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States' Animal Identification Statutes:

Massachusetts



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Animal Identification Statutes: Massachusetts

Mass. Gen. Laws Part 1, Tit. XV, Ch. 94, Sec. 125

Mass. Gen. Laws Part 1, Tit. XIX, Ch. 129

Mass. Gen. Laws Part 1, Tit. XX, Ch. 140, Sec 136A to 176

Current through Chapter 109 of the 2024 2nd Annual Session.

M.G.L. ch. 94 § 125. Inspections; quarantine; segregation, marking and labeling products; prohibiting products; sanitation regulations; required records.

The department shall:

- (a) require ante mortem and post mortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all official establishments in the commonwealth;
- (b) require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers or both as "Mass. D.P.H. Inspected and Passed" if the products are found upon inspection to be not adulterated and as "Mass. D.P.H. Inspected and Condemned" if they are found upon inspection to be adulterated and the destruction for food purposes of all such condemned products, each of the foregoing acts to be performed under the direct and immediate supervision of an inspector;
- (c) prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as the department may prescribe;
- (d) require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, as the department may require, all information required under the provisions of or by the authority of this chapter; and require approval of all labeling



and containers to be used for such products when sold or transported to assure that they comply with the requirements of this chapter;

(e) investigate on a regular basis the sanitary conditions of each official establishment and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat;

(f) prescribe regulations relating to sanitation for all official establishments;

(g) require that the following classes of persons shall keep such records and for such periods as are specified in regulations which shall be promulgated by the department to fully and correctly disclose all transactions involved in their business, and afforded to the commissioner, access to such places of business, and opportunity, at all reasonable times, to examine the facilities, inventory and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor: any persons that engage (1) in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling as brokers, wholesalers or otherwise, transporting, or storing any livestock products or poultry products for human or animal food; or (2) in business as renderers or in the business of buying, selling or transporting any dead, dying, disabled or diseased livestock or poultry, or parts of the carcasses of any such animals including poultry that died otherwise than by slaughter.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 2. Livestock disease control; 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.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 4. Certification of documents by clerk.

The director may designate an employee of the division as clerk who shall keep the records of the division, shall certify copies of such records or of any order, rule or regulation issued by the director, and shall make any certificates of issuing, recording, delivering or publishing of orders required under this chapter.



M.G.L. ch.129 § 5. Entry of orders, rules and regulations on records; sending copies to inspectors; publication.

All orders, rules and regulations made by the director shall be entered on the records of his division and a copy thereof shall be sent to each inspector in the town to which the orders, rules or regulations apply, and shall be published by such inspector in the manner prescribed by the order, rule or regulation.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 8. Hospitals and quarantine stations.

The director may establish hospitals or quarantine stations, with proper accommodations, wherein, under prescribed regulations, animals selected by him may be confined and treated for the purpose of determining the characteristics of a specific contagion and the methods by which it may be disseminated or destroyed, and he may direct inspectors to enforce and carry into effect all regulations made from time to time for that purpose.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 10. Examination of persons under oath; mandatory attendance and testimony of witnesses; expenses; evidence.

The director may examine on oath all persons who are believed to possess knowledge of material facts relative to the existence or dissemination, or danger of dissemination, of contagious diseases among domestic animals, or relative to any other matter within the provisions of this chapter, and, for the purposes of this chapter, shall have all the powers vested in justices of the peace by chapters two hundred and twenty-two and two hundred and thirty-three to take depositions, to compel witnesses to attend and testify before him and to administer oaths. Witnesses shall receive the same fees for attendance and travel as witnesses before the courts. The expense of procuring the attendance of such witnesses shall be paid by the commonwealth. Copies of the records of the division, or of any order, rule or regulation issued by the director, if duly certified by the clerk, and any certificate by the clerk of the issuing, recording, delivering or publishing of such orders, rules or regulations under this chapter, shall be competent evidence of such fact in any tribunal.

M.G.L. ch.129 § 11. Isolation or destruction of diseased animals; order; expense; post mortem examination.

If the director, or one of his agents, by examination of a case of contagious disease of domestic animals, except foot and mouth disease, is of opinion that the public good so requires, he shall cause the diseased animal to be securely isolated or to be killed without appraisal or payment. An order for killing shall be issued in writing by the director, may be directed to an inspector or other person, and shall contain such direction as to the examination and disposal of the carcass and the cleansing and disinfection of the premises where such animal was condemned as the director considers expedient. A reasonable amount may be paid from the treasury of the commonwealth for the expense of such killing and burial. If thereafter it appears, upon post mortem examination or otherwise, that such animal was free from the disease for which it was condemned, an appraisal of such animal shall be



made and the amount of appraisal value therefor shall be paid to the owner by the commonwealth, except as otherwise provided in section fourteen relative to foot and mouth disease.

M.G.L. ch.129 § 13A. Destruction of animals affected with scrapie; partial compensation.

All sheep and other domestic animals which are affected with, or have been exposed to, scrapie shall be destroyed when, in the opinion of the director, the public good so requires, and their carcasses shall be buried or otherwise disposed of. An order for killing and for the disposal of carcasses shall be issued in writing by said director, and may be directed to an agent, inspector or other person. The director may appoint persons to make appraisals on live stock, the destruction of which is ordered under this section, and fifty per cent of the full value of such live stock, as determined by the appraisal, may be paid from the annual appropriation for the extermination of contagious diseases among domestic animals. If the federal government appropriates monies for payment of a certain portion of the value of any animals destroyed under this section, the amount of payment by the commonwealth for such animals shall be limited to the difference between such federal payment plus the net salvage received by the owner, and the full value as herein determined, which amount shall not exceed fifty per cent of such value.

M.G.L. ch.129 § 14. Destruction of cattle or animals affected with foot and mouth disease; order; disinfection or destruction of buildings.

All neat cattle and other domestic animals, which are affected with, or have been exposed to, foot and mouth disease, shall be destroyed when, in the opinion of the director, the public good so requires, and their carcasses shall be buried or otherwise disposed of. An order for killing and for the disposal of carcasses shall be issued in writing by said director, and may be directed to an agent, an inspector, or other person. The said director shall also issue such directions for the cleansing and disinfection of buildings, premises and places in which foot and mouth disease exists or has existed, and of property which may be on or contained therein, as in his opinion may be necessary or expedient. Any property on such premises which may be, in the opinion of the director or of his agents, a source of contagion may be destroyed by order of the director. The necessary expenses incurred in carrying out this section may be paid from the annual appropriation for the extermination of contagious diseases among domestic animals. The director may appoint persons to make appraisals on live stock and other property the destruction of which is ordered under this section, and fifty per cent of the full value of such live stock and other property, as determined by the appraisal, may be paid from the annual appropriation aforesaid. If the United States government makes an appropriation for payment of a certain portion of the value of any animals and property destroyed under this section, the



payment by the commonwealth for such animals or property shall be limited to the difference between such portion and the full value thereof determined as herein provided, which shall not be in excess of fifty per cent of such value.

M.G.L. ch.129 § 14A. Quarantine or destruction of animals affected with vesicular stomatitis or vesicular exanthema; importations into commonwealth; cleansing and disinfection of buildings.

All domestic animals which are affected with vesicular stomatitis, or vesicular exanthema, as determined by the director, shall be quarantined.

Animals which are affected with vesicular exanthema, as determined by the director, shall be slaughtered at a slaughtering establishment under federal supervision and the products of such animals shall be processed. Animals affected with vesicular stomatitis shall be disposed of as the director directs.

All such animals, either too small, or too young, to be of value commercially as meat, shall be disposed of as the director directs. The director shall make such rules and regulations in respect to the importation into the commonwealth of such animals or products therefrom as he may deem necessary.

The director shall also issue such directions for the cleansing and disinfection of buildings, premises and places in which vesicular stomatitis or vesicular exanthema exists, or has existed, and of property which may be on or contained therein, as in his opinion may be necessary or expedient, and no such buildings, premises, places and property shall be again used for the raising, care or maintenance of such animals until so authorized by the director in writing. No rules or regulations shall take effect until approved by the governor and council.

M.G.L. ch.129 § 14B. Feeding garbage to swine; definitions; permit; application; revocation; processing of garbage; inspection of premises; entry; records.

The word "garbage" means any meat waste, or meat waste combined with any other food waste, resulting from handling, preparation, cooking and consumption of foods, including animal carcasses or parts thereof.

The word "person" means the state, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or other entity, except that it shall not mean a person who feeds garbage to swine which are raised for such person's own use.

No person shall feed garbage to swine without first securing a permit therefor from the director. Such permits shall be secured before January first, nineteen



hundred and fifty-four, and shall be renewed on the first day of January of each year thereafter.

Any person desiring to obtain a permit to feed garbage to swine shall make written application therefor to the director in accordance with the requirements of the division of animal health. At the time of filing such application the applicant shall pay to the division of animal health a permit fee, the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven for the filing thereof.

Upon determination that any person having a permit issued under this section, or who has applied for a permit hereunder, has violated or failed to comply with any of the provisions of this section, or any of the rules and regulations promulgated thereunder, the director, subject to the approval of the commissioner of agriculture, may revoke such permit or refuse to issue a permit to an applicant therefor.

On and after January first, nineteen hundred and fifty-four, all garbage, regardless of previous processing, shall, before being fed to swine, be thoroughly heated to at least 212°F for at least thirty minutes, unless treated in some other manner which shall be approved in writing by the director as being equally effective.

The director shall cause the premises of all permit holders to be inspected semi-monthly for the purpose of carrying out the provisions of this and the preceding sections.

Any authorized representative of the division of animal health shall have the power to enter at reasonable times upon any private or public property for the purposes of inspection and investigating conditions relating to the treating of garbage to be fed to swine as required by this section.

Any authorized representative of the division of animal health may examine any records or memoranda pertaining to the feeding of garbage to swine. The division of animal health may require maintenance of records relating to the operation of equipment for and procedure of treating garbage to be fed to swine. Copies of such records shall be submitted to the division of animal health on request.

M.G.L. ch.129 § 14C. Hog cholera; slaughtering of hogs; payment to owners.

All hogs which are affected with, or have been exposed to, hog cholera, shall be quarantined and appraised by an appraiser of the division of animal health in the department of food and agriculture, hereinafter called the division, or an appraiser appointed by the United States Department of Agriculture, animal health division. Any such hogs as the director of the division may determine shall be slaughtered and their carcasses shall be disposed of in such manner as said director may determine. The commonwealth shall pay to the owner of such hogs so slaughtered one half



of their value as determined by said appraisal, but not to exceed fifty dollars for a purebred and forty dollars for a grade, said payment to be made from the amounts appropriated therefor; provided, however, that if the federal government undertakes to pay part of the cost of any hogs destroyed, as provided in this section, the payment by the commonwealth shall be limited to the difference between the payment authorized by the federal government and the payment hereinbefore provided. No payment shall be made as herein provided unless the director has determined that the owner or his representative has not, in the opinion of the director, by wilful act or neglect, contributed to the spread of hog cholera. All determinations of value made under this act shall be at fair market value.

M.G.L. ch.129 § 14D. Hogs affected with brucellosis; quarantine and testing; importation, inspection; slaughtering, payment to owners.

All hogs which are affected with, or have been exposed to brucellosis shall be quarantined and tested by the director or his agent, or by an agent of the animal health division of the United States department of agriculture. The director may, in his discretion, slaughter any such hogs and their carcasses shall be disposed of in such manner as he may determine. No person shall transport hogs into the commonwealth until said hogs have been inspected and passed as healthy. Said inspection shall include certification of a negative brucellosis test within thirty days of importation into the commonwealth and a certificate of health by a veterinarian inspector of the animal health division of the United States department of agriculture or a veterinarian of the state of origin, authorized by said state and approved by said animal health division.

M.G.L. ch.129 § 14E. Breeding, feeder or slaughter swine imported into commonwealth.

All breeding swine imported into the commonwealth shall enter directly from a qualified-free herd, as indicated by a health certificate, and shall be negative to a serum neutralization test for pseudorabies conducted within thirty days prior to entry. Said entering swine shall be kept in isolation upon entry and be retested for pseudorabies between thirty and sixty days post entry. Feeder or slaughter swine entering the commonwealth shall originate from such qualified-free herd and shall be held at first destination until consigned to slaughter. If first destination is the premise of a licensed swine dealer, said feeder swine may be resold for feeding and slaughter only upon individual identification and permit from the division of animal health. No swine shall be transported into the commonwealth if such swine had previously been pseudorabies vaccinated.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 18. Duties of inspectors; training programs.

(a) Each inspector shall comply with and enforce all orders and regulations as directed by the director.

(b) The director shall establish mandatory training programs for all municipal animal inspectors. Such training shall be designed to ensure that inspections are conducted on a consistent basis and that inspectors are educated on matters including, but not limited to, animal health and welfare. Each municipal animal inspector shall complete such training not more than 90 days after appointment and every 2 years thereafter. The director may require additional training for animal inspectors as needed.



(c) An inspector who refuses or neglects to comply with this section shall be punished by a fine of not more than \$500.

M.G.L. ch.129 § 19. Inspections of domestic animals.

Inspectors shall make regular and thorough inspections of all neat cattle, sheep and swine found within the limits of their respective towns. Such inspection shall be made at such times and in such manner as the director shall from time to time order. They shall also from time to time make inspections of all other domestic animals within the limits of their respective towns if they know, or have reason to suspect, that such animals are affected with or have been exposed to any contagious disease, and they shall immediately inspect all domestic animals and any place where any such animals are kept whenever directed so to do by the director; but this section shall not apply to the inspection of sheep or swine slaughtered in wholesale slaughtering establishments, or to the obtaining of a license for the slaughtering of such sheep or swine.

M.G.L. ch.129 § 20. Certificate of healthy condition.

An inspector who is satisfied, upon an examination of any neat cattle, sheep or swine, that they are free from contagious disease, shall deliver to the owner or to the person in charge thereof a written certificate of their condition, in such form as the director shall prescribe, signed by the inspector, and shall enter a copy of said certificate upon his records.

M.G.L. ch.129 § 21. Quarantine of diseased animals; notice of 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.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 22A. Dogs owned by police departments or agencies.

The provisions of sections twenty-one and twenty-two shall not apply to dogs owned by police departments or police agencies of the commonwealth or any of its political subdivisions when such dogs are under the direct supervision, care and control of a police officer, have been vaccinated as provided in section one hundred and forty-five B of chapter one hundred and forty, and are subject to routine veterinary care.

M.G.L. ch.129 § 23. Examination of buildings; report.

Inspectors shall, in addition to their inspections of animals for contagious diseases, examine the places in which neat cattle are kept, with reference to their situation, cleanliness, light, ventilation and water supply, and the general condition and cleanliness of the said neat cattle, and shall make a detailed report, with names and residences of owners, to the director.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 25. Records of inspectors of animals.

Each inspector shall keep a record of all inspections made of animals pursuant to this chapter. The director shall provide forms in any manner, electronic format or medium necessary to implement this section, including any forms or records to be utilized and kept by inspectors; provided, however, that such forms and records shall be retained for at least 10 years in an electronic database implemented and maintained by the director.

M.G.L. ch.129 § 26. Application of chapter to inspectors in Boston.

The provisions of this chapter relative to the duties of inspectors shall apply to persons officially performing the functions of inspectors in Boston.

M.G.L. ch.129 § 26A. Shipping cattle into commonwealth without inspection; certificate of health.

Whoever ships, drives or transports into the commonwealth cattle to be used for dairy purposes, unless they have been inspected or passed as healthy by a veterinary inspector of the United States department of agriculture, animal



health division, or a veterinarian of the state of origin authorized by the state and approved by said animal health division and are accompanied by a certificate of health approved by the proper livestock officials of the state of origin stating that each such animal six months of age or over was negative to an agglutination blood test for Bangs' abortion disease applied in accordance with rules and regulations made by the director and approved by the governor, shall be punished by a fine of not more than two hundred dollars.

M.G.L. ch.129 § 26B. Hatching eggs; baby chicks or live poultry; restriction on sale, transportation or importation.

No person shall buy, sell or transport within or import into the commonwealth hatching eggs, baby chicks or live poultry, except poultry intended for immediate slaughter or for exhibition subject to permit granted by the state department of agriculture, unless such hatching eggs are the produce of flocks which meet, and such baby chicks or live poultry meet or are the first generation progeny of flocks which meet, the minimum requirements for "pullorum passed" or "pullorum clean" grades of poultry, as established by the commissioner of agriculture, or the equivalent thereof. Whoever, himself or by his servant or agent, violates any provision of this section shall be punished for the first offence by a fine of not more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than two hundred dollars.

M.G.L. ch.129 § 27. Seizure, quarantine and destruction of imported diseased animals.

Animals brought into this commonwealth from places which in the opinion of the director are infected, may be seized and quarantined by the director at the expense of their owners or consignees, so long as the public safety requires; and, if in his opinion safety so requires, he may cause such animals to be killed without appraisal or payment.

M.G.L. ch.129 § 28. Notice of contagious disease to director.

The board of health of a town, any member or agent thereof or any other person who has knowledge of or reason to suspect the existence of any contagious disease among any domestic animals in the commonwealth, or that any domestic animal is affected with a contagious disease, whether such knowledge is obtained by personal examination or otherwise, shall immediately give written notice thereof to the director, or to an inspector for the town where the animal is kept. Whoever fails to give such notice shall be punished by a fine of not more than one hundred dollars. Upon the receipt of such notice by said inspector, he shall proceed as provided in sections twenty-one, twenty-two, twenty-four and twenty-nine. Upon receipt of such notice by the director he shall inspect or cause his agent to inspect such



animal, and thereafter shall proceed as provided in section eleven or fourteen, as the case may be.

M.G.L. ch.129 § 29. Expense of quarantine.

If animals have been quarantined, collected or isolated upon the premises of the owner or of the person in possession of them at the time such quarantine is imposed, the expense thereof shall be paid by such owner or person; but if specific animals have been quarantined or isolated under section eight or twenty-one for more than ten days upon such premises, as suspected of being affected with a contagious disease, and the owner is forbidden to sell any of the product thereof for food, or if animals have been quarantined, collected or isolated on any premises other than those of such owner or person in possession thereof, the expense of such quarantine shall be paid by the commonwealth, except that, in the case of any animal quarantined for biting or scratching a person, the expense of such quarantine shall be paid by the county in which the injury was inflicted.

M.G.L. ch.129 § 30. Effect of quarantine; release; violation of quarantine; penalty.

An animal which has been quarantined or isolated by order of the director or of his agent, or of an inspector, shall, during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. Whenever an animal has been released from quarantine by order of the director the same animal shall not again be quarantined or isolated by an inspector during the period of thirty days immediately following such release except upon order of the director. Whoever knowingly breaks or authorizes or causes to be broken a quarantine so imposed, or whoever, contrary to such order of quarantine or isolation, knowingly removes an animal or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated, or whoever, contrary to an order or notice of quarantine, knowingly places or causes or authorizes to be placed any other animals within a building, place or enclosure where an animal is quarantined, or in contact therewith, or whoever knowingly conceals, sells, removes or transports, or knowingly causes or authorizes to be concealed, sold, removed or transported, an animal, knowing or having reasonable cause to believe that it is affected with a contagious disease, or whoever knowingly authorizes or permits such animal to go at large upon any public way within the commonwealth, or whoever knowingly brings or authorizes or permits to be brought from another country, state, district or territory into this commonwealth, an animal which is affected with or has been exposed to a contagious disease, or whoever disobeys a lawful order or regulation of the director or of any of his agents or of inspectors in the performance of their duty under this chapter, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.



M.G.L. ch.129 § 31. Damages; arbitration; petition for assessment of damages.

If an owner is entitled to compensation for the killing of an animal or the destruction of other property under this chapter, and cannot agree with the director as to its value, the director and the owner may each select an arbitrator, and if the owner neglects or refuses to select an arbitrator within twenty-four hours after notice that the director has selected one, the arbitrator selected by the director may select another. In each case if the two arbitrators cannot agree as to the value, they may select a third. The arbitrators shall be sworn to the faithful performance of their duties and shall determine the value within the limits provided by sections eleven to fourteen, inclusive, and the amount so fixed shall be paid to the owner.

If the owner's right to compensation is in dispute, if either party prefers to submit the amount of damages to judicial determination, or if the award of the arbitrators is unsatisfactory to either party, the owner or the director may, within thirty days after the killing of such animal or the destruction of such property, or, if arbitrators have been appointed, within thirty days after the date of their award, file a petition for the assessment of damages in the superior court for Suffolk county or for the county where the killing or destruction occurred. A copy of the petition shall be served upon the adverse party. If upon such petition it appears that the owner is entitled by law to compensation, the damages shall be assessed under chapter seventy-nine within the limits provided by sections eleven to fourteen, inclusive, of this chapter. The damages, costs and expenses incurred by the director in prosecuting or defending the petition shall be paid by the commonwealth.

M.G.L. ch.129 § 31A. Shipping or delivering tuberculin within commonwealth; statement as to use; application to common carriers.

Every person who, himself or by his servant or agent, ships from a place within the commonwealth or otherwise delivers any tuberculin to a person within the commonwealth shall forthwith file with the director a written statement containing the name and address of the person to whom the same was shipped or delivered as aforesaid and the quantity thereof. Every person receiving tuberculin for use in connection with domestic animals shall forthwith after such use file with the director a written statement containing the name and address of the person whose cattle have been tested with such tuberculin and of the person from whom the same was received, together with records of said test upon blanks furnished by the director. Whoever violates any provision of this section shall be punished for the first offence by a fine of not less than twenty-five nor more than one hundred dollars and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars. This section shall not apply to common carriers, their servants or agents.

M.G.L. ch.129 § 32. Use of tuberculin as diagnostic agent; tests.



Tuberculin as a diagnostic agent for the detection of tuberculosis in domestic animals shall be used only upon cattle brought into the commonwealth and upon cattle in quarantine stations; but it may be used as such diagnostic agent on any animal in any other part of the commonwealth, with the written consent of the owner or person in possession thereof, and upon animals which have been reported as tuberculous upon physical examination by a competent veterinary surgeon, and also as provided in section thirty-three B. Such tests by the use of tuberculin shall be made without charge to citizens of the commonwealth, and in all other cases the expense of such tests shall be paid by the owner of such animals or by the person in possession thereof.

M.G.L. ch.129 § 33. Compensation for animals reacting to tuberculin test; rules and regulations; appraisals; award.

Except as otherwise provided, a person who has animals tested with tuberculin shall not be entitled to compensation from the commonwealth for any animals which react to the tuberculin test unless they have been tested by the director or qualified veterinarians acting under his authorization and have been owned and kept by the owner applying for the test on the premises where tested for a period of not less than sixty days next prior to the date of said test or have been admitted to the herd on a test approved by the director. The director may prescribe rules and regulations for the inspection of cattle by the application of the tuberculin test and for the segregation, sale or slaughter of reacting animals; but no inspection by the application of such test shall be made unless an agreement has previously been entered into for such inspection and application with the owner of the animals, except as provided in section thirty-three B. If, in the opinion of the director, any of the animals react to the test and are slaughtered in consequence thereof, the owner shall be reimbursed by the commonwealth in the manner hereinafter provided. The director may appoint persons to make appraisals of reacting cattle in conjunction with the owner or his authorized representative. Such appraisal shall be subject to the rights of arbitration and petition set forth in section thirty-one; provided, that the award or damages shall be within the limits prescribed by this section. The commonwealth shall, within thirty days after the filing in the office of the director of a valid claim for reimbursement in pursuance of such an appraisal or of an award under section thirty-one, pay to the owner of any animal slaughtered under authority of any rules or regulations made hereunder, or to any mortgagee or assignee designated in writing by said owner, two thirds of the difference between the amount received by the owner for the carcass of the animal and the value of the animal as determined by appraisal as aforesaid; provided, that payment by the commonwealth hereunder shall not exceed two hundred dollars for any grade animal or two hundred and fifty dollars for any pure-bred animal; and provided, further, that no payment shall be made for any animal if, since the previous test, the owner or his representative has violated the rules and



regulations made hereunder; and provided, further, that the owner or his representative has not unlawfully or improperly obtained or attempted to obtain reimbursement for any animal; and provided, further, that the owner or his representative has not, in the opinion of the director, by wilful act or neglect, contributed to the spread of bovine tuberculosis. If the federal government undertakes to pay part of the cost of any animal destroyed, as provided in this section, the payment by the commonwealth shall be limited to the difference between the payment authorized by the federal government and the payment hereinbefore provided.

M.G.L. ch.129 § 33A. Identification of reacting bovine animals; removal of tag; disposition of tagged animals.

Any bovine animal which reacts to a tuberculin test shall immediately be tagged for identification by the veterinarian, who has applied such test, by inserting into the external ear of the reacting animal a special metal tag provided by the director. Any person who removes any such tag attached as above provided, or who in any way disposes of any animal which has reacted to a tuberculin test except for the purpose of immediate slaughter, or who neglects or refuses to have slaughtered a reacting animal sold to him for that purpose, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

M.G.L. ch.129 § 33B. Declaration of quarantine areas; tuberculin tests of bovine animals; modified accredited areas; violation of terms of quarantine.

The director may, upon application to him by not less than seventy-five per cent of the cattle owners owning cattle permanently kept in any city or town, or upon like application by the owners of eighty-five per cent of such cattle, declare said city or town a quarantine area and may proceed to test by the tuberculin test or otherwise all bovine animals within said area. Whenever not less than eighty-five per cent of the cattle permanently kept in the commonwealth are being tested for bovine tuberculosis under the supervision of the director or of the appropriate federal officials, the director may declare the entire commonwealth to be a quarantine area and may proceed to test by the tuberculin test or otherwise all bovine animals within the commonwealth. If the director finds and declares that such a city or town or the commonwealth, as the case may be, is substantially free from bovine tuberculosis, he may proclaim it to constitute a modified accredited area and may prescribe rules and regulations, subject to the approval of the governor and council, prohibiting the shipment or transportation into the same of any bovine animals without a permit and health certificate issued by the director or some officer designated by the director for the purpose. Whoever violates the terms and conditions of any such quarantine or any such rule or regulation shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.



M.G.L. ch.129 § 33C. Declaration of quarantine area; tests for brucellosis of bovine animals; modified certified brucellosis free area; violation of terms of quarantine.

The director may upon application to him by not less than seventy-five per cent of the cattle owners owning cattle permanently kept in any city, town or county, or upon like application by the owners of eighty-five per cent of such cattle, declare said city, town or county a quarantined area, and may proceed to test for brucellosis by an approved method for the detection of brucellosis all bovine animals within said area. If the director finds and declares said city, town or county is substantially free from bovine brucellosis, he may proclaim it to constitute a modified certified brucellosis free area and may prescribe rules and regulations, subject to their approval by the governor and council, prohibiting the shipment or transportation into said area of any bovine animal without a permit and health chart issued by the director or some person designated by the director for this purpose. Whoever violates the terms and conditions of any such quarantine or any such rule or regulation shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

M.G.L. ch.129 § 33D. Tests for detection of brucellosis; applications; identification of animals; destruction; disposition where test doubtful.

Prior to the first day of January, nineteen hundred and fifty-eight, the director may, upon written application of the owner, test cattle and thereafter shall test all cattle by an approved method for the detection of brucellosis. Said director shall provide for the drawing and collecting of the blood samples and for the laboratory testing. He shall cause any such animal reacting positively to any test for brucellosis to be identified by the branding of the letter B, which shall be at least two inches by two inches, on the left jaw, and the insertion of a reactor tag in the left ear, and to be quarantined. Prior to the first day of January, nineteen hundred and sixty, such reactors may be kept on the farm where tested under quarantine and moved only by permit. All such reactors when removed from the farm shall be disposed of for immediate slaughter under official supervision. If the reaction of any animal to a test for brucellosis is doubtful it shall be identified and quarantined, and shall not be disposed of without written permission of the director. The commonwealth shall not be liable for any damage incurred by any such test.

M.G.L. ch.129 § 34. Compensation to violators of regulations.

No compensation shall be allowed by the commonwealth to an owner of condemned cattle who has failed to comply with the reasonable regulations of the director relative to cleanliness, ventilation, light, disinfection and water supply. An owner of



cattle who refuses to comply with any such regulation shall be punished by a fine of not more than fifty dollars.

M.G.L. ch.129 § 35. Driving certain cattle on public ways or roads.

Texan, Mexican, Cherokee, Indian or other cattle, which the director has reason to believe may spread contagious disease, shall not be driven on any public way or road, or outside the stockyards connected with any railroad in the commonwealth, contrary to an order of the director, and they shall be kept in different pens from those in which other cattle are kept in all stockyards in the commonwealth. Whoever violates any provision of this section shall be punished by a fine of not less than twenty nor more than one hundred dollars.

M.G.L. ch.129 § 36. Notice of contagious diseases.

Whoever kills an animal or causes it to be killed, with the consent of the owner or person in possession thereof, upon suspicion that it is affected with or has been exposed to a contagious disease, and who, upon the inspection of the carcass thereof, finds or is of opinion that it is affected with a contagious disease, shall forthwith notify such owner or person in possession thereof, and the director or an inspector for the town where such animal was kept, of the existence of such disease, and of the place where the animal was found, the name of the owner or person in possession thereof and of the disposal made of such carcass. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

M.G.L. ch.129 § 36B. Vaccination of female calves; refusal to have calves vaccinated; report of veterinarian; identification of positive reactors; transportation of unvaccinated bovine animals.

The director shall cause all female calves to be vaccinated against brucellosis, commonly known as bangs disease, when they are from the ages of four to eight months, inclusive. Calves shall be vaccinated by an approved licensed veterinarian designated by the director and only with vaccine produced at establishments licensed under the federal Virus-Serum-Toxin Act, or at establishments in the commonwealth approved by the director, and the expense thereof shall be borne by the commonwealth. The director shall make the necessary rules for the handling of the vaccine and the method of vaccination. Any person refusing to have his calves vaccinated shall not be permitted to move any of his cattle from his premises except for immediate slaughter, unless such cattle react negatively to an approved blood test for brucellosis. Each veterinarian shall make a report of all animals vaccinated by him on forms furnished by the director. The commonwealth shall not be liable for any damages incurred or alleged to have been incurred by the use of vaccine.

Whenever any cattle are tested for brucellosis and determined to react positively



to such tests, or are vaccinated against brucellosis, the owner of the cattle shall cause them to be permanently identified in accordance with regulations prescribed by the director. It shall be unlawful for a person to transport or offer for transport any unvaccinated bovine animal over six months of age, and any vaccinated bovine animal over eighteen months of age that has been tested for brucellosis and has reacted positive to such tests, except cattle moved under permit issued by the director to slaughtering establishments under state or federal inspection. Any person, firm or corporation who buys, sells or transports any cattle known to be positive to an approved test for brucellosis, except animals under eighteen months of age and accompanied by a certificate of vaccination or except unvaccinated animals less than six months of age or except animals for immediate slaughter, shall be fined not more than two hundred dollars for each animal bought, sold or transported.

M.G.L. ch.129 § 36D. Importation of vaccinated animals; conditions.

Vaccinated animals which are over eighteen months of age may be imported into the commonwealth if within thirty days prior to entry they have reacted negatively to an approved blood test conducted in a laboratory approved by the state of origin. Vaccinated animals eighteen months of age and under may be imported into the commonwealth without such blood test if accompanied by a certificate stating the animals have been vaccinated between the ages of four to eight months, inclusive, by a veterinarian duly licensed by the state of origin of said animals.

M.G.L. ch.129 § 36E. Importation of unvaccinated female cattle over five months of age; certificate.

Subject to rules promulgated by the commissioner of food and agriculture, the director may prohibit the importation of female cattle, for breeding purposes, over five months of age without an official certificate of vaccination stating such female cattle have been vaccinated for brucellosis from the ages of four to eight months, inclusive.

M.G.L. ch.129 § 36F. Brucellosis, imported cattle, blood testing.

The director, his authorized agent or a duly licensed veterinarian designated by the director may conduct such blood tests for brucellosis of all cattle imported into the commonwealth which are over five months of age, as will aid in the effective control of brucellosis.

M.G.L. ch.129 § 36G. Reimbursement of owners for slaughter of animals reacting positively to blood test for brucellosis; appraisal.

If any animal tested by an approved licensed veterinarian designated by the director under this section reacts positively to an approved blood test for brucellosis and is slaughtered in consequence thereof, or if any animal does not react positively



but has been exposed to brucellosis in an infected herd, said animal may be slaughtered because of such exposure to the positive reactors in accordance with the recommended uniform methods and rules published by the veterinary services of the animal and plant health inspection service of the United States Department of Agriculture. The director may appoint persons to make appraisals of reacting cattle in conjunction with the owner or his authorized representative. Such appraisal shall be subject to the rights of arbitration and petition set forth in section thirty-one; provided, that the award or damage shall be within the limits prescribed by this section. The commonwealth, shall within thirty days after the filing in the office of the director of a valid claim for reimbursement in pursuance of such an appraisal or award under said section thirty-one, pay to the owner of any animal slaughtered under authority of any rules and regulations made hereunder, or to any mortgagee or assignee designated in writing by said owner, two thirds of any difference between the amount received by the owner for the carcass of the animal and the value of the animal as determined by appraisal as aforesaid; provided, that payment by the commonwealth hereunder shall not exceed one hundred and fifty dollars for any grade animal or two hundred dollars for any purebred animal; and provided, further, that no payment shall be made for any such animal unless it was kept by the owner applying for the test on the premises where tested for at least sixty days next prior to the date of said test, or unless it was admitted to the herd on a test approved by the director and provided, further, that no payment shall be made for any animal if, since a previous test, the owner or his representative has violated the rules and regulations made hereunder; and provided, further, that the owner or his representative has not unlawfully or improperly obtained or attempted to obtain reimbursement for any animal; and provided, further, that the owner or his representative has not, in the opinion of the director, by wilful act or neglect, contributed to the spread of bovine brucellosis. If the federal government pays part of the value of any animal slaughtered under this section, the payment by the commonwealth shall be limited to the difference between the payment authorized by the federal government and the payment as hereinbefore provided.

M.G.L. ch.129 § 36H. Waiver of compliance with Secs. 36B, 36D to 36F.

The director may after a hearing grant, in suitable cases, waivers of compliance with the provisions of sections thirty-six B, thirty-six D, thirty-six E and thirty-six F.

M.G.L. ch.129 § 37. Jurisdiction of superior court.

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.

M.G.L. ch.129 § 38. Annual report.

The commissioner of food and agriculture shall make an annual report of the acts of the director, including therein the information obtained from inspectors under section twenty-three.

M.G.L. ch.129 § 39. Licensing of persons dealing in bovine and porcine animals; fee; rules and regulations.

Every person engaging in the business of dealing in bovine and porcine animals 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 November thirtieth following the date of issuance, unless sooner revoked. The director shall, subject to the approval of the commissioner of food and agriculture and of the governor, 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 bovine and porcine animals and the method and time of inspection and checking of said animals.

M.G.L. ch.129 § 39A. Pet shops; licensing, necessity, fees, term, issuance, revocation; operation; animals, 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, or to a professional service dog organization accredited by Assistance Dogs International and headquartered in the Commonwealth of Massachusetts.

M.G.L. ch.129 § 39B. Guard dog businesses; licenses; rules and regulations.

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.

M.G.L. ch.129 § 39C. Hearing dog business; licenses.

Every person engaged in the hearing 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 license 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 any business so licensed, and relative to the maintenance of premises, buildings and conveyances, the health of the dogs and the method and time of inspection of such dogs and business.

The director shall promptly furnish to the director of the office of deafness the name and address of each person licensed to conduct a hearing dog business,



and the person so licensed shall promptly furnish to the director of the office of deafness with the name and address of each person to whom a hearing dog is furnished. A hearing dog shall, for identification purposes, be fitted with a collar and leash which are of a bright color.

M.G.L. ch.129 § 39D. Hearing dog business; access to public facilities.

A person engaged in the hearing dog business, while actually engaged in the training process and activities of hearing dogs, shall have the same rights, privileges and responsibilities with respect to access to public facilities as those applicable to deaf persons.

M.G.L. ch.129 § 39E. Livestock auction business; licenses.

As used in the section, the word "livestock" shall include all bovine, ovine, caprine, porcine, equine animals and poultry. The word "poultry" shall include all domesticated birds including, but not limited to, chickens, turkeys, guineas, exotic and game birds. Every person engaged in the business of auctioning livestock shall obtain a license therefore from the director, the fee for which shall be determined by the secretary of administration and finance, and such license shall expire on November thirtieth following the date of issuance, unless sooner revoked. The department of food and agriculture may make rules and regulations governing the issuance and revocation of such licenses, and relative to matters relating to this section including, but not limited to, record-keeping, facility maintenance, animal identification, animal health and methods and times for inspecting and checking animals.

M.G.L. ch.129 § 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.

M.G.L. ch.129 § 39G. Official health certificate for dogs or cats brought or shipped into commonwealth; purchase of animals for resale; record of vaccinations; 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 80 1/2 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.

M.G.L. ch.129 § 40. License plates for vehicles used for transportation of bovine or porcine animals; fees; revocation.



Each vehicle used for the transportation of bovine or porcine animals by any person engaged in the business of dealing in such animals, when operated on any way in the commonwealth, shall bear a metal license plate, attached to the side of the vehicle to the left of the person operating or driving the same, such plate to be furnished by the director upon the payment of a fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. Said plate shall be valid for the term for which the license is granted, but shall be returned to the director on revocation of said license.

M.G.L. ch.129 § 40A. Hog cholera vaccine; prohibited use.

No person shall use, sell, expose for sale, deliver, give away, have in his possession, introduce or deliver for introduction into commerce any hog cholera vaccine.

M.G.L. ch.129 § 41. Bill of sale or memorandum signed by owner of persons transporting bovine animals; exhibition on demand; application of section.

All persons who transport bovine animals upon any public way in connection with the purchase or sale thereof, shall have in their possession a bill of sale or memorandum signed by the owner or vendor of such animals, containing the address of such owner or vendor, the date of purchase or sale, the number of animals, breed, ear tag number or other means of identification of each animal.

Any person transporting bovine animals shall on demand exhibit such bill of sale or memorandum to any officer qualified to serve criminal process.

No person shall accept any bovine animal over six months of age which has been transported over any such way unless accompanied by such bill of sale or memorandum. The person accepting such animals shall endorse the bill of sale or memorandum in such manner as will signify his acceptance of each animal.

This section shall not apply to such licensees under section thirty-nine as are exempted from the provisions hereof by the director, by rules or regulations made under the authority of said section thirty-nine.

M.G.L. ch.129 § 42. Tagging bovine animal with identification tag.

No person, other than a licensed veterinarian or an agent of the director, shall tag a bovine animal with a state or federal identification tag.

M.G.L. ch.129 § 43. Penalties for violation of secs. 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.

M.G.L. ch.129 § 44. Testing of imported equine animals for infectious anemia; certification.

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.

M.G.L. ch.129 § 44A. Destruction or quarantine of infected equine animals.

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.

M.G.L. ch.129 § 45. License to deal in or auction equine animals; regulation; purpose.

Every person engaging in the business of dealing in equine animals or auction of said animals and tack shall obtain a license therefor from the director, the fee for which shall be fifty dollars, and such license shall expire on October thirty-first following the date of issuance, unless sooner revoked, provided that the fee for any person licensed under the provisions of section two B of chapter one hundred and twenty-eight shall be five dollars. The director shall, subject to the approval of the commissioner of food and agriculture 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 equine animals and the method and time of checking and inspection of said animals. The purpose is to prohibit the transportation and slaughter of horses by inhumane means.

M.G.L. ch.129 § 46. License plates for vehicles transporting equine animals.

Each vehicle used for the transportation of equine animals by any person engaged in the business of dealing with such animals, when operated on any way, shall bear a metal license plate, attached to the side of the vehicle to the left of the person operating or driving the same, such plate to be furnished by the director on the payment of a fee of five dollars. Said plate shall be valid for the term for which the license is granted, but shall be returned to the director on revocation of said license. The use of multiple deck vehicles or the so-called "possum belly" vehicle used in the transportation of equine animals is prohibited.

M.G.L. ch.129 § 47. Bill of sale or memorandum.

A person who transports equine animals for immediate slaughter upon any public way in connection with the purchase or sale thereof, shall have in his possession a bill of sale or memorandum signed by the owner or vendor of such animals, containing the address of such owner or vendor, the date of purchase or sale, the number of animals and means of identification of each animal. Any such person transporting such equine animals shall on demand exhibit such bill of sale or memorandum to any officer qualified to serve a criminal process. No such person shall accept any such equine animal which has been transported over any such way unless accompanied by such bill of sale or memorandum. Such person accepting such animals shall endorse the bill of sale or memorandum in such manner as will signify his acceptance of such animals. Horses intended for immediate slaughter shall not be required to have a certificate as provided in section forty-four.

M.G.L. ch.129 § 48. Violations, penalties.

Whoever violates any provisions of section forty-five to forty-seven, inclusive, or any rule or regulation made under section forty-five shall be punished for the 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.

M.G.L. ch. 140 § 136A. [Effective Until 12/19/2024] Definitions for Secs. 137 to 174E.

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.

M.G.L. ch. 140 § 136A. [Effective 12/19/2024] Definitions for Secs. 137 to 174G.

The following words as used in sections 137 to 174G, 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 174G, 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.

"Licensee", a person who owns and maintains a kennel that has received a kennel license from the relevant licensing authority.

"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.

M.G.L. ch. 140 § 137. Dogs; registration and licenses.

(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.

M.G.L. ch. 140 § 137A. [Effective Until 12/19/2024] 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.

M.G.L. ch. 140 § 137A. [Effective 12/19/2024]. Kennel licenses.

(a) A person maintaining a kennel shall obtain a kennel license. A licensing authority shall issue, suspend, renew and revoke kennel licenses as specified in this chapter and any other law. In the case of an applicant for initial licensure or license renewal, a licensing authority shall deny a kennel license until a kennel has passed inspection by an animal control officer.

(b)

(1) 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 a license; provided, however, that in determining the amount of the license fee for a kennel, a dog under the age of 3 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. A kennel that owns or keeps a dog over the age of 6 months shall comply with section 145B.

(2) A commercial boarding or training kennel shall maintain records of individual dog licenses, as required in section 137, for all dogs in its care.

(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) The licensing authority shall specify on the license the type of kennel and the maximum number of animals that may be maintained by the licensee. Such number shall be determined by the licensing authority and the animal control officer following the required inspection. For commercial boarding or training kennels, the number of animals shall be determined following the required inspection and in accordance with regulations promulgated pursuant to section 174G to ensure the property can support the number of animals while ensuring their health and safety.

(e)

(1) Annually, not later than June 1, the licensing authority shall send to the department a list of all kennels and their addresses licensed by the city or town pursuant to this section.

(2) The department shall annually review the list of kennels submitted as required by this section to evaluate the compliance of municipalities issuing kennel licenses in accordance with this chapter.

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

M.G.L. ch. 140 § 137B. Sale or other delivery of unlicensed dog by kennel license.

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.

M.G.L. ch. 140 § 137C. [Effective Until 12/19/2024] 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 \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

M.G.L. ch. 140 § 137C. [Effective 12/19/2024.] Inspection of kennels; revocation, suspension and reinstatement of license; nuisance.

(a) The mayor of a city, the select board of a town, the town manager of a town, the police commissioner of the city of Boston, a chief of police or an animal control officer shall inspect or cause the inspection of every kennel licensed within the city or town at least once per year. If a licensee or a person applying for a license to maintain a kennel refuses to allow an inspector to enter and inspect a kennel, the refusal shall be grounds for denial, suspension or revocation of the license.

Twenty-five citizens of a city or town may file a petition with the mayor of a city, the select board of a town or the police commissioner of the city of Boston, as the case may be, stating that they are aggrieved or annoyed to an extent that constitutes a nuisance by a dog maintained in the city or town due to excessive barking or other conditions connected with a kennel. The mayor, select board, town manager or police commissioner of the city of Boston, as the case may be, shall, not more than 7 days after the filing of such petition, give notice to all interested parties of a public hearing. The hearing shall be held not more than 14 days after the date of the notice. The mayor, select board, town manager or police commissioner of the city of Boston shall, not more than 7 days after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order:

- (i) suspend the license;
- (ii) revoke the license;
- (iii) further regulate the kennel; or
- (iv) dismiss the petition.

(b) A written notice under subsection (a) of an order revoking or suspending the license, further regulating the kennel or dismissing the petition shall be mailed immediately to the licensee and to the officer that issued the license. Not more than 10 days after the written notice of the order, the licensee may file a petition in the district court in the judicial district in which the kennel is maintained seeking review of the order. 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 the court determines 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 revoked or suspended shall be assessed a fine by the licensing authority of not more than \$250 for a first offense, by a fine of not less than \$500 for a second offense and by a fine of not more than \$1,500 for a third or subsequent offense.

M.G.L. ch. 140 § 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, 80 1/2, 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 138A. [Repealed].



M.G.L. ch. 140 § 139. Fees; certificate or statement that dog has been spayed; service dogs defined; dogs owned by persons age 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 141B. Application of law; licensed pet shops exempted.

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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 145A. Anti-rabic vaccine and treatment; reimbursement for cost.

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.

M.G.L. ch. 140 § 145B. Vaccination against rabies; certificate; tag; proof of vaccination; 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 147A & B. [Repealed].

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.



M.G.L. ch. 140 § 151A. Issuance of warrant to officers; duties; confinement of dogs; allowance for care.

(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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 151C. Training courses for animal control officers.

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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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)

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 155A. Indemnification of law enforcement officers; damages caused by dogs used in performances 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 157. Nuisance or dangerous dogs; orders for remedial action; appeals; violations 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).

M.G.L. ch. 140 § 157A. Failure to comply with order; transfer of ownership or selling of dangerous dogs.

(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.

M.G.L. ch. 140 § 158. Euthanizing of 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 161. Damages caused by dogs and paid by county; 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.

M.G.L. ch. 140 § 161A. Damages caused by dogs not reimbursable; amounts 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.

M.G.L. ch. 140 § 162. [Repealed].

M.G.L. ch. 140 § 163. Notice to euthanize dog that 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.

M.G.L. ch. 140 § 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.



M.G.L. ch. 140 § 165. Investigation of damages caused by dogs; settlement; action against owner or keeper; payments over to county 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.

M.G.L. ch. 140 § 166. Election of remedy by person damaged.

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.

M.G.L. ch. 140 § 167. Ordering dogs to be restrained; euthanizing unrestrained dogs.

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.

M.G.L. ch. 140 § 168. Service of order to 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 170. [Repealed].

M.G.L. ch. 140 § 171. Liability to county 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.

M.G.L. ch. 140 § 172. [Repealed].

M.G.L. ch. 140 § 173. Ordinances and by-laws relating to dogs.

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.

M.G.L. ch. 140 § 173A. Non-criminal disposition of complaints for violation of dog control laws.

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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 174A. Method of euthanizing dogs or cats.

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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 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.

M.G.L. ch. 140 § 174D 1/2. Handling of dogs or cats after completion of research or testing.



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

"Animal rescue organization", an organization:

- (i) whose mission and practice is the placement of abandoned, unwanted, neglected or abused animals;
- (ii) that does not obtain dogs or cats from a breeder or broker for payment or compensation; and
- (iii) that is an organization exempt from taxation under section 501(c)(3) of the federal Internal Revenue Code or corresponding sections of that code.

"Animal shelter", a facility operated, owned or maintained by an animal rescue organization that exists for the purpose of receiving, maintaining, caring for, transporting or transferring ownership of a domestic animal; provided, however, that "animal shelter" shall not include a foster home.

"Product testing facility", a facility that is engaged in animal research for the testing of consumer products.

"Research facility", a higher education facility that utilizes dogs or cats for educational, medical or scientific research that receives public funds or a facility that provides such research through a contractual agreement with a higher education facility.

(b) A research facility or product testing facility shall, after the completion of testing or research involving a dog or cat that does not require euthanasia of the dog or cat upon the termination of the study, as defined and approved by the research or testing protocol, assess the health of the animal and determine whether the dog or cat is suitable for adoption. Except as otherwise provided in subsection (c), a research facility or product testing facility that intends to euthanize a dog or cat shall, before euthanizing the dog or cat, make a reasonable effort to offer the dog or cat for adoption to an individual, animal shelter or animal rescue organization to facilitate the adoption of the dog or cat to a permanent adoptive home. A research facility or product testing facility may enter into a collaborative agreement with an individual, animal shelter or animal rescue organization to carry out this subsection. A research facility, product testing facility, animal shelter or animal rescue organization that is facilitating the adoption of a dog or cat used for research or testing shall make reasonable efforts to:

- (i) facilitate permanent adoptions and discourage post-adoption transfers; and



(ii) select adopters who demonstrate a willingness and ability to keep the animal permanently, provide an appropriate living space and accept lifelong responsibility for the animal's care. Prior to entering into a collaborative agreement with an individual, an animal shelter or an animal rescue organization, a research facility or product testing facility shall carefully review the individual's, animal shelter's or animal rescue organization's reputation, history of involvement with animal adoption and criminal history and, for an animal shelter or animal rescue organization, its mission statement.

(c) A research facility or product testing facility shall not be required to offer a dog or a cat to an individual, animal shelter or rescue organization pursuant to subsection (b) if the dog or cat:

(i) manifests a behavioral or medical defect that poses a risk to the health and safety of the public;

(ii) manifests symptoms of a disease, injury, congenital or hereditary condition that adversely affects, or is likely to adversely affect, the health of the dog or cat; or

(iii) is a newborn dog or cat in need of maternal care and not appropriate for adoption. The attending veterinarian of the research facility or product testing facility or the attending veterinarian's designee shall assess the suitability of the dog or cat and determine its availability for adoption under this section.

(d) A research facility or product testing facility that is required to offer dogs and cats for adoption under this section shall not owe a duty of care to an animal shelter or animal rescue organization that accepts a dog or cat or to a person or entity that adopts a dog or cat, regardless of whether the adoption occurs through an animal shelter or animal rescue organization or private placement. A research facility or product testing facility shall not be responsible or liable for any injury, property damage or other damage or loss that results from the adoption or placement of a dog or cat pursuant to this act.

M.G.L. ch. 140 § 174E. Chaining or tethering of dogs; confining of dogs outside; cruel and inhumane conditions; exceptions; violations; 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.

M.G.L. ch. 140 § 174F. Confinement of animal in motor vehicle.

(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.

M.G.L. ch. 140 § 174G. [Effective 12/19/2024]. Rules and regulations for commercial boarding or training kennels.

(a) The department shall promulgate rules and regulations for commercial boarding or training kennels, including those located at a private residence, which may include, but not be limited to, licensing, inspection, compliance and enforcement, use of best practices and operation, provider and staff to animal ratios, fire and emergency planning, injury reporting, group sizes and supervision, minimum housing and care requirements, indoor and outdoor physical facility requirements, utilities, body language interpretation, breed familiarity, dog handling, insurance, proper education and training of commercial boarding or training kennel staff, including, but not limited to, dog daycare staff, operational safety standards, risk management and consumer education and protection.

(b)

(1) Commercial boarding or training kennels shall report to the licensing authority injuries to animals or people that occur on their premises and the department or licensing authority shall investigate all reports. The department shall develop a form for such reporting and a time frame for submitting a report after an injury. The form shall be available on the department's website for the public to report such injuries.

(2) The department shall make investigative reports of injuries publicly available on its website if the investigation results in the department bringing enforcement action against the kennel.

(c)

(1) An inspection of a commercial boarding or training kennel to enforce the rules and regulations promulgated pursuant to subsection (a) may be done by the commissioner or an authorized inspector and shall take place between the hours of 7:00 a.m. and 7:00 p.m. unless an alternate time is mutually agreed upon by the inspector and the licensee. An authorized inspector may include, but shall not be limited to, an animal control officer, the mayor of a city, the select board of a town, the town manager of a town, the chief of police, the police commissioner of the city of Boston or another designated official. The licensee or an authorized agent of the licensee shall be present during the inspection. If a kennel regulated under this section is located at a



private residence, only the areas of the residence that are used for kennel purposes or for the maintenance of kennel records shall be required to be available for inspection.

(2) If, in the judgment of the commissioner or an authorized inspector, a kennel is not being maintained in a sanitary and humane manner or if records have not been properly kept as required by law and in compliance with this section, the commissioner or authorized inspector shall, by order, depending on the severity of the offense, suspend the license for the kennel or issue to the licensee a written citation or notice which explains the noncompliant issue and requires the licensee to come into compliance within a reasonable, specified timeframe. If the licensee fails to come into compliance within the time period specified by the commissioner or authorized inspector, the commissioner or authorized inspector shall, by order, revoke the license for the kennel.

(3) Enforcement under paragraph (2) by an animal control officer or authorized inspector may be appealed within 21 days to the district court in the judicial district in which the kennel is maintained. Enforcement under said paragraph (2) by the commissioner may be appealed within 21 days to the division of administrative law appeals pursuant to chapter 30A.

M.G.L. ch. 140 § 176. Stallions; registration; certificate; penalty.

The owner or keeper of a stallion for breeding purposes shall, before advertising the service thereof, file a certificate of the name, color, age, size and pedigree, as fully as obtainable, of said stallion, and of the name of the person by whom he was bred, with the clerk of the city or town where said stallion is owned or kept, who shall, upon payment of the fee provided by clause (72) of section thirty-four of chapter two hundred and sixty-two, record the same in a book to be kept for that purpose. Whoever neglects to make and file such certificate shall recover no compensation for the services of his stallion, and whoever knowingly and wilfully makes a false certificate shall be punished by a fine of one hundred dollars.

