

HOUSE No. 2454

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the adoption of animals used in research.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>

HOUSE No. 2454

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2454) of Carolyn C. Dykema and others relative to the adoption of animals from research institutions licensed to use dogs or cats. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the adoption of animals used in research.

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

1 Section 1. Chapter 140, of the General Laws, as appearing in the 2014 Official Edition, is
2 hereby amended by striking out section 174D and inserting in place thereof the following
3 section:-

4 Section 174D.(a) For purposes of this section, the following terms shall have the
5 following meanings:-

6 "Animal adoption or animal rescue organization", a collaboration of individuals or a
7 nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal
8 Revenue Code of the United States, as amended from time to time that has, as part of such
9 collaboration's or organization's purposes, the sale or placement of animals removed from animal
10 shelters, municipal dog pounds, or an individual's home.

11 (b) No research institution shall employ dogs or cats in scientific investigation,
12 experiment or instruction or for the testing of drugs or medicines without having first been issued

13 a license therefor under this section by the commissioner of public health. A research institution
14 desiring to obtain a license shall make application to the commissioner of public health. On
15 receipt of such application the commissioner of public health shall make or cause to be made
16 such investigation as he may deem necessary to determine whether the public interest would be
17 served by the issue of such license. The commissioner of public health shall issue such license
18 unless, after notice and hearing, he finds that the research institution, by reason of its standards,
19 facilities, practices or activities, is not a fit and proper institution to receive such license, and that
20 the issue thereof is not in the public interest. Each research institution licensed under this chapter
21 shall before such license issues pay to the commissioner of public health a license fee of fifty
22 dollars. Each license shall expire on June thirtieth next following the date of issue. The
23 commissioner of public health shall annually renew each license upon the application of the
24 licensee unless, after notice and hearing, he or she finds that by reason of the standards, facilities,
25 practices or activities of the licensee such renewal is not in the public interest. The commissioner
26 of public health may, after notice and hearing, cancel, suspend or revoke any license if he or she
27 finds that by reason of the standards, facilities, practices or activities of the licensee the
28 continuation of such license is not in the public interest.

29 (c) A research institution shall offer for adoption by an animal adoption or animal rescue
30 organization any cat or dog that such research possesses for the purpose of conducting research
31 or testing provided such offer occurs after the completion of any such research or testing, such
32 research or testing does not require the destruction of such cat or dog and such animal is no
33 longer needed by such research institution. A research institution that is required to offer a cat or
34 dog for adoption pursuant to this section may enter into an agreement with an animal adoption or
35 animal rescue organization for the purpose of complying with this subsection.(d) The

36 commissioner of public health may make such rules and regulations, not inconsistent with this
37 section, necessary to carry out its purposes, and may alter, rescind or add to any rules or
38 regulations previously made. The commissioner of public health or an agent designated by him
39 or her shall, in connection with the granting, continuance or renewal of a license, visit and
40 inspect the animal research and care facilities of any licensee or of any research institution which
41 has applied for a license. The Massachusetts Society for the Prevention of Cruelty to Animals
42 and the Animal Rescue League of Boston may be designated as agents of the commissioner of
43 public health. For purposes of this section the term “animal” shall refer to the dog and cat
44 specifically and all other sentient creatures except humans.

45 (e) Whoever knowingly violates any of the provisions of this section shall be liable for a
46 civil penalty of not more than \$100 for each offense. The superior court department of the trial
47 court shall have authority to enjoin any violation of this section or to take such other actions as
48 equity or justice may require.