

HOUSE No. 4919

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 25, 2024.

The committee on Ways and Means, to whom was referred the Bill to increase kennel safety, aka Ollie's Law (House, No. 4564), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4919).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to increase kennel safety, aka Ollie's Law.

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. Section 136A of chapter 140 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in lines 2 and 7, the figure “174F”, each time
3 it appears, and inserting in place thereof, in each instance, the following figure:- 174G.

4 SECTION 2. Said section 136A of said chapter 140, as so appearing, is hereby further
5 amended by inserting, after the definition of “Kennel”, the following definition:-

6 “Licensee”, a person who owns and maintains a kennel that has received a kennel license
7 from the relevant licensing authority.

8 SECTION 3. Section 137A of said chapter 140, as so appearing, is hereby amended by
9 striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

10 (a) A person maintaining a kennel shall obtain a kennel license. A licensing authority
11 shall issue, suspend, renew and revoke kennel licenses as specified in this chapter and any other

12 law. In the case of an applicant for initial licensure and license renewal, a licensing authority
13 shall deny a kennel license until a kennel has passed inspection by an animal control officer.

14 (b)(1) The issuing city or town shall determine the period of time for which a kennel
15 license shall be valid, including the date of issuance of the license through the date on which the
16 license expires, inclusive, and shall further determine the fee for the issuance and renewal of the
17 license. To determine the amount of the license fee for a kennel, a dog under the age of 3 months
18 shall not be counted in the number of dogs kept in a kennel. The name and address of the owner
19 of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the
20 kennel and available for inspection by an animal control officer, natural resource officer, deputy
21 natural resource officer, fish and game warden or police officer. A kennel that owns or keeps a
22 dog over the age of 6 months shall comply with section 145B.

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

25 SECTION 4. Said section 137A of said chapter 140, as so appearing, is hereby further
26 amended by striking out subsection (d) and inserting in place thereof the following 3
27 subsections:-

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

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

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

39 (f) A person who violates this section shall be assessed by the licensing authority a fine of
40 \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

41 SECTION 5. Said chapter 140 is hereby further amended by striking out section 137C
42 and inserting in place thereof the following section:-

43 Section 137C. (a) The mayor of a city, the select board of a town, the town manager of a
44 town, the police commissioner in the city of Boston, a chief of police or an animal control officer
45 shall inspect a kennel or cause the inspection of a kennel at least 1 time per year. If a licensee or
46 a person applying for a license to maintain a kennel refuses to allow an inspector to enter and
47 inspect a kennel, the refusal shall be grounds for denial, suspension or revocation of the license.

48 Twenty-five citizens of a city or town may file a petition with the mayor of a city, the
49 select board of a town or the police commissioner in the city of Boston, as the case may be,
50 stating that they are aggrieved or annoyed to an unreasonable extent that constitutes a nuisance
51 by a dog maintained in the city or town due to excessive barking or other conditions connected
52 with a kennel. The mayor, select board, town manager or police commissioner in the city of
53 Boston, as the case may be, shall not more than 7 days after the filing of petition, give notice to
54 all interested parties of a public hearing. The hearing shall be held not more than 14 days after
55 the date of the notice. The mayor, select board, town manager or police commissioner in the city

56 of Boston shall, not more than 7 days after the public hearing, investigate or cause to be
57 investigated the subject matter of the petition and shall, by order: (i) suspend the license; (ii)
58 revoke the license; (iii) further regulate the kennel; or (iv) dismiss the petition.

59 (b) A written notice under subsection (a) of an order revoking or suspending the license,
60 further regulating the kennel or dismissing the petition shall be mailed immediately to the
61 licensee and to the officer that issued the license. Not more than 10 days after the written notice
62 of the order, the licensee may file a petition in the district court in the judicial district in which
63 the kennel is maintained seeking review of the order. After notice to all parties as the court may
64 consider necessary, the court shall review the action, hear the witnesses and affirm the order
65 unless it shall appear that it was made without proper cause or in bad faith, in which case the
66 order shall be reversed. The decision of the court shall be final and conclusive upon the parties.
67 A person maintaining a kennel after the license to maintain a kennel has been revoked or
68 suspended shall be assessed by the licensing authority a fine of not more than \$250 for a first
69 offense, by a fine of not less than \$500 for a second offense and by a fine of not more than
70 \$1,500 for a third or subsequent offense.

71 SECTION 6. Said chapter 140 is hereby further amended by inserting after section 174F
72 the following section:-

73 Section 174G. (a) The department shall promulgate rules and regulations for commercial
74 boarding or training kennels, including those located at a private residence, which shall include,
75 but not be limited to, licensing, inspection, compliance and enforcement, use of best practices
76 and operation, provider and staff to animal ratios, fire and emergency planning, injury reporting,
77 group sizes and supervision, minimum housing and care requirements, indoor and outdoor

78 physical facility requirements, utilities, body language interpretation, breed familiarity, dog
79 handling, insurance, proper education and training of commercial boarding or training kennel
80 staff, including, but not limited to, dog daycare staff, operational safety standards, risk
81 management and consumer education and protection.

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

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

90 (c)(1) An inspection of a commercial boarding or training kennel to enforce the rules and
91 regulations promulgated pursuant to subsection (a) may be done by the commissioner or an
92 authorized inspector and shall take place between the hours of 7:00 am and 7:00 pm unless an
93 alternate time is mutually agreed upon by the inspector and the licensee. An authorized inspector
94 may include, but shall not be limited to, an animal control officer, the mayor of a city, the select
95 board of a town, the town manager of a town, the chief of police, the police commissioner in the
96 city of Boston or another designated official. The licensee or an authorized agent of the licensee
97 shall be present during the inspection. If a kennel regulated under this section is located at a
98 private residence, only the areas of the residence that are used for kennel purposes or for the
99 maintenance of kennel records shall be required to be available for inspection.

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

109 (3) An enforcement under subsection (b) may be appealed within 21 days to the district
110 court in the judicial district in which the kennel is maintained.

111 (4) In a municipality without an authorized inspector or when the department conducts
112 investigations and enforcements, the commissioner may, by order, suspend or revoke a license
113 for a kennel in violation of this section. An enforcement under subsection (b) from the
114 commissioner may be appealed within 21 days to the division of administrative law appeals
115 pursuant to chapter 30A.

116 SECTION 7. (a) Notwithstanding any general or special law or rule or regulation to the
117 contrary, there shall be a committee to advise the commissioner of agricultural resources on the
118 promulgation of regulations as required by section 174G of chapter 140 of the General Laws.

119 (b)(1) The committee shall be appointed by the commissioner and shall consist of: 1
120 representative from the department of agricultural resources; 1 owner of a licensed commercial
121 boarding or training kennel with a kennel license with a capacity of not more than 50 dogs; 1

122 owner of a licensed commercial boarding or training kennel with a kennel license with a capacity
123 of 50 or more dogs in a kennel not located in a home; 2 animal control officers, 1 of whom shall
124 represent a municipality having 5 or more animal daycare facilities and 1 of whom shall
125 represent a municipality having fewer than 5 animal daycare facilities; 1 licensing authority
126 representative; 1 representative of a kennel association or an organization representing kennels; 1
127 veterinarian or member of a veterinary medical association organized in the commonwealth; 1
128 member of the general public with an interest in the well-being of dogs; 1 dog owner who uses
129 the services of a licensed commercial boarding or training kennel; 1 animal behaviorist certified
130 by International Association of Animal Behavior Consultants, Inc. or by a comparable certifying
131 entity approved by the department; 1 person with not less than 5 years of experience training
132 people on dog behavior; and 1 representative from a shelter or rescue organization licensed by
133 the department.

134 (2) The commissioner shall consider diversity, equity and inclusion when appointing the
135 committee. Members of the committee shall be residents of the commonwealth or do business in
136 the commonwealth. Members shall reflect the geographic diversity of the commonwealth,
137 representing municipalities with different forms of government. The committee shall elect a
138 chair at the initial meeting.

139 (c) The commissioner of agricultural resources shall appoint the members of the
140 committee to advise the commissioner on the promulgation of regulations, as required by section
141 174G of chapter 140 of the General Laws, not more than 90 days of the effective date of this act.

142 SECTION 8. The department of agricultural resources shall promulgate the regulations
143 pursuant to section 174G of chapter 140 of the General Laws, inserted by section 6, not more

144 than 18 months after the effective date of this act. The department shall provide an updated list of
145 the regulations under said section 174G of said chapter 140 and any relevant education or
146 training programs to local licensing authorities, animal control officers and any other applicable
147 local officials for the enforcement of the regulations.

148 SECTION 9. Not later than July 1, 2025, the department shall file a report with the joint
149 committee on municipalities and regional government on the number of kennel licenses issued
150 throughout the commonwealth, the type of kennel licenses issued, municipalities not in
151 compliance with the license requirements and any related legislative recommendations.

152 SECTION 10. Section 7 is hereby repealed.

153 SECTION 11. Section 10 shall be effective on December 31, 2026.