

330 CMR: DEPARTMENT OF FOOD & AGRICULTURE

330 CMR 16.00: HORSES

Section

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16.01: Definitions

For the purposes of 330 CMR 16.00, the terms below shall have the following meanings:

Department. The Department of Food and Agriculture.

Person. Any individual, corporation, partnership, association or other business organization.

Reactor. Any equine which is subject to a test for equine infectious anemia and found positive.

Regular business of selling, dealing, auctioning or transporting equine animals. Shall mean selling, dealing, auctioning or transporting more than 20 equine animals per year.

Stable where horses are kept for hire. Shall include the renting of horses for rides, drives, or trail rides including their use as part of camp or ranch activities, and the use of horses for hay rides or pony rides.

16.02: Licensing of Horse Riding Instructors

License Required.

- (1) No person shall hold himself or herself out as a horse riding instructor for hire unless licensed by the Department.
- (2) Any person desiring to apply for a riding instructor license shall submit, on a form provided by the Department, an application and the appropriate fee.
- (3) The Department may license any applicant who meets the following minimum requirements:
 - (a) The applicant must be 18 years of age as of the date of application;
 - (b) The applicant must have completed a six month apprenticeship with a licensed riding instructor, including at least 60 hours of directly supervised instruction to mounted students or must be licensed as a horse riding instructor by another governmental entity;
 - (c) The applicant must have received a satisfactory score on a written exam administered by the Department. The exam will evaluate an applicant's knowledge relative to the following:
 1. riding theory;
 2. safety;
 3. laws and regulations pertaining to horses including M.G.L. c. 128, §§ 2A and 2B; M.G.L. c. 129, §§ 9 and 44; M.G.L. c. 272, § 77 and 330 CMR 16.00; and
 4. horse anatomy, physiology and general health issues.
- (4) All riding instructor licenses shall expire on March 31st following the date of issuance.
- (5) Upon submission of an application and the appropriate fee, the Department may renew a license of any applicant who provided 60 hours of horse riding instruction during the preceding licensing year.
- (6) The Department may revoke or suspend any license after a M.G.L. 30A hearing and upon a finding that the licensee:
 - (a) Is not competent to provide horseback riding instructions;

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- (b) Provided instructions in a manner unsafe to either the student or the horse;
- (c) Allowed an issued license to be used by an unlicensed person;
- (d) Violated M.G.L. 129, §9, M.G.L. c. 272, §§ 77 through 79B;
- (e) Violated a quarantine order issued by the Department; or
- (f) Made a material misstatement on the license application.

16.03: Licensing and Operation of Riding Schools and Stables(1) License Required.

- (a) No person shall engage in the business of operating a riding school or a stable where horses are kept for hire in the Commonwealth unless licensed by the Department.
- (b) Any person desiring to apply for a Riding School and Stable license shall submit, on a form provided by the Department, an application and the appropriate fee.
- (c) Upon receipt of a completed application for a license, the Department shall inspect the applicant's facilities. If the Department finds the facilities and equipment in compliance with 330 CMR 16.03(2)(a) through (g), the Department may issue a license.
- (d) All Riding School and Stable licenses shall expire on March 31st following the date of issuance.
- (e) All licensees shall post their license on their premises in a place prominently visible to the public.
- (f) The Department may deny a license to any applicant whose facilities and equipment fail to comply with 330 CMR 16.03(2)(a) through (g). Any applicant whose license has been denied may submit a written request for a hearing within fourteen days following receipt of the Department's decision to deny the license.
- (g) The Department may revoke or suspend a license after a M.G.L. c. 30A hearing and upon finding that the licensee has:
 1. Violated M.G. L. c. 129, §§ 9, 44, 44A, 45 or 46, or M.G.L. c. 128, § 2A or 2B, or any provision in 330 CMR 16.00 or M.G.L. c. 272, §§ 77 through 79B;
 2. Allowed an issued license to be used by an unlicensed person;
 3. Violated a quarantine order issued by the Department; or
 4. Made a material misstatement in the application for a license.

(2) Facilities and Equipment. All licensees shall:

- (a) Maintain all areas where horses are kept:
 1. In a safe and sanitary condition, and in good repair;
 2. Free of glass, wire or other material which may cause injury to horses; and
 3. In such a manner as to prevent the infestation of the horses and the premises with external parasites or vermin; and
 4. In such a manner as to prevent the spread of infectious or contagious disease.
- (b) Clean all areas where horses are kept as frequently as necessary to ensure their sanitary condition;
- (c) Provide an adequate, dry shelter for the horses maintained on the premises;
- (d) Ensure that if box stalls are utilized, they are large enough to enable any horse to stand up and lie down;
- (e) Provide shelter in outdoor holding and grazing areas if any horse is kept outdoors for more than eight hours and no natural shelter exists;
- (f) Provide equipment for any necessary storage or disposal of waste material to control vermin, insects, disease, and obnoxious odors; and
- (g) Ensure that all saddle packs and tack are clean, supple and in safe working condition.

(3) General Care of Horses and Equipment. All licensees shall ensure that:

- (a) Sufficient fresh food of a type and amount consistent with the dietary requirements and age of the horse is offered at least twice daily;
- (b) Sufficient fresh and clean water is available;
- (c) Containers used for the feeding and watering of horses are cleaned regularly in order that they remain free from debris and contamination;
- (d) All horses are properly shod or their feet are appropriately trimmed at all times;

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- (e) All horses are kept clean with particular attention given to those areas which are in contact with a saddle, harness or other tack; and
 - (f) Horses are housed without overcrowding and in groups of compatible temperament and gender.
- (4) Use of Horses.
- (a) No licensee shall use any horse unfit for work. A horse is unfit for work if it has any of the following conditions:
 - 1. Lameness of any kind unless the licensee has a health certificate signed by a licensed veterinarian dated within the previous twelve months stating that the lameness is mechanical in nature and does not cause pain or suffering during use;
 - 2. Sores or abrasions caused or likely to be irritated by the bearing surfaces of saddles, girths, harnesses, or bridles being worn;
 - 3. Serious injuries or illness;
 - 4. Obvious signs of emaciation, malnutrition or exhaustion; or
 - 5. Blind in both eyes.
 - (b) No licensee shall work a horse more than:
 - 1. Five consecutive hours without the horse being given at a least one hour rest period;
 - 2. Ten hours per day; or
 - 3. 56 hours per week.
 - (c) All licensees shall ensure that:
 - 1. Horses used at concessions consisting of a wheel-like device are not attached to or moving with the device unless they being ridden;
 - 2. All horses are ridden or driven in a manner which:
 - a. Is appropriate for the terrain;
 - b. Preserves the health and safety of the horse and the rider; and
 - c. Does not cause the horse to become overheated or exhausted;
 - 3. All horses which are worked during icy conditions are equipped with ice caulks, borium, or other similar shoes to prevent slipping; and
 - 4. Water is offered at frequent intervals to working horses.
- (5) Operation of Riding Schools and Stables. All licensees shall ensure that:
- (a) All lead riders guide in a manner which preserves the health and safety of the horses and other riders; and
 - (b) Only licensed instructors provide riding lessons at the premises.
- (6) Record Keeping and Inspections.
- (a) All licensees shall maintain records of the daily work periods for each horse for 30 days; and
 - (b) All premises and records shall be open for inspection by the Department, Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League.

16.04: Dealing in and the Transportation of Equine Animals

- (1) License Required.
- (a) No person shall engage in the business of selling, dealing, auctioning or transporting equine animals in the Commonwealth unless licensed by the Department.
 - (b) Any person desiring to apply for a Livestock Dealer-Transporter license shall submit, on a form provided by the Department, an application and the appropriate fee.
 - (c) Upon receipt of a completed application for a license, the Department shall inspect the applicant's facilities and vehicles. If the Department finds the facilities and vehicles in compliance with 330 CMR 16.04(2)(a) through (i) and 330 CMR 16.04(3)(a) and (b), the Department may issue a Livestock Dealer-Transporter license.
 - (d) All Livestock Dealer-Transporter licensees will be issued a metal license plate by the Department. The license plate will be valid for the term of the Livestock Dealer-Transporter license. If the license is revoked at any time, the license plate must be returned to the Department.

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- (e) No Livestock Dealer-Transporter licensee shall transport an equine animal in any vehicle unless the driver's side of the vehicle bears a metal livestock dealer-transporter license plate issued by the Department.
 - (f) Livestock Dealer-Transporter licenses for equines shall expire on October 31st following the date of issuance.
 - (g) All licensees shall post their license at a permanent location in the Commonwealth in a place prominently visible to the public.
 - (h) The Department may deny a license to any applicant whose facilities or vehicles fail to comply with 330 CMR 16.04(2)(a) through (i) and 330 CMR 16.04(3)(a) and (b). Any applicant whose license has been denied may submit a written request for a hearing within 14 business days following notification of the Department's decision to deny the license.
 - (i) The Department may revoke or suspend a license after a M.G.L. c. 30A hearing and upon finding that the licensee has:
 1. Violated M.G.L. c. 129, §§ 9, 44, 44A, 45, 46, or 47 or M.G.L. c. 128, 2A or 2B or M.G.L. c. 272, §§ 77 through 79B;
 2. Violated any provision of 330 CMR 16.00;
 3. Allowed an issued license to be used by an unlicensed person;
 4. Violated a quarantine order issued by the Department; or
 5. Made a material misstatement on the application for a license.
- (2) General Care of Animals and Premises. All licensees shall:
- (a) Maintain all areas where equines are kept in a safe and sanitary condition;
 - (b) Have equipment available for any necessary storage or disposal of waste material to control vermin, insects or obnoxious odors;
 - (c) Provide adequate shelter for the comfort of all equines on the premises;
 - (d) Take all reasonable precautions to prevent the spread of infectious or contagious diseases;
 - (e) Clean stalls daily or more frequently to ensure their sanitary condition;
 - (f) Ensure that box stalls are of adequate size such that the equine contained therein shall have room to stand and lie down comfortably;
 - (g) Equines are housed without overcrowding and in groups of compatible temperament and gender;
 - (h) Provide sufficient fresh food of a type and amount consistent with the dietary requirements and age of the horse at least twice daily; and
 - (i) Ensure that fresh, clean water is available to all equines.
- (3) Transporting Equines.
- (a) No licensee shall maintain any equine in a vehicle within the Commonwealth for a period of time exceeding ten hours without the equine being off-loaded and placed in a stable or shaded pasture.
 - (b) Licensees shall ensure that:
 1. All vehicles are constructed with no sharp objects or protuberances on the interior or the sides;
 2. All floor ramps are made of a non-skid material or coating;
 3. All vehicles, stalls and loading ramps are cleaned daily;
 4. All vehicles have adequate ventilation;
 5. All doorway openings have a height of at least 12 inches above the withers of the tallest equine being transported;
 6. All vehicles transporting more than six equines have at least two doorways on adjacent or opposite sides of the vehicle; and
 7. All horses being transported are separated in a manner to prevent injury or close contact between incompatible animals.
- (4) Record Keeping and Inspections.
- (a) All licensees shall maintain records and interstate bills of lading for a period of 90 days from the date of sale or transport. All records shall be maintained at the location where the license is posted. All records shall include the following information:

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1. Date of purchase or transport;
 2. Name and address of person from whom the equine was purchased or for whom it was transported;
 3. Name and address of person to whom the equine was sold or delivered; and
 4. Complete description of the equine sufficient for identification purposes.
- (b) All premises, vehicles and records shall be open during reasonable business hours to the Department, Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League.

16.05: Prevention and Suppression of Equine Infectious Anemia

(1) Negative Test Results Required

- (a) No equine over six months of age is permitted at any fair, show, race meet or similar event in the Commonwealth unless it is accompanied by a negative test result for Equine Infectious Anemia which meets the requirements of 330 CMR 16.05(1)(d) and was conducted within the previous 12 months.
- (b) No equine is permitted to be auctioned, sold or offered for sale in the Commonwealth unless accompanied by an official negative test result for Equine Infectious Anemia which meets the requirements of 330 CMR 16.05(1)(d) and was conducted within the previous six months.
- (c) Foals under six months of age shall be exempt from the requirements of 330 CMR 16.05(1)(a) and (b), provided that the foal is with its dam and the dam is accompanied by an official negative test result as required in 330 CMR 16.05(1)(a) or (b).
- (d) No negative test result for Equine Infectious Anemia is official unless:
1. the test is United States Department of Agriculture (USDA) approved;
 2. the test was conducted at a USDA approved laboratory;
 3. the blood tested was drawn by an accredited veterinarian; and
 4. the test result sheet clearly identifies the horse.
- (e) Any equine found at a fair, show, auction, race meet or sale not accompanied by a negative test result as required in 330 CMR 16.05(1)(a) or (b) shall be ordered isolated and will not be permitted to enter any competition, to be exhibited or offered for sale.

(2) Reactors.

- (a) All reactors shall be immediately isolated by their owner or agent of the owner.
- (b) Any positive test result for Equine Infectious Anemia shall be reported to the Department.
- (c) When an equine tests positive for Equine Infectious anemia, no other exposed equine shall leave the premises until released by the Department.
- (d) No reactor shall be retested for Equine Infectious Anemia without approval by the Department.
- (e) All reactors shall be:
1. Humanely destroyed in accordance with M.G.L. 129, §44A;
 2. Shipped directly to slaughter in a sealed conveyance to an approved slaughter house; or
 3. Permanently identified with "14A" by a freeze brand on the left side of the neck; and
 - a. Retained under quarantine and held in isolation; or
 - b. Shipped directly to a research facility.

REGULATORY AUTHORITY

330 CMR 16.00 M.G.L. c. 128, §§ 2A & 2B and M.G.L. c. 129, §§ 2, 9, 44, 44A, 45, 46, & 47.



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PART I ADMINISTRATION OF THE GOVERNMENT**TITLE XIX** AGRICULTURE AND CONSERVATION**CHAPTER 128** AGRICULTURE**Section 2A** Horse riding instructors; licenses; fees; validity of license; duplicate licenses; rules and regulations

Section 2A. No person shall hold himself out to be a horse riding instructor for hire without being licensed for such purpose by the commissioner. Application for a license under this section may be filed with the commissioner and shall contain such information as he shall prescribe. Every such application shall be accompanied by a registration fee of 20 dollars, which shall in no event be refunded. If an application is approved by the commissioner, the applicant upon the payment of an additional fee of 30 dollars shall be granted a license, which shall expire on March thirty-first following the date of issue, unless sooner revoked. The annual fee for renewal thereafter shall be 30 dollars.

Every person licensed as aforesaid shall endorse his usual signature on the margin of the license in the space provided for such purpose immediately upon the receipt of said license, and such license shall not be valid until so endorsed. In case of loss, mutilation, or destruction of a license, the commissioner shall issue a duplicate upon proper proof thereof and payment of a fee of 4 dollars.

The commissioner shall make rules and regulations governing the issuance and revocation of said license, and shall establish the minimum qualifications for the issuance thereof. If the qualifications of an applicant meet or exceed the minimum qualifications established by the commissioner he shall be issued such license.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XIX** AGRICULTURE AND CONSERVATION**CHAPTER 128** AGRICULTURE**Section 2B** Riding schools or stables; license; fee; rules and regulations; penalties

Section 2B. Every person engaged in the business of operating a riding school or a stable where horses are kept for hire, shall obtain a license therefor from the commissioner, the fee for which shall be \$100, and such license shall expire on March thirty-first following the date of issuance, unless sooner revoked. The commissioner, subject to the approval of the governor may make rules and regulations governing the issuance and revocation of such licenses and the conducting of the businesses so licensed and relative to the maintenance of the premises, buildings and conveyances, the health of the horses or other equine animals, and the method and time of inspection and checking of said animals. Whoever violates any provision of this section or of any rule or regulation made thereunder 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.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XIX** AGRICULTURE AND CONSERVATION**CHAPTER 128** AGRICULTURE**Section 2D** Liability of persons involved in equine activities

Section 2D. (a) For the purposes of this section, the following words shall have the following meanings:?

"Engage in an equine activity", riding, training, assisting in veterinary treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, visiting or touring or utilizing an equine facility as part of an organized event or activity, or assisting a participant or show management. The term "engage in an equine activity" shall not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area or in immediate proximity to the equine activity.

"Equine", a horse, pony, mule, or donkey.

"Equine activity" (1) equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, riding, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, gymkhana games, and hunting; (2) equine training or teaching activities or both; (3) boarding equines; including normal daily care thereof; (4) riding, inspecting, or evaluating by a purchaser or an agent an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; (5) rides, trips, hunts or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor; (6) placing or replacing horseshoes or hoof trimming on an equine; and (7) providing or assisting in veterinary treatment.

"Equine activity sponsor", an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for, an equine activity, including but not limited to: pony clubs, 4?H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs and activities, therapeutic riding programs, stable and farm owners and operators, instructors, and promoters of equine facilities, including but not limited to farms, stables, clubhouses, pony ride strings, fairs, and arenas at which the activity is held.

"Equine professional", a person engaged for compensation:

(1) in instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger upon the equine; (2) in renting equipment or tack to a participant; (3) to provide daily care of horses boarded at an equine facility; or (4) to train an equine.

"Inherent risks of equine activities", dangers or conditions which are an integral part of equine activities, including but not limited to:

(1) The propensity of equines to behave in ways that may result in injury, harm, or death to persons on or around them; (2) the unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals; (3) certain hazards such as surface and subsurface conditions; (4) collisions with other equines or objects; (5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his ability.

"Participant", any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in such equine activity.

(b) Except as provided in subsection (c), an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and, except as provided in said subsection (c), no participant nor participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

(c) This section shall not apply to the racing meetings as defined by section one of chapter one hundred and twenty-eight A.

Nothing in subsection (b) shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

(1) (i) provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury; or (ii) provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, and determine the ability of the participant to safely manage the particular equine based on the participant's representations of his ability;

(2) owns, leases, rents, has authorized use of, or is otherwise in lawful possession and control of the land, or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs, pursuant to subsection (d), have not been conspicuously posted;

(3) commits an act of omission that constitutes willful or wanton disregard for the safety of the participant, and that act of omission caused the injury; or

(4) intentionally injures the participant.

(d)(1) Every equine professional shall post and maintain signs which contain the warning notice specified in paragraph (2). Such signs shall be placed in a clearly visible location in the proximity of the equine activity. The warning notice specified in said paragraph (2) shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, shall contain in clearly readable print the warning notice specified in said paragraph (2).

(2) The signs and contracts described in paragraph (1) shall contain the following notice:

WARNING

Under Massachusetts law, an equine professional is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risks of equine activities, pursuant to section 2D of chapter 128 of the General Laws.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XIX** AGRICULTURE AND CONSERVATION**CHAPTER 129** LIVESTOCK DISEASE CONTROL**Section 44** Testing of imported equine animals for infectious anemia; certification

Section 44. No person shall import into the commonwealth any equine animal without a certificate relative to such animal from a laboratory approved by the United States Department of Agriculture, dated within one year from the time of such importation certifying a negative test for infectious equine anemia by a method approved by the United States Department of Agriculture for detecting said disease. Whoever violates any provisions of this section, or of any rule or regulation promulgated hereunder, shall be punished for a first offense by a fine of not more than one hundred dollars and for any subsequent offense by a fine of not more than five hundred dollars, or by imprisonment for not more than two and one-half years, or both.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XIX** AGRICULTURE AND CONSERVATION**CHAPTER 129** LIVESTOCK DISEASE CONTROL**Section 44A** Destruction or quarantine of infected equine animals

Section 44A. Any equine animal positive to a test approved by the United States Department of Agriculture for the detection of equine infectious anemia may be humanely destroyed; provided, that such destruction is observed by an agent of the division or of the United States department of agriculture, or may be so destroyed by a licensed veterinarian who shall report such destruction to the division, or may be sold or given under a permit from the division to an approved slaughter house or research facility, or, at the owner's option, may be retained under quarantine and held in isolation on the owner's premises; provided, however, that it may be pastured, ridden or driven on the owner's premises within a radius of two hundred yards of where it is stabled, provided, that no other horses are stabled or normally ridden or pastured within that area. Upon the discovery of one or more test positive animals within a quarter of a mile of where such animal is normally stabled, all such reactor animals shall be quarantined to screened stalls.

**PART IV** CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES**TITLE I** CRIMES AND PUNISHMENTS**CHAPTER 272** CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER**Section 77** Cruelty to animals; prohibition from work involving contact with animals

Section 77. 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 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 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.



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PART IV CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES**TITLE I** CRIMES AND PUNISHMENTS**CHAPTER 272** CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER**Section 78A** Sale of foals under five months; penalty

Section 78A. 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.

**PART IV** CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES**TITLE I** CRIMES AND PUNISHMENTS**CHAPTER 272** CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER**Section 80F** Giving away live animals as prize or award

Section 80F. 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.



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PART IV CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES**TITLE I** CRIMES AND PUNISHMENTS**CHAPTER 272** CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER**Section 86C** Smoking in buildings used for stabling horses or mules

Section 86C. 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.