmr>

CMR Quick Reference Guide

- 105 CMR 330.....Vaccination for Dogs and Cats Against Rabies
- 330 CMR 10.0.....Prevention of the Spread of Rabies
- 330 CMR 12.00Licensing and Operation of Pet Shops
(<https://www.mass.gov/regulations/330-CMR-12-licensing-and-operation-of-pet-shops>)
- 321 CMR 9.00.....Exotic Wildlife
- 330 CMR 3.0 Shipment of Dogs into the Commonwealth
- Order 1-AHo-05.....Transfer of Animals in the Commonwealth

105 CMR 330.000: DEPARTMENT OF PUBLIC HEALTH VACCINATION OF DOGS AND CATS AGAINST RABIES.

- Section 330.001: Purpose
- 330.002: Authority
- 330.100: Vaccine Administration
- 330.101: Use of an Approved Rabies Vaccine
- 330.102: Route of Inoculation
- 330.200: Rabies Tag
- 330.300: Certificate of Vaccination
- 330.400: Timing of Vaccination
- 330.500: Dogs and Cats from Out-of-State

330.600: Proof of Vaccination Required at Certain Facilities

330.001: Purpose

The purpose of 105 CMR 330.000 is to regulate the vaccination of dogs and cats against rabies.

330.002: Authority

105 CMR 330.000 is adopted under authority of M.G.L. c. 111, §§ 3, 6, 7 and M.G.L. c. 150, § 145B.

330.100: Vaccine Administration

Dogs and cats shall be vaccinated against rabies by a licensed veterinarian, or under the supervision of a licensed veterinarian.

330.101: Use of an Approved Rabies Vaccine

Dogs and cats shall be vaccinated with an approved virus vaccine licensed by the United States Department of Agriculture.

330.102: Route of Inoculation

All rabies vaccines must be administered in accordance with the manufacturer's directions.

330.200: Rabies Tag

A rabies tag of size, shape and color recommended by the National Association of State Public Health Veterinarians and approved by the Department of Public Health shall be provided by the vaccinating veterinarian for each dog and cat vaccinated. Each such tag shall be inscribed with the words Rabies Vaccinated as well as the year, name of the veterinarian and identification number of the vaccinated dog or cat. The owner or keeper of a dog shall cause the rabies tag to be attached to the collar or harness of the dog and worn at all times in the same manner as the license tag. The owner or keeper of a cat shall either have the cat wear the tag or have the vaccination record readily available for inspection by appropriate city or town officials upon request.

330.300: Certificate of Vaccination

A certificate of vaccination must be completed in triplicate by the vaccinating veterinarian. The original copy shall be filed by the vaccinating veterinarian within 30 days with the clerk of the city or town where the dog is licensed, one copy of to be provided to the owner of the dog, and one shall be retained by the vaccinating veterinarian. The certificate shall be either the certificate recommended in the latest Compendium of Animal Rabies control published by the national Association of state Public Health veterinarians or a certificate containing at least the following information: the owner's name and address; a description of the animal, including breed, sex, age, name and distinctive markings; date of vaccination; rabies vaccination tag number; type of rabies vaccine used; route of vaccination; expiration date of the vaccine; and the vaccine lot number.

330.400: Timing of Vaccination

The owner or keeper of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated against rabies. Unvaccinated dogs and cats acquired or moved into the Commonwealth shall be vaccinated within 90 days after acquisition or arrival into the Commonwealth or upon reaching the age of six months, whichever occurs last. Regardless of the age at initial vaccination, a second vaccination shall be given one year later. Subsequent vaccinations should be given according to manufacturer's guidelines.

330.500: Dogs and Cats from Out-of State

Dogs and cats that are at least six months of age, and are brought into Massachusetts for purposes of shows or because their owners are visiting the Commonwealth, must have been vaccinated in a manner consistent with the requirements of 105 CMR 330.000.

330.600: Proof of Vaccination Required at Certain Facilities

No animal hospital, veterinarian's office or boarding facility shall accept a dog or cat unless the owner or keeper of such animal shall show proof of current vaccination against rabies; provided however, that if such animal has not been so vaccinated or proof is not shown, the animal shall be vaccinated prior to being discharged if the animal's medical condition permits.

REGULATORY AUTHORITY 105 CMR 330.000: M.G.L. c. 111, §§ 3, 6 and 7; M.G.L. c. 140, § 145B.

**330 CMR 10.00: DEPARTMENT OF AGRICULTURAL RESOURCES
PREVENTION OF THE SPREAD OF RABIES**

Section

10.01: Definitions

10.02: Rabies Vaccinations Required for Dogs, Cats and Ferrets

10.03: Vaccination Certificates

10.04: Reporting Exposures

10.05: Requirements for Any Domestic Animal which Bites a Human or Another Domestic Animal

10.06: Requirements for Any Domestic Animals which are Exposed

10.07: Expense of Quarantines and Testing

10.08: Inspections

10.09: Collection of Samples

10.10: Record Keeping

10.01: Definitions as used in 330 CMR 10.00:

Animal Inspector. A municipal Animal Inspector nominated under M.G.L. c. 129 § 15 and approved by the Department.

Currently Vaccinated. A domestic animal which has received a properly administered Rabies vaccine licensed by the United States Department of Agriculture (USDA) for use in that species, and within a timeframe consistent with the labeled duration of the product.

Department. The Department of Agricultural Resources.

Euthanasia. Induction of death in an animal in a manner that is as rapid, painless and stress-free as possible and is consistent with the current American Veterinary Medical Association Guidelines for the Euthanasia of animals, and in accordance with Massachusetts General Law.

Exposed. Exposed by Direct Contact, Exposed by Proximity or received a Wound of Unknown Origin.

Exposed by Direct Contact. Physical contact with, received a bite or scratch from, or ate any part of a confirmed or suspected rabid animal.

Exposed by Proximity. Seen near or in the vicinity of a confirmed rabid animal, but which had no physical contact with nor received any wounds from the confirmed rabid animal.

Isolation. Restricting a domestic animal from any direct human or other animal contact; confining the animal to a facility such as a shelter, veterinary hospital, commercial kennel or Quarantine facility for livestock approved by the Animal Inspector of the appropriate municipality; or isolation at home under conditions approved by the Animal Inspector of the municipality and the Department.

Not Currently Vaccinated. Any previously vaccinated animal which has not been revaccinated prior to the expiration of its most recent vaccination;

Quarantine. Confinement of a domestic animal from humans and other animals for the purposes of observing the animal for signs of Rabies and minimizing chances of the animal spreading Rabies to humans and other animals. This includes Isolation and Strict Confinement.

Rabies. A disease of mammals, virtually always fatal, caused by the Rabies Virus and characterized by progressive deterioration of the central nervous system.

Rabies Virus. A virus, belonging to the family Rhabdoviridae, in the genus Lyssavirus, with multiple variants.

State Laboratory. The Massachusetts State Public Health Rabies Laboratory.

Strict Confinement. Maintenance of a domestic animal in an escape-proof, solid-walled building with a roof, approved by the Animal Inspector of the municipality. The animal may be leash walked by an adult or under the direct supervision of an adult.

Ten Day Quarantine. Strict Confinement of an apparently healthy domestic animal that has bitten or scratched a human or other domestic animal.

Unvaccinated. Any domestic animal which has never received a licensed United States Department of Agriculture Rabies vaccine labeled for use in that species; any animal which is within 28 days of having received its first Rabies vaccine; or, any animal of a species for which there is no licensed USDA Rabies vaccine

Wound of Unknown Origin. A puncture wound, cut or scratch which has broken the skin and was obtained from an unknown source but is presumed to be from another animal.

10.02: Rabies Vaccinations Required for Dogs, Cats and Ferrets

- (1) Any person possessing a dog, cat or ferret shall have the animal vaccinated against Rabies by a licensed veterinarian: (a) no later than six months of age but not earlier than is indicated on the vaccine label; or, (b) within 30 days of acquisition or entry into Massachusetts, if the animal is over six months of age, unless proof is available that the animal is already Currently Vaccinated.
- (2) A dog, cat or ferret shall be considered Currently Vaccinated effective 28 days after the date of initial vaccination, and for a period of one calendar year from the date of vaccination, in accordance with the vaccine label. Thereafter, all dogs, cats and ferrets shall continue to receive booster vaccinations at intervals according to the vaccine label.
- (3) An animal that has received at least one Rabies vaccine in its lifetime but, has not received a booster vaccination prior to the expiration date of its last Rabies vaccination, will be considered Currently Vaccinated immediately following administration of a Rabies vaccine and the vaccine will be good for the duration indicated on the product label.
- (4) An animal whose owner cannot provide proof of at least one previous Rabies vaccination will be considered Unvaccinated.

10.03: Vaccination Certificates

- (1) A certificate of vaccination must be completed. Only certificates of vaccination issued by the licensed veterinarian who administered the vaccine shall be considered proof of an animal's vaccination status. The certificate is a legal document and must be signed by the veterinarian administering the vaccine. Electronic signatures and stamps may be used. The vaccinating veterinarian is responsible for the accuracy of all information on the certificate.
- (2) The certificate shall be either the certificate recommended in the latest Compendium of Animal Rabies control published by the National Association of

State Public Health Veterinarians, or a certificate containing at least the following information: the owner's name and address; a description of the animal, including predominant breed, sex, age, name and distinctive markings; date of vaccination; Rabies vaccination tag number; type of Rabies vaccine used; route of vaccination; expiration date of the vaccine; the vaccine lot number; and the name and signature of the veterinarian administering the vaccine.

(3) One copy of the certificate shall be filed by the vaccinating veterinarian within 30 days with the clerk of the city or town where the dog, cat or ferret resides, one copy is to be provided to the owner of the animal, and one shall be retained by the vaccinating veterinarian.

(4) No animal hospital, veterinarian's office, or boarding facility shall accept a dog, cat or ferret unless the owner or keeper of such animal can show proof of current vaccination against Rabies; if the animal has not been vaccinated or proof is not shown, the animal shall be vaccinated as long as the animal's medical condition permits.

10.04: Reporting Exposures

(1) Any person having knowledge of the following shall report immediately to the Animal Inspector in the municipality in which the exposure occurred, the date of the exposure, a description of the animal(s) involved, the current location of the animal or, if the current location is unknown, the place the animal was last seen, and the animal owner's name, if known: (a) The existence of a domestic animal which has been Exposed to the Rabies Virus, or (b) The existence of a domestic animal which has bitten or scratched another domestic animal or human.

(2) The Animal Inspector shall, upon receiving such a report, investigate whether a human or a domestic animal has received a bite or scratch from a domestic animal or a domestic animal has been Exposed to the Rabies Virus. If so, the Animal Inspector shall determine whether the animal has been vaccinated, the type and date of vaccination, any unusual behavior of the animal and a list of other domestic animals or humans Exposed to the animal.

10.05: Requirements for Any Domestic Animal which Bites a Human or Another Domestic Animal

(1) If the Animal Inspector, after completing an investigation, determines that a domestic animal has bitten or scratched a human or another domestic animal, they shall issue a written order to the person in custody of the biting animal requiring the animal to be placed under a Ten Day Quarantine. The Ten Day Quarantine applies regardless of the vaccination status of the biting animal.

(2) If the animal displays symptoms compatible with Rabies during this ten-day period, the animal shall be euthanized immediately, and the Animal Inspector and Department shall be notified. Samples from any animal which dies or is euthanized during the Ten Day Quarantine, shall be submitted for Rabies testing as described in 330 CMR 10.09.

10.06: Requirements for Any Domestic Animals which are Exposed

The Animal Inspector, upon completion of an investigation and upon determination that a domestic animal has been Exposed, shall issue a written order to the person in custody of the Exposed animal requiring the following:

(1) Exposed Domestic Animals that are Currently Vaccinated. The Animal Inspector shall require the immediate administration of a booster vaccination, if the animal's last vaccination was administered over one month prior to exposure, and the animal shall be placed under Strict Confinement for 45 days.

(2) Dogs and Cats that are Not Currently Vaccinated but with Proof of at Least One Previous Rabies Vaccine. The Animal Inspector shall require the immediate administration of a booster vaccination, and the animal shall be placed under Strict Confinement for 45 days.

(3) Exposed Domestic Animals that are Unvaccinated. The Animal Inspector shall request from the owner of the animal written permission to euthanize the animal. If the owner is unwilling to consent to Euthanasia, the Animal Inspector shall issue a written order to the person in custody of the animal requiring the following: (a) Any dog or cat Exposed by Direct Contact to a confirmed rabid animal, as determined by State Laboratory testing, shall be vaccinated immediately and placed into Isolation for a period of three months to be followed by one month of Strict Confinement.

Any ferret Exposed by Direct Contact to a confirmed rabid animal, as determined by State Laboratory testing, shall be vaccinated immediately and placed into Isolation for a period of three months to be followed by three months of Strict Confinement.

(b) Any domestic animal, other than a dog, cat or ferret Exposed by Direct Contact to a confirmed rabid animal, as determined by State Laboratory testing, shall be placed in Strict Confinement for six months. (c) Any dog or cat Exposed by Direct Contact to a suspected rabid animal, Exposed by Proximity to a confirmed rabid animal, as determined by State Laboratory testing, or which has received a Wound of Unknown Origin shall be vaccinated immediately and placed under Strict Confinement for a period of four months. (d) Any domestic animal, other than dogs or cats, Exposed by Direct Contact to a suspected rabid animal, Exposed by Proximity to a confirmed rabid animal, as determined by State Laboratory testing, or which has received a Wound of Unknown Origin shall be placed under Strict Confinement for a period of six months. (e) Any animal considered Unvaccinated because the first vaccination had been administered within the 28 days prior to exposure do not require revaccination.

(4) The person in custody of the animal under Quarantine is required to immediately notify the Department, a veterinarian, the Animal Inspector and the Department of Public Health of any changes in behavior or health status of the animal, or if the animal is euthanized or dies for any reason during its Quarantine period.

(5) Any veterinarian who euthanizes a domestic animal for any reason while the animal is under Quarantine must immediately notify the Animal Inspector of the appropriate municipality. Notification must be made prior to the disposal of the animal.

(6) Upon determination that an order has been violated, the Animal Inspector shall recommend that the Department issue an order to seize and euthanize the animal and have the animal submitted to the State Laboratory for Rabies testing.

(7) No animal shall be released from Quarantine without written authorization from the Department or the Animal Inspector.

(8) The Animal Inspector shall carry out, or cause to be carried out, Euthanasia orders issued by the Department.

10.07: Expense of Quarantines and Testing

The expense associated with Quarantine or Euthanasia will be the owner's responsibility. In situations where the animal has no owner, including wildlife, the city or town will be financially responsible for costs incurred.

10.08: Inspections

Animal Inspectors must approve the places where animals are Quarantined. All animals under Quarantine must be observed by the Animal Inspector on a regular basis.

10.09: Collection of Samples

(1) Animal Inspectors shall ensure that samples are collected from any animal that dies or is euthanized if it has bitten or scratched a human or other domestic animal. Additionally, the Animal Inspector shall ensure that samples are collected from all animals which die or are euthanized for any reason during Quarantine. Samples shall be submitted to the State Laboratory for Rabies testing unless other arrangements have been made with the Department.

(2) All samples shall be collected in accordance with the guidelines established by the Department and the State Laboratory.

10.10: Record Keeping

Each Animal Inspector shall maintain records of:

- (1) All inspections conducted;
- (2) All Quarantines issued and released; and
- (3) Disposition of animals that died or were euthanized while under Quarantine.

Forms for 330 CMR 10.10(1) through (3) shall be provided by the Department, and the Animal Inspector shall submit these records to the Department by the last day of each month.

REGULATORY AUTHORITY 330 CMR 10.00: M.G.L. c. 129, §§ 2, 3, 7, 11, 15, 18 through 21 and 28 and c. 140, § 145B.

321 CMR 9.00: DIVISION OF FISH AND WILDLIFE EXEMPTION LIST

Section

1. 9.01: Exemption List
2. 9.02: List of Domestic Animals

9.01: Exemption List

Pursuant to the authority granted in M.G.L. c. 131, § 23, herewith is established a list of species which are exempt from the licensing provisions of M.G.L. c. 131, § 23. This list includes wild (i.e., non-domesticated) vertebrate animals which may be imported, sold or possessed without a permit. Note, however, that listing below does not affect other licensing requirements which may be applicable under Federal, State or local laws, including special endangered species and export restrictions of other states.

(1) Purpose. The purpose of 321 CMR 9.01 is to list those species which are exempt from the licensing provisions of M.G.L. c. 131, § 23, and which may be imported, possessed, maintained, propagated, bought, sold, exchanged or offered for sale without a license or permit from the Division. Species not listed, or which are expressly listed as "require(s) a permit", are not exempt from the provisions of M.G.L. c. 131, § 23. Notwithstanding a species being exempt from these licensing provisions, such species shall be kept in a manner appropriate for their health and safety, including being secured from escape.

(2) Definitions. For the purposes of 321 CMR 9.01 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Aquarium means an enclosed indoor facility or an outdoor holding facility that lacks an inlet or outlet, or such other holding facility as approved by the Director.

Aquarium Trade Fish means those freshwater fish which cannot survive year-round in a wild environment above 30° north latitude (approximately from Jacksonville, FL west to Ensenada, CA) or below 30° south latitude (approximately from Puerto-Alegre, Brazil west to La Serena, Chile). Notwithstanding the foregoing, aquarium trade fish shall also include the goldfish (*Carassius auratus*), koi or Japanese carp (*Cyprinus carpio*), and guppies (*Poecilia* spp.), but shall not include tilapia (*Tilapia* spp.) which require a permit.

Director means the Director of the Division of Fisheries and Wildlife or his or her authorized agent.

Division means the Massachusetts Division of Fisheries and Wildlife, with principal offices at 251 Causeway Street, Suite 400, Boston, MA 02114.

Domestic or Domesticated means those species listed as domestic pursuant to 321 CMR 9.02(3).

Exempt or Kept without a Permit means that the animal may be imported, possessed, maintained, propagated, bought, sold, exchanged, or offered for sale or exchange without a license or permit.

License or Permit means a license or permit issued pursuant to the authority of M.G.L. c. 131, § 23.

Non-exempt or Require(s) a Permit means that the animal may not be imported, possessed, maintained, propagated, bought, sold, exchanged, or offered for sale or exchange except by a person holding a current and valid license or permit.

Person means any individual, partnership, profit or non-profit corporation, firm, business, or other commercial or non-commercial entity, club, organization, or association.

Species means an individual or individuals of any distinct non-domestic vertebrate animal population whose members interbreed when mature or are self-perpetuating through the production of viable offspring and can include any subspecies or variety of vertebrate animal.

(3) Categorical Non-Exemptions:

No Species in any of the following categories may be exempted:

- (a) Threatened or endangered species listed pursuant to the U.S. Endangered Species Act of 1973;
- (b) Species listed in the Red Book(s) of the International Union for the Conservation of Nature;
- (c) Species appearing on the Massachusetts list of endangered, threatened, and special concern species at 321 CMR 10.90: List of Endangered, Threatened, and Special Concern Species.

(4) Exemption Criteria: Animals exempted below are believed to meet the following criteria:

- (a) Accidental release of the fish, amphibian, reptile, bird, or mammal will not result in an adverse effect on the ecology of the state;
- (b) The animal in captivity, or escaped therefrom, poses no substantial danger to humans, either by injury or disease;
- (c) Proper care of the animal is no more demanding in any major respect than proper care of domestic animals;
- (d) Trade in the fish, bird, mammal, reptile or amphibian has no significant adverse effect on the wild population of such animal in any of its native habitats.

(5) Sources of Acquisition. Except as provided in 321 CMR 3.05: Hunting, Fishing, Trapping and Taking of Reptiles and Amphibians in All the Counties of the Commonwealth, exempt animals may be obtained from the following sources only:

- (a) lawfully propagated within Massachusetts, or
- (b) lawfully taken or lawfully propagated without Massachusetts, provided that the export, sale, or exchange of such animals is lawful in the state or country in which animals are taken or propagated.

(6) Liberation. No person shall liberate or cause to be liberated any exempt animal, except in accordance with a liberation permit issued pursuant to 321 CMR 2.15: Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals.

(7) Quarantine. Notwithstanding the provisions of 321 CMR 9.01(1), the Director may examine, quarantine and destroy exempt animals and may restrict or prohibit the importation thereof in accordance with the provisions of M.G.L. c. 131, §§ 19, 19A, 25A, and 25B, and the penalty for violation of such quarantine shall be as provided in M.G.L. c. 131, § 25C.

(8) List of Fish. All aquarium trade fish may be kept without a permit except species categorically non-exempt pursuant to 321 CMR 9.01(3), and except that the following species are prohibited without a permit:

- (a) Grass Carp or White Amur (*Ctenopharyngodon idella*)
- (b) Piranha (*Pygocentrus* spp. and *Serrasalmus* spp.)
- (c) Rudd (*Scardinius erythrophthalmus*)
- (d) Walking Catfish (*Clarias* spp. and all members of the family Clariidae).

Notwithstanding 321 CMR 9.01(8)(a) through (d), the fathead minnow (*Pimephales promelas*) may be kept without a permit as a pet or for sale as a pet, but require a permit when sold as bait fish pursuant to 321 CMR 4.09: Artificial Propagation and Maintenance of Fish.

(9) List of Amphibians. All amphibians may be kept without a permit except species categorically non-exempt pursuant to 321 CMR 9.01(3).

(10) List of Reptiles.

(a) Turtles. All species of turtles may be kept without a permit, up to a limit of 100 turtles and/or eggs, in any combination, of each species, except for the following species for which a permit is always required:

- 1. Species categorically non-exempt pursuant to 321 CMR 9.01(3).
- 2. Argentina or Chaco Tortoise (*Geochelone chilensis*).
- 3. Gopher Tortoises (*Gopherus polyphemus*) and all other species in the genus *Gopherus*.
- 4. Pancake Tortoise (*Malacochersus tornieri*).
- 5. Spotted Turtle (*Clemmys guttata*).
- 6. Red-eared Slider (*Trachemys scripta*, including all subspecies and forms).

(b) Snakes. All venomous snakes require a permit. The following snakes may be kept without a permit:

- 1. All species of boas and pythons (family Boidae), except those species categorically non-exempt pursuant to 321 CMR 9.01(3), and except the African Rock Python (*Python sebae*), Reticulated Python (*Python reticulatus*) and all species of Anaconda (*Eunectes* spp.), which require a permit.
- 2. Shield-tailed Snakes, Sunbeam Snakes, and others in the families Uropeltidae and Xenopeltidae.

3. Worm Snakes, Thread Snakes, and others in the families Typhlopidae, Leptotyphlopidae, and Anomalepidae.

4. Snakes of the family Colubridae, as follows:

Asian Ratsnakes (*Elaphe* spp. and *Ptyas* spp. and *Zaocys* spp.)

Trans-Pecos Ratsnake (*Bogetophis* spp.)

Brown and Redbelly Snakes (*Storeria* spp.)

Diadem Snakes (*Spalerosophis* spp.)

Garter and Ribbon Snakes (*Thamnophis* spp.)

Glossy Snakes (*Arizona* spp.)

Gopher and Pine Snakes (*Pituophis* spp.)

Green Snakes (*Opheodrys* spp.)

Ground Snakes (*Sonora* spp.)

House Snakes (*Boaedon* [*Lamprophis*] spp.)

Kingsnakes and Milk Snakes (*Lampropeltis* spp.)

North American Ratsnakes (*Pantherophis* spp.) except the Black Ratsnake (*Pantherophis alleghaniensis* other than albinistic and leucistic individuals) which requires a permit.

Mole Snake (*Pseudaspis cana*)

Puffing Snakes (*Pseustes* spp.)

Texas Indigo Snake (*Drymarchon corais erebennus*)

Tropical Rat Snakes (*Spilotes* spp.)

Water Snakes (*Nerodia* [*Natrix*] spp.)

Western Hognose Snake (*Heterodon nasicus*)

(c) Lizards: The Gila Monster and Beaded Lizard (*Heloderatidae*) require a permit.

The following lizards may be kept without a permit:

1. All Skinks (*Scincidae*) except for the following which require a permit: Species categorically non-exempt pursuant to 321 CMR 9.01(3).

Florida Sand Skinks (*Neoseps* spp.)

Solomon Island Ground Skink (*Tribolonotus* spp.)

2. The following Girdle-tailed Lizards (*Cordyloidea*) may be kept without a permit:

False Club-tailed Lizards (*Pseudocordylus* spp.) Girdle-tailed Lizards (*Cordylus* spp.)

Plated Lizards (*Gerrhosaurus* spp. and *Zonosaurus* spp.) Rock Lizards (*Platysaurus* spp.)

3. All Teiids (*Teiidae*), including Jungle Runners (*Ameivas* spp.) and Tegus (*Tupinambis* spp.), may be kept without a permit except for the following which require a permit: Species categorically non-exempt pursuant to 321 CMR 9.01(3).

Desert Tegus (*Dicrodon* spp.)

4. The following Lacertid Lizards (*Lacertidae*) may be kept without a permit:

Fringe-fingered Lizards (*Acanthodactylus* spp.)

Wall Lizards (*Eremias* spp. and *Gallotia* spp.)

Sand Lizards (*Lacerta* spp. and *Psammmodromus* spp.) Asian Grass Lizards (*Takydromus* spp.)

5. The following Lateral-fold Lizards (*Anguinae*) may be kept without a permit:

Alligator Lizards (*Gerrhonotus* spp.)

Glass Lizards (*Ophisaurus* spp.)

Slowworm (*Anguis* spp.)

European legless lizard (*Pseudopus apodus*)

6. All Geckos (*Gekkonidae*) may be kept without a permit except for those species categorically non-exempt pursuant to 321 CMR 9.01(3) and the Big Bend Gecko (*Coleonyx reticulatus*) which require a permit.

7. The following Iguanid Lizards (*Iguanidae*) may be kept without a permit:

Basilisks (*Basiliscus* spp.)

Collared and Leopard Lizards (*Crotaphytus* spp.) Common or Green Iguanas (*Iguana i. iguana*)

False or Spring-tailed Iguanas (*Ctenosaurus* spp.)

Tree Iguanas (*Liolaemus* spp.)

New World Chameleons (*Anolis* spp. and *Ctenotus* spp.) Spiny Lizards (*Sceloporus* spp.)

Tree and Bush Lizards (*Urosaurus* spp.)

Diving Lizards (*Uranoscodon* spp.)

Zebra-tailed Lizards (*Callisaurus* spp.)

8. The following Agamid Lizards (*Agamidae*) may be kept without a permit:

Dragon Lizards (*Amphibolorus* spp.)

Forest, Garden and Bloodsucker Lizards (*Calotes* spp.)

Sailfin Lizards (*Hydrosaurus* spp.)

Bearded Dragons (*Pogona* spp.) Water Dragon (*Physignathus* spp.) Frilled Lizards (*Chlamydosaurus* spp.) Uromastyx Lizards (*Uromastyx* spp.)

9. All Night Lizards (*Xanusiidae*, *Xantusia* spp.) may be kept without a permit, except for the Utah Night Lizard (*Xantusia virgilis utahensis*) which requires a permit.

10. All true Chameleons (*Chamaelenoidea*) may be kept without a permit, except species categorically non-exempt pursuant to 321 CMR 9.01(3).

11. The following Monitor Lizards (*Varanidae*) may be kept without a permit: Spiny-tailed or Ridge-tailed Monitor (*Varanus acanthurus*).

(11) List of Birds.

(a) The following groups of birds are prohibited without a permit:

1. Species categorically non-exempt pursuant to 321 CMR 9.01(3).
2. Migratory birds listed in the Code of Federal Regulations, 50 CFR 10.13.
3. Any other bird native to the United States and Canada.

(b) Except for species listed in 321 CMR 9.01(11)(a), the birds or groups of birds may be kept without a permit:

1. Blue or Button Quail (*Coturnix chinensis*)
2. Columbidae (pigeons and doves)
3. Estrildidae (Waxbills and allies)
4. Fringillidae (Finches and allies)
5. Ploceidae (Weaver Finches except the Red-billed, Black-fronted, and Sudan Diochs (*Quelea quelea*) which require a permit.
6. Psittacidae (parrots and their allies)
7. Ramphastidae (Toucans, Aracaris, and Toucanets)
8. Sturnidae (Starlings and Mynahs, except the Rose-colored Starling (Pink Starling or Rosy Pastor) (*Sturnus roseus*)) which requires a permit.
9. Emu (*Dromaius novaehollandia*)

10. Rhea (*Rhea* spp.)
11. Ostrich (*Struthio camelus*)

(12) List of Mammals.

- (a) The following mammals may be kept without a permit:
1. Four-toed (African pygmy) hedgehog (*Erinaceus albiventris*) (= *Atelerix pruneri*)
 2. Chinchilla (*Chinchilla* spp.) derived from captive stock.
 3. Deer Mouse and White-footed Mouse (*Peromyscus maniculatus* and *P. leucopus*)
 4. Degu (*Octodon degus*)
 5. Egyptian Spiny Mouse (*Acomys cahirinus*)
 6. House Mouse (*Mus musculus*)
 7. Jerboas (*Dipus* spp.)
 8. Norway Rat (*Rattus norvegicus*)
 9. Paca (*Cuniculus* spp.)
 10. Southern Flying Squirrel (*Glaucomys volans*)
 11. Striped hamster (*Cricetulus barabensis*), also known as the Chinese or dwarf hamster. NOTE: the golden hamster (*Mesocricetus auratus*) may be kept without a permit pursuant to 321 CMR 9.02.
 12. Sugar Glider (*Petaurus breviceps*)
 13. American Bison (*Bison bison*)

9.02: List of Domestic Animals

(1) Definitions. For the purposes of 321 CMR 9.02, the following words or phrases shall have the following meanings.

Director means the Director of the Massachusetts Division of Fisheries and Wildlife or his or her agent.

Domestic animals means only those animals listed in 321 CMR 9.02(3), except as provided in 321 CMR 9.02(2)(d).

(2) Exemptions, presumption, etc.

(a) Domestic animals as listed in 321 CMR 9.02(3) shall be exempt from the provisions of M.G.L. c. 131, § 23, and may be possessed, propagated, maintained, imported, bought, sold, or otherwise disposed of, provided that such is not contrary to any local, state, or federal law.

(b) Ferrets (*Mustela putorius furo*) may be possessed, bought, and sold only in accordance with provisions of M.G.L. c. 131, § 77 and 321 CMR 2.07.

(c) Any vertebrate taxa not listed in 321 CMR 9.02 shall be presumed to be wild and shall be subject to the provisions of M.G.L. c. 131.

(d) This list of domestic animals shall be in addition to the list of exempt wild animals established pursuant to 321 CMR 9.01.

(e) Hybrids between or among wild mammals and domestic mammals, except for wild canid and wild felid hybrids, shall be considered domestic animals. Wild canid and wild felid hybrids shall be subject to the provisions of M.L. c. 131, § 77A.

(3) List of Domestic Animals:

Birds:

Domestic geese derived from the greylag goose (*Anser anser*), including, but not restricted to, Emden goose, Gray African goose, Pilgrim goose, Sebastopol goose, and Toulouse goose. Domestic geese derived from the swan goose (*Anser cygnoides*), including, but not restricted to, the African goose and the Chinese goose.

Domestic geese derived from the Egyptian goose (*Alopochen aegyptiaca*).

Domestic ducks derived from the Mallard (*Anas platyrhinos*), including, but not restricted to, Aylesbury duck, Blue Swedish duck, Buff duck, Cayuga duck, Crested White duck, English call duck, Indian runner duck, Pekin duck, and Roen duck.

Mallards (*Anas platyrhinos*) reared in captivity and properly marked in accordance with the provisions of the Code of Federal Regulations, 50 CFR 21.13.

Domestic muscovy derived from the Muscovy duck (*Cairina moschata*).

Common coturnix (*Coturnix coturnix* or *C. japonica*)

Domestic chicken (*Gallus "domesticus"*) derived from the red junglefowl (*Gallus gallus*). Peafowl (blue peafowl) (*Pavo cristatus*).

Domestic guineafowl derived from the helmet guineafowl (*Numida meleagris*)

Domestic turkey derived from the wild turkey (*Meleagris gallopavo*) and including breeds and varieties recognized by the American Poultry Association and the U.S. Department of Agriculture, but not including the wild turkey *ferae naturae* and captive or captive-bred individuals thereof and not including the pen-raised or game-farm non-standard variety "Wild Turkey".

Common pigeon (rock dove) derived from the blue rock pigeon (*Columba livia*)

Mammals:

Domestic dog (*Canis familiaris*).

(Mink (*Mustela vison*) propagated in captivity for two or more generations pursuant to provisions of M.G.L. c. 128, § 8B.

Domestic cat (*Felis catus*).

Domestic ass (*Equus asinus*).

Domestic horse (*Equus caballus*).

Domestic swine (*Sus domesticus*), including breeds and varieties derived from the wild hog (*Sus scrofa*) but not including captive European wild hog, or free-living or feral wild hogs or wild swine.

Llama (*Lama glama*).

Alpaca (*Lama pacos*).

Dromedary (*Camelus dromedarius*).

Domestic water buffalo (carabao) (*Bubalis bubalis*).

Domestic cow (*Bos taurus*).

Domestic yak (*Bos grunniens*).

Zebu (*Bos indicus*).

Domestic goat (*Capra hircus*), including breeds and varieties derived from the wild goat or bezoar (*Capra aegagrus*).

Domestic sheep (*Ovis aries*).

Domestic hamster derived from the golden hamster (*Mesocricetus auratus*).

Mongolian gerbil (*Meriones unguiculatus*).

Laboratory rat, including breeds, varieties, and strains derived from the Norway rat (*Rattus norvegicus*).

Laboratory mouse, including breeds, varieties, and strains derived from the house mouse (*Mus musculus*).

Guinea pig (*Cavia porcellus*).

Domestic rabbit, including breeds, varieties, and strains derived from the European rabbit (*Oryctolagus cuniculus*) but not including the European rabbit *ferae naturae* and not including the so-called "San Juan" rabbit.

(4) Quarantine. Notwithstanding the provisions of 321 CMR 9.02(2), the Director may examine, quarantine, and destroy domestic animals and may restrict or prohibit the importation thereof in accordance with provisions of M.G.L. c. 131, §§ 19 and 25A-25B.

(5) Penalties. The penalties for violation of a quarantine as provided in 321 CMR 9.02(4) shall be as provided in M.G.L. c. 131, § 25C.

(6) Liberation. No person shall liberate or cause to be liberated any domestic animal, except for the liberation and recapture of homing or racing pigeons.

(7) Reimbursement of Damages. For the purposes of reimbursement of damages pursuant to M.G.L. c. 140, § 161A, wild birds and mammals held by a person in compliance with M.G.L. c. 131, § 23 and 321 CMR 2.12 shall be considered domestic live stock or fowl.

(8) Other Laws. 321 CMR 9.02 is in addition to other applicable statutes including, but not limited to, M.G.L. c. 59, § 8A; M.G.L. c. 64H, § 6(p); M.G.L. c. 128, § 1A; M.G.L. c. 129; M.G.L. c. 131; and M.G.L. c. 140, and shall be construed consistently therewith.

REGULATORY AUTHORITY

321 CMR 9.00: M.G.L. c. 131, § 23; c. 140, § 161A.

**330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES
SHIPMENT OF DOGS INTO THE COMMONWEALTH**

Section

- 3.01: Definitions
- 3.02: Shipment In
- 3.03: Violation
- 3.04: Quarantine
- 3.05: USDA

3.01: Definitions

Director. Director of the Division of Animal Health. Division of Animal Health.

The Division of Animal Health within the Department of Agricultural Resources.

3.02: Shipment In

(1) Health Certificate Required. All dogs shipped or in any way transported into the Commonwealth of Massachusetts from any point outside thereof must be accompanied by a health certificate approved by the Livestock Official of the State of origin showing that they are free from all symptoms of infectious, contagious and communicable diseases; that they have not been exposed to rabies and if vaccinated the certificate shall include the date of vaccination.

(2) Rabies. Any dog which originated in an area where rabies has been known to exist within a period of six months prior to importation shall have been properly vaccinated with rabies vaccine within 12 months prior to date of importation and may, at the discretion of the Director, be subject to quarantine at destination for a period of not less than 14 days following arrival within the Commonwealth of Massachusetts.

(3) Exemptions. 330 CMR 3.02 shall not apply to any dogs passing through the Commonwealth of Massachusetts nor to performing dogs kept under direct control during their stay in the Commonwealth of Massachusetts.

3.03: Violation

Any transportation company, person, firm or corporation in the Commonwealth of Massachusetts receiving dogs which for any reason are not accompanied by a certificate of health as provided in 330 CMR 3.02, shall immediately notify either the local Inspector of Animals or the Division of Animal Health. The dogs so received must not be removed from the premises where received except by order of the Director, and in the case of a transportation company or its agent, or off the premises where they are unloaded except by permission obtained from the Director or one of his or her agents. If, for any cause, dogs are brought within the limits of the Commonwealth of Massachusetts in violation of 330 CMR 3.02, it shall be the duty of the local Inspector of Animals of any city or town in which they arrive to quarantine them and to communicate with the office of the Division of Animal Health in regard to same.

3.04: Quarantine

Any dog which enters the Commonwealth of Massachusetts contrary to 330 CMR 3.02 shall be segregated at the risk and expense of the owner or the person, firm or

corporation in whose charge the dog or dogs are held and placed under quarantine for a 90-day period or may be released by order of the Director provided the owner or his authorized representative shall agree to return said dog or dogs immediately to the State in which shipment originated.

3.05: USDA The provisions of 330 CMR 3.02 do not apply to dogs which are under the control of the Animal Health Division of the United States Department of Agriculture.

REGULATORY AUTHORITY 330 CMR 3.00: M.G.L. c. 129, § 2.

Order 1-AHO-05

**Pursuant to General Laws Chapter 129, Section 2
May 26, 2005 1-AHO-05**

To all persons involved in the transfer of animals in the Commonwealth:

**AN ORDER REQUIRING THE REGISTRATION OF ALL PERSONS
INVOLVED IN THE
TRANSFER OF ANIMALS AND REQUIRING ALL PERSONS
IMPORTING ANIMALS INTO THE COMMONWEALTH TO
INSTITUTE SOUND MANAGEMENT PRACTICES TO AVOID HARM
TO THE COMMONWEALTH'S ANIMAL POPULATION AS WELL AS
ITS CITIZENRY.**

WHEREAS, the Department of Agricultural Resources (the Department), through its Division of Animal Health, Biosecurity and Dairy Services (the Division), has learned that large numbers of out of state animals are being brought into the Commonwealth on a regular basis with little or no oversight; and

WHEREAS, the Department has discovered that such animals are being transported into the Commonwealth in large quantities by trucks, some of which are unlicensed by USDA; and

WHEREAS, the Department has observed such animals being taken off the back of transport trucks in parking lots and being transferred directly to citizens of the Commonwealth; and

WHEREAS, the Department lacks meaningful information regarding any of the persons involved in the transfer of animals in the Commonwealth thus making it

impossible for the Department to carry out one of its primary roles of animal health protection; and

WHEREAS, some of such animals are being delivered into the Commonwealth without the required health certificate that certifies the animal's good health; and WHEREAS, some of such animals, notwithstanding a health certificate, are being delivered with contagious and infectious diseases and or abnormalities that affect the health of the animal; and

WHEREAS, none of such animals are being isolated following their transport into the Commonwealth to determine the health status, and in many cases such animals are being commingled immediately with Massachusetts animals or humans; and

WHEREAS, most such animals entering the Commonwealth are not being examined by a licensed veterinarian to determine health status and the animals are being transferred within the Commonwealth without valid health certificates; and

WHEREAS, many of the animals being delivered into the Commonwealth lack sufficient records to identify and track them creating a serious problem for the Department in the event of an animal health emergency; and

WHEREAS, imported animals have come into the Commonwealth harboring infectious and contagious diseases, and some of the reported diseases are considered zoonotic, that is, capable of being transmitted to humans; and

WHEREAS, an immediate action is required to institute a sound animal management system so that the risks of harm to the health and well being of Massachusetts citizens and their animal population can be protected; and

WHEREAS, animals are being imported into the Commonwealth from other parts of the United States and the world where infectious or contagious diseases are present that if introduced here would pose a significant risk to the Commonwealth's animal and human populations; and

WHEREAS, all of the above concerns pose a potential threat to the health and well being of Massachusetts citizens and their animals; and

WHEREAS, the Department is the executive office in the Commonwealth charged by the General Laws with the responsibility of protecting its animal population, and specifically given the authority pursuant to General Law 129, Section 37 to assess fines for violations of said Chapter 129 up to Five Hundred (\$500.00) Dollars for each animal involved in a violation and for each day that said violation continues after written notification of a violation; and

WHEREAS, Massachusetts General Laws Chapter 129, Section 2 provides, in part, the following:

“The director may make and enforce reasonable orders, rules and regulations relative to the following: ...

the prevention, suppression and extirpation of contagious diseases of domestic animals...the inspection, examination, quarantine, care and treatment or destruction of domestic animals affected with or which have been exposed to contagious disease, ... and the cleansing and disinfection of places where contagion exists or has existed....

NOW THEREFORE, the Department, through its Director of Animal Health, Biosecurity and Dairy Services, hereby orders that all persons, individuals, organizations, businesses, non-profits and any other kind or type of entity (hereinafter collectively referred to as “Entity”) involved in the transfer of animals in the Commonwealth shall file a Registration with the Department on a form prescribed by the Department, that sufficiently describes the type(s) of animal transfer activities being conducted in the Commonwealth of Massachusetts as well as provide a full and complete description of the entity and its practices utilized in carrying out such activities.

Such Registration must be received by the Department within forty-five (45) days of the promulgation of this Order. The Department will acknowledge receipt of Registrations in writing within Fifteen (15) business days (Registration Acknowledgement or Acknowledgement) of filing the Registration by an entity. If the entity does not receive an Acknowledgement from the Department for the filed Registration, the entity must cease and desist operations until a Registration is secured from the Department.

An entity not presently engaged in the transfer of animals that wishes to commence such an operation is required to file a Registration with the Department and receive an Acknowledgement from the Department before commencing such activity. No entity filing a Registration for a new operation shall commence any animal transfer activity without having a Registration Acknowledgement in hand. Any entity already licensed by the Division is not required to file a Registration with the Department and accordingly does not need an Acknowledgement.

Registered entities that engage in the importation of animals from outside the Commonwealth shall, further comply with the following:

I. ALL ENTITIES ENGAGED IN THE IMPORTATION OF ANIMALS INTO THE COMMONWEALTH SHALL COMPLY WITH THE FOLLOWING:

- (a) each and every animal entering the Commonwealth must be accompanied by a valid health certificate from the place of origin that meets or exceeds the Commonwealth of Massachusetts Small Animal Interstate Certificate of Health Examination; and
- (b) each and every animal shall be placed in isolation for a minimum period of forty-eight (48) hours upon arrival into the Commonwealth in a facility approved by the Department and maintained by the entity in such approved manner; note: the minimum period of isolation will increase immediately upon promulgation of the revised 330 CMR 12.00 by the Department to the same period of time provided for

in 330 CMR 12.07 (1), and notwithstanding anything to the contrary, the same time period shall apply throughout this Order; and

(c) upon completion of the isolation period described above, cause each and every such animal to be examined by a Massachusetts licensed veterinarian who then, if appropriate, shall declare in writing that such animal is in good health and appears to be free of any infectious or contagious diseases or exposure thereto; appears to be free of any physical abnormalities which would endanger the animal, and is originated from an area not quarantined for rabies and has not been exposed to rabies. Each and every animal not meeting these requirements will be placed in a quarantine room, not given a health certificate and will be re-examined when appropriate and provided with a valid health certificate if the problem has been remedied; no animal currently on medication may be transferred and no animal shall be transferred without a valid health certificate issued by a Massachusetts licensed veterinarian; and

(d) maintain full, complete and detailed records of all animals imported into the Commonwealth. Such records shall include, but not be limited to, the following:

1. Complete description and identity of each animal through a unique method of identification;
2. Name, address & telephone number of entity from whom each animal was obtained;
3. Name, address & telephone number of entity to whom each animal was transferred;
4. Full description of the animal including DOB or an approximate age from a qualified source;
5. Complete record of all medications administered including veterinarian's diagnosis and prognosis; and
6. Mortality information, if appropriate

The Department recognizes that the Emergency Order might tend to create a hardship for entities that are presently involved in the importation of animals into the Commonwealth. However, the need for an importation framework is immediate because of the ever present concern with contagious and infectious diseases and their potential impacts upon the health and well being of the Commonwealth's citizenry and its animal population. With these competing interests present, the Department will provide some phasing in of the Order as noted in Sections II and III below.

II. ENTITIES WITHOUT A DEDICATED ISOLATION FACILITY

(a) If there are no shipments of animals arranged for on the date of this Order, the entity shall immediately cease arranging for the transportation of any further animals into the Commonwealth until such time as the entity comes into compliance with this Order.

(b) If a shipment of animals has been arranged for, and is scheduled to occur within ten (10) business days from the date of this Order, the entity will be allowed to import those and only those animals into the Commonwealth providing the entity maintains the following:

- (i) full and complete records of all such animals;
 - (ii) for 48 hours all such animals shall be kept from the general population, thereby limiting exposure of the animals to humans and other animals;
 - (iii) prior to any subsequent transfer / adoption, that a Massachusetts licensed veterinarian examine the animal and declare it healthy.
- (c) If there are presently imported animals in the Commonwealth that have yet to be transferred, the Entity will be allowed to transfer any such animals providing such animals are handled in accordance with Paragraph (b) (i) (ii) and (iii) above.
- (d) All entities impacted by this provision of the Order that desire to either continue with or to commence the importation of animals into the Commonwealth shall file a Registration form with the Department and, at all times, conduct their operations in accordance with the requirements described in Section I, above. The Department will utilize its best efforts to expedite a Registration Acknowledgement.

III. ENTITIES WITH DEDICATED ISOLATION FACILITIES:

- (a) Shipment of animals into the Commonwealth will be allowed for a period of ninety (90) days from the date of this Order, providing the entity files a Registration form with the Department and maintains to the satisfaction of the Department the following:
- (i) the dedicated isolation facility;
 - (ii) full and complete records for each and every animal;
 - (iii) a minimum 48 hour isolation for each and every animal;
 - (iv) a satisfactory veterinarian examination for each and every animal; and
 - (v) obtains a valid health certificate for each and every animal prior to transfer.
- (b) the entity's dedicated isolation facility has been approved by the Department; and
- (c) Any entity that does not secure a Registration Acknowledgement from Department within ninety (90) days shall cease the importation of animals into the Commonwealth. This order is issued pursuant to Massachusetts General Law Chapter 129. Any violation hereof will subject the entity to possible administrative penalties and/or criminal sanctions. The Department advises entities that it intends to enforce this order aggressively.

Department of Agricultural Resources

By its Director of Animal Health, Biosecurity, and Dairy Services

Brad Mitchell

Order 1-AHO-05 Compliance Guidelines Shelter and Rescue Facilities

Order AH – consists of 4 main requirements:

1. Registration of Facilities that deal with animals.
2. Isolation of Animals for 48 hours upon entering the Commonwealth

3. Record-keeping that accurately and clearly indicates the health history of the animal and where it has been housed, transported and otherwise kept or where animal care is otherwise undertaken.

4. Veterinary Examination prior to sale, adoption, fostering, etc.

This document is intended to further explain details of what is to be expected in meeting these requirements.

Provisions of the Order

1. The registration portion of this Order applies to all organizations that sell, adopt, care for, groom, house, etc. animals within the Commonwealth. Organizations already licensed with DAR for this operation (pet shops, etc.) are not subject to this Order.

2. All such organizations must register with DAR within 45 days of the issuance of the Order – by **July 11, 2005**.

3. The remaining portions of this Order apply only to organizations bringing animals in across state lines for the purpose of adoption, sale, barter, trade, etc.

4. Organizations that bring animals across state line for sale, barter, trade, etc. and which do NOT have facilities dedicated to the housing and care of animals must immediately cease and desist placing orders for animals. Such organizations will have 10 business days from the issuance of the order (**June 10, 2005**) to:

- a. Allow shipments previously ordered to enter the state
- b. Adopt out any existing animal held by the organization.

At the end of 10 business days, organizations that still have animals on hand (in foster care, etc.) should contact DAR. They will be allowed to adopt, sell, etc these animals so long as a veterinary check examination has been done, and health certificates sent to DAR. DAR needs to know the location and numbers of animals so that we know the animals have not been brought in or adopted in violation of the Order.

5. Organizations that bring animals across state line for sale, barter, trade, etc. which have facilities *dedicated* to the housing of animals (not foster homes or residences) have 90 days, until **August 26, 2005**, to have staff from DAR to inspect and approve their facility.. During this period, they can continue to bring dogs into the Commonwealth to this facility. There is a section on the registration form to indicate that you would like to be inspected.

6. After **August 26, 2005**, all organizations and individuals who are subject to this Order and who bring animals into the Commonwealth **MUST** have an approved isolation facility to continue this practice.

This Order does NOT apply to individuals bringing in their own pets from other states.

This Order DOES apply to animals being brought into the state to be fostered. Shelters who take in animals from known sources, where the animal(s) are coming from a residential setting (personally surrendered owned animals, as opposed to foster, feral or stray animals), from states contiguous to Massachusetts, may waive the 48 hour isolation period provided a thorough medical examination has been done.

Isolation Facilities

Settings

Isolation means just that – animals must be kept separated from other animals and people (other than those caring for them). Simply sending an animal to someone’s home does not achieve isolation. The nature of activities in a household setting is contrary to the basic premise of isolation. However DAR will consider approving isolation facilities built in residences (basements, garages, barns, etc) separate from the living quarters.

DESIGN OF ISOLATION FACILITIES

Isolation rooms shall be designed so as to:

- (a) Provide a room to be used exclusively for the purposes of isolating incoming animals as required.
- (b) Ensure that the room is:
 1. Physically separated from rooms used to maintain other animals and human living areas;
 2. Completely enclosed by walls that extend from floor to ceiling;
 3. Equipped with an exhaust fan that serves to efficiently remove air from the room to an area outside the building and adequate ventilation to allow fresh air to circulate into the room;
 4. Equipped with a sink having hot and cold running water used exclusively for the cleaning and maintenance of the room, all equipment and utensils used therein, and animals housed within the room;
 5. Not used to house or maintain other animals, for storage, as restroom, as a public access area, or any other such purpose;
 6. Conducive to thorough cleaning and disinfection after animals have been removed and prior to the placement of other animals into the room; and

DAR realizes that many organizations do not have facilities that meet the letter of these requirements. So long as basic premises of isolation are achieved, we may approve facilities that are lacking in some areas. Facilities will likely be given a timeframe by which to meet the letter of these requirements.

MAINTENANCE

Maintained in such a manner that all equipment and utensils entering the room are thoroughly cleaned and disinfected before being taken out of the room.

Groups of isolated animals must not overlap. Facilities need to be vacated between shipments, and the isolation facilities must be cleaned and disinfected between shipments of animals

GUIDELINES FOR OPERATING AN ANIMAL RESCUES OR SHELTERS IN THE COMMONWEALTH OF MASSACHUSETTS

The Massachusetts Department of Agricultural Resources (MDAR) is responsible for protecting the health of domestic animals in the Commonwealth. In an effort to control the spread of disease associated with shelter and rescue activities, MDAR executed Emergency Order 1-AHO 05 (the Order) which requires the registration of those engaged in the activities of operating a rescue/shelter or transporting animals into the Commonwealth for the purpose of rescue or adoption.

To achieve the intent of the Order, MDAR established policies for determining the operation of shelter/rescue versus other operations addressed by the Massachusetts General Laws (M.G.L.). The information that follows is the criteria that MDAR has been using to register shelters/rescues since the inception of the Order.

To distinguish between operations which must be licensed under M.G.L. Chapter 129 §39A and shelter/rescue operations, MDAR instituted a policy whereby it would register shelter/rescue operations whose appearances and activities resemble that of a public pound rather than operations engaged in the business of operating a pet shop. Shelters and rescues must comply with all of the laws, regulations, orders and policies of the state and federal governments. MDAR has had a long-standing policy of working with other state and federal agencies to assure compliance with the overlapping laws and jurisdiction. MDAR's policies prohibit issuing licenses or registrations to individuals or entities operating in violation of existing laws.

To be consistent in its application the shelter/rescues must comply with the following standards:

Consistently act as a public pound (e.g. municipally operated shelters);

And

If the shelter/rescue charges a fee for adoption or solicits funds, goods or services that would be defined as income by the IRS or the Massachusetts Department of Revenue (DOR) the entity must be properly organized as a nonprofit entity recognized by the IRS and the DOR. If the shelter/rescue solicits funds, goods or services that would be defined as charitable contributions the entity must be properly registered with the Massachusetts Office of the Attorney General;

Or

If the shelter/rescue pays the costs of all the shelter/rescue efforts and does not charge nor accept money, fees, donations or charity in general from the public or from the people adopting the animals, MDAR will accept a notarized statement signed by a proper signatory for the shelter/rescue indicating the following:

The shelter/rescue pays for all cost and does not accept reimbursement, donations, charity or any other income (with or without profit) as defined by the IRS, the Department of Revenue or Massachusetts Division of Public Charities.



QUICK REFERENCE CONTACT LIST

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**Massachusetts Department of Public Health
Epidemiology Program** 617-983-6800

State Public Health Laboratory
305 South Street, Jamaica Plain, MA 02130
617-983-6385

**Massachusetts Department of Fish and Game
Mass Wildlife** 508-389-6300
mass.wildlife@mass.gov

Tufts Wildlife Clinic
Bernice Barbour Wildlife Medicine Building
200 Westboro Road, North Grafton, MA 01536
508-839-7918

New England Wildlife Center
500 Columbian Street, South Weymouth, MA
02190
781-682-4878

Cape Wildlife Center
4011 Main Street, Barnstable, MA 02630
508-362-0111

MSPCA Law Enforcement Department
350 South Huntington Avenue, Boston, MA
02130
617-522-6008 or 800-626-5808

ARL Law Enforcement Department
617-226-5610
cruelty@arlboston.org

Massachusetts State Police
508-820-2300

Massachusetts Environmental Police
800-632-8075

**Massachusetts Emergency Management
Agency
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400 Worcester Road, Framingham, MA 01702
508-820-2000

Northeast
365 East Street, Tewksbury, MA 01876
978-328-1500

Southeast
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508-427-0400

West/Central
1002 Suffield Street, Agawam 01001
413-750-1400