

HOUSE No. 649

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel M. Donahue, (BY REQUEST)

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 importation of animals for rescue.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Craig Olson</i>	<i>61 Butler St</i> <input type="checkbox"/> <i>Worcester, MA 01607</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>

HOUSE No. 649

By Mr. Donahue of Worcester (by request), a petition (accompanied by bill, House, No. 649) of Craig Olson and others relative to procedures and regulations of transporting domestic animals. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the importation of animals for rescue.

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

1 An Act relative to the importation of animals for rescue, shelter, foster, adoption or
2 remote sale.

3 Chapter 129 of the General Laws is hereby amended by adding the following sections:-

4 Section 49. The following words as used in sections 49 to 56, inclusive, shall have the
5 following meanings, unless the context clearly requires otherwise:-

6 “Adoption”, the process transferring ownership of a domestic animal.

7 “Animal”, a bird, mammal or reptile that may be kept without a license from the division
8 of fisheries and wildlife and is included in the special exemption list established by the director
9 of said division pursuant to section 23 of chapter 131, including, unless expressly stated,
10 domestic animals.

11 “Animal control officer”, a person appointed pursuant to section 151 of chapter 140.

12 “Animal identification”, clear digital photos of the animal taken in a manner that will
13 demonstrate all unique markings and identifying features, or, microchip number, and the
14 animal’s name, approximate age, gender, predominate color, and predominate breed.

15 “Animal rescue organization”, a person, organization, or other legal entity not required to
16 be licensed pursuant to section 39, 39A or 45 of chapter 129, and that either on its own behalf or
17 as facilitator for others engages in, or arranges for others to engage in, adoption.

18 “Animal shelter”, “shelter” or “facility”, a facility operated, owned or maintained by an
19 animal rescue organization that exists for the purposes of receiving, maintaining, caring for,
20 transporting or providing for the adoption of a domestic animal, and which is not a foster home.

21 “Applicant”, a person who has submitted an application for registration or import
22 registration to the department.

23 “Carrier registration”, the registration issued biennially by the department that authorizes
24 a registrant to transport animals into the commonwealth on behalf of a properly registered animal
25 rescue organization.

26 “Cat”, a mammal of the species *Felis domesticus*.

27 “Department”, the department of agricultural resources.

28 “Dog”, a mammal of the species *Canis familiaris*.

29 “Domestic animal”, an animal of any domesticated species as defined by general law or
30 the department in applicable regulations, including dogs and cats.

31 “Foster care”, an interim or temporary housing arrangement for a domestic animal.

32 “Foster home”, a residential location that provides interim or temporary in-home housing
33 for domestic animals on behalf of an animal rescue organization.

34 “Health certificate”, a document dated and signed by a licensed veterinarian, which
35 certifies the health status of a domestic animal.

36 “Imported animal”, a domestic animal that has been transported into the commonwealth
37 for the purposes of foster care or adoption.

38 “Import registration”, the registration issued biennially by the department that authorizes
39 a registrant to operate in the commonwealth as an animal rescue organization and import animals
40 into the commonwealth for rescue, adoption, foster care, transfer or remote sale.

41 “Individual animal record”, the comprehensive record relating to an individual domestic
42 animal, including where applicable, but not limited to, an official certificate of veterinary
43 inspection, documentation of isolation upon import, a post-isolation health certificate, a history
44 of vaccinations, a history of all medical treatment including administered medications, the source
45 of the domestic animal, the date of acquisition of the domestic animal, name and address of the
46 domestic animal’s intended adoptive owner or foster home, animal identification, the date of any
47 sale or transfer of the domestic animal, and any relevant mortality record.

48 “Isolation facility”, a location approved by the department to serve as a receiving station
49 for animals affected with or exposed to an infectious or contagious disease, or any area approved
50 by the department to accept animals for isolation upon import.

51 “Official certificate of veterinary inspection”, an official form issued by a USDA
52 accredited veterinarian in the state of origin and approved by a properly designated official of the

53 state of origin, which: (i) lists and properly describes and identifies all animals covered by the
54 certificate that have been examined by the person issuing the form, (ii) states the nature of the
55 examination and the findings of the health of the animals, and (iii) contains the name and address
56 of the consignor and the consignee of the animals, vaccinations the animals may have received,
57 and the dates on which any known vaccinations occurred.

58 “Owner Surrender”, an animal that is given up by an individual or family directly to a
59 rescue organization in order to find a home for placement.

60 “Quarantine”, an order of the department pursuant to section 21 of chapter 129 of the
61 General Laws or section 54 of this act.

62 “Registrant”, an animal rescue organization that has received a carrier registration or
63 import registration from the department.

64 “Registration”, the registration issued biennially by the department that authorizes a
65 registrant to operate as an animal rescue organization in the commonwealth.

66 “Sterilization clause”, a stipulation within an animal rescue organization’s agreement
67 with the recipient of a domestic animal that requires the domestic animal to be deprived of the
68 ability to produce offspring by the age of 6 months.

69 “Transfer”, to barter, exchange, adopt out, gift, give away or otherwise transfer
70 ownership of a domestic animal to a person other than the registrant.

71 “USDA accredited veterinarian”, a veterinarian accredited by the United States
72 Department of Agriculture’s Animal and Plant Health Inspection Service and otherwise licensed

73 or registered by the properly designated official of the state where the veterinarian is doing
74 business.

75 “Veterinarian”, a veterinarian licensed and in good standing in the state where the
76 veterinarian is doing business.

77 Section 50. (a) No animal rescue organization shall import domestic animals into the
78 commonwealth for rescue, adoption, foster care, transfer or remote sale unless the department
79 has issued such person an import registration. An application for an import registration, or
80 renewal thereof, shall be submitted to the department on a form prescribed by the department and
81 shall include, at a minimum, the following information:

82 (1) The full name and address of the animal rescue organization;

83 (2) The animal rescue organization’s principal place of business;

84 (3) A complete list of the animal rescue organization’s owners;

85 (4) A complete list of the animal rescue organization’s managerial personnel, if other
86 than the owners; and

87 (5) A complete list of locations inside of the commonwealth where domestic animals
88 in the custody of the animal rescue organization are housed, including, but not limited to, animal
89 shelters and foster homes, and the maximum number of domestic animals that may be
90 appropriately cared for at each location.

91 (b) No person shall transport domestic animals into the commonwealth for rescue,
92 adoption, foster care, brokering or remote sale by an animal rescue organization unless the
93 department has issued such person a carrier registration and has issued any animal rescue

94 organization with which the carrier is doing business an import registration. An application for a
95 carrier registration, or renewal thereof, shall be submitted to the department on a form prescribed
96 by the department and shall include, at a minimum, the following information:

97 (1) The full name and address of the carrier;

98 (2) The carrier's principal place of business;

99 (3) A complete list of the carrier's owners, if applicable;

100 (4) A complete list of the carrier's managerial personnel, if other than the owners;

101 and

102 (5) The import registration number of any animal rescue organization with which the
103 carrier is doing business.

104 (c) An application for import registration, carrier registration, or renewal thereof, shall be
105 issued biennially and shall authorize the registrant to engage in import or transport for a period of
106 24 months from the date of issuance, unless such registration is earlier suspended, modified or
107 revoked pursuant to section 51. An application for renewal of an import or carrier registration
108 shall be submitted to the department no later than 30 days prior to its expiration.

109 (d) An application for import registration, carrier registration, or renewal thereof shall be
110 accompanied by a fee as determined by the secretary of administration and finance pursuant to
111 section 3B of chapter 7; provided, however, that the department may waive the fee for any
112 applicant with (i) tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code,
113 and (ii) a current registration statement with the division of public charities in the department of
114 the attorney general pursuant to section 19 of chapter 68.

115 (e) The department shall confirm the receipt of an application for import registration,
116 carrier registration, or renewal thereof, in writing, and such confirmation shall supply a date by
117 which the applicant will receive an approval or denial of any such application.

118 (f) The department shall issue each approved applicant for an import registration or
119 carrier registration a registration certificate, which shall include a unique registration number. A
120 registrant shall include its registration number in all advertisements, promotional materials and
121 offers of animals to the public which appear in print, online or in other media which are issued
122 within the commonwealth.

123 (g) The denial of an application pursuant to subsection (a) or (b) shall inform the
124 applicant of his or her right to request a hearing pursuant to section 10 of chapter 30A and other
125 applicable provisions of said chapter 30A. An applicant may appeal the denial of such
126 application within 30 days of receiving the denial.

127 (h) A registrant shall promptly notify the department of any substantial change in the
128 information contained in an application pursuant to subsection (a) or (b).

129 Section 51. (a) The commissioner of agricultural resources may issue a cease and desist
130 order to a registrant, or suspend or revoke an import registration or carrier registration for a
131 violation of sections 49 to 56, inclusive, or any applicable rules or regulations. The
132 commissioner shall not suspend or revoke a registration prior to a hearing and shall provide at
133 least 15-days' notice of such hearing.

134 (b) A registrant shall have 30 days, from the date of receipt, to comply with the terms of a
135 cease and desist order or appeal such order pursuant to section 10 of chapter 30A and other
136 applicable provisions of said chapter 30A.

137 (c) A registrant shall have 30 days, from the date of receipt, to appeal the suspension or
138 revocation of an import registration or carrier registration pursuant to section 10 of chapter 30A
139 and other applicable provisions of said chapter 30A.

140 (d) The commissioner may assess administrative fines, not to exceed \$500 per offense,
141 for violations of sections 49 to 56, inclusive. Each animal involved in a violation may constitute
142 a separate offense, and each day that a violation continues after receipt of written notice of such
143 violation from the department may constitute a separate offense. Total fines assessed in any
144 given action under this section shall not exceed \$10,000.

145 (e) The department may order the transfer of any animal in the custody of any animal
146 rescue organization found in violation of any provisions of sections 49 to 56, inclusive, from
147 such non-compliant animal rescue organization to a compliant animal rescue organization.

148 Section 52. (a) Every animal rescue organization that has received an import registration
149 shall, in order to maintain such registration, meet the following requirements:

150 (1) Have a current import registration;

151 (2) Keep complete records, as required by section 53, on forms issued by the department;

152 (3) Make records available to inspectors from the department;

153 (4) Identify a person, who resides within the commonwealth, and who shall be
154 responsible for producing all records that the department may lawfully request. A copy of all
155 records shall be kept by the person so designated;

156 (5) Notify the department of all expected shipments of dogs or cats being imported into
157 the commonwealth. Such notification shall include the estimated time and location of the arrival

158 of such shipments. Notification shall be provided to the department no less than 24 hours prior to
159 the estimated arrival of such shipment. Notification may be in the form of an email, phone call,
160 voice mail or letter. The department may inspect any shipment to verify compliance with
161 sections 49 to 56, inclusive, and other applicable laws and regulations, and to verify the health of
162 the domestic animals being imported;

163 (6) Ensure every domestic animal the registrant imports shall be accompanied by an
164 official certificate of veterinary inspection and be currently vaccinated against rabies if age
165 eligible.

166 An animal rescue organization which meets the requirement of this subsection but not the
167 requirements of subsection (b) shall be referred to as a category B organization.

168 (b) An animal rescue organization may be classified as a category A organization;
169 provided, that in addition to meeting the requirements of subsection (a), the animal rescue
170 organization meets the following requirements:

171 (1) The animal rescue organization has a detailed pre-import animal processing plan that:
172 (i) references, in detail, the housing conditions, any isolation procedures, any vaccination
173 procedures, any health screenings, and any disease testing, treatment or preventative measures
174 that have been taken prior to the organization's transporting the animal into the commonwealth;
175 and (ii) has been reviewed and approved by the department;

176 (2) All dogs and cats imported by the animal rescue organization are accompanied by an
177 official certificate of veterinary inspection, which was issued within 10 days of the date on which
178 the dog or cat was imported into the commonwealth; and

179 (3) All animals imported by the animal rescue organization are brought into the
180 commonwealth by a carrier licensed by or registered with the United States Department of
181 Agriculture. Such carrier may be classified as a carrier, contract carrier, or intermediate handler
182 under the Animal Welfare Act and applicable federal regulations; provided, that the carrier shall
183 also be registered with the department.

184 An animal rescue organization seeking classification as a category A organization, which
185 does not intend to use a carrier licensed by or registered with the United States Department of
186 Agriculture pursuant to paragraph (3) shall, in order to be so classified, submit the following: (i)
187 a detailed transportation plan, including the make and model of the vehicle being used for
188 conveyance of animals; (ii) features of the vehicle being used that will ensure adequate climate
189 control in the animal compartment; and (iii) the sanitation protocols for the duration of any
190 conveyance of animals. The department shall review and approve such plan prior to issuing a
191 category A classification.

192 (c) No domestic animal imported by a category A organization shall be required to
193 undergo any further isolation or health verification before being offered for adoption, placed into
194 foster care, or otherwise transferred within the commonwealth.

195 (d) An animal imported by category B organizations shall be subject to the following
196 procedures:

197 (1) The animal shall be held at an isolation facility approved by the department for 5
198 consecutive days, commencing immediately upon entry into the commonwealth. Such animal
199 shall be brought directly to the isolation facility without commingling with any animals not
200 destined for isolation;

201 (2) Upon completion of the 5-day isolation, the animal shall be examined by a
202 veterinarian for the presence of infectious diseases or other conditions that may render the animal
203 unsuitable for adoption, foster or sale. The results of such examination shall be kept as part of the
204 animal's individual animal record, and shall be available for inspection under section 53;

205 (3) An animal that is determined to be suitable for adoption, foster, or sale may be
206 transferred upon completion of the examination under paragraph (2);

207 (4) Any animal that is determined to be unsuitable for adoption, foster, or sale upon
208 completion of the examination under paragraph (2) shall be held in isolation until a further
209 veterinarian examination determines that the animal is suitable for adoption, foster, or sale.

210 (e) A category A organization may be downgraded to category B if, after an
211 investigation, the department determines: (i) the requirements of subsection (b) or other
212 applicable department rules or regulations are not being met, or (ii) in spite of adherence to
213 procedures thought to be protective, animals are being imported by the organization that are
214 found to be afflicted with infectious diseases.

215 (f) A category B entity may be upgraded to category A if, after the original import
216 registration was granted, that entity is able to demonstrate that it meets the requirements of
217 subsection (b).

218 Section 53. (a) A holder of a carrier registration shall maintain records, which shall
219 include:

220 (1) A valid official certificate of veterinary inspection for every animal in transport;
221 provided, that if the carrier is transporting animals for a category A entity, all such certificates

222 shall have been issued no more than 10 days prior to the date of the animal's arrival in the
223 commonwealth; and

224 (2) A complete manifest, which shall include (i) the name of all entities supplying
225 animals on each shipment, (ii) the name of all entities receiving animals on each shipment, (iii)
226 the physical address, mailing addresses, and telephone number of each entity so supplying or
227 receiving animals, (iv) animal identification for all animals on each shipment, and (v) the
228 location at which each animal is put onto or removed from each shipment.

229 (b) Category A and B organizations shall maintain records, which shall include:

230 (1) The name, mailing address, physical address, and phone number of the registered
231 entity and all sub-registrants acting as foster homes;

232 (2) Animal identification for each animal imported by the organization;

233 (3) The source of each animal under the control of the organization, the contact
234 information of the source, where known, including the source's name, physical address, mailing
235 address and phone number;

236 (4) Any disposition of an animal by adoption, including the adopter's name, mailing
237 address, physical address and phone number; and

238 (5) Any disposition of an animal by foster care, including the name, physical address,
239 mailing address and phone number of the foster home.

240 (6) Category A organizations shall also maintain records of the name, address, phone
241 number and state registration number of any carrier licensed by or registered with the United
242 States Department of Agriculture with which they do business, if applicable.

243 (c) All records required by this section shall be maintained for a period of 3 years after
244 the importation of the animal to which the records pertain, and shall be provided to the
245 department upon request. The department shall supply forms for the records required by this
246 subsection.

247 Section 54. (a) All registrants are subject to inspection by the department, during normal
248 business hours, for enforcement and verification of the requirements of sections 49 to 56,
249 inclusive.

250 (b) Any animal shelter or foster home required to maintain a kennel license pursuant to
251 section 137A of chapter 140 shall be subject to inspection by the animal control officer of the
252 municipality in which the animal shelter or foster home is located.

253 (c) The department may issue an order of quarantine to restrict the movement of:

254 (1) All animals;

255 (2) A particular species of animal;

256 (3) A particular group of animals;

257 (4) Dogs and cats imported into the commonwealth in violation of section 138A of
258 chapter 140, this act or applicable rules or regulations of the department; and

259 (5) An individual animal. Such order related to an individual animal may restrict the
260 movement of the animal to or from any location used by an animal rescue organization, upon
261 health concerns such as: (i) excessive parasitism; (ii) poor body condition; or (iii) presence of, or
262 exposure to, infectious or contagious disease.

263 Section 55. (a) All dogs and cats that are imported into the commonwealth shall be
264 accompanied by an animal identification and an official certificate of veterinary inspection.

265 (b) All dogs and cats 3 months of age or older that are imported into the commonwealth
266 shall be accompanied by proof of rabies vaccination.

267 (c) No animal rescue organization may offer for sale, advertise, or transfer an animal
268 unless:

269 (1) The animal is 8 weeks of age or older;

270 (2) The animal has, within 30 days before the date of transfer, been examined by a
271 veterinarian and has received a health certificate, which states that the animal appears to be free
272 of any signs of infectious or contagious disease;

273 (3) The animal rescue organization possesses the animal's individual animal record; and

274 (4) The animal appears to be healthy at the time of transfer.

275 (d) No animal rescue organization may offer for sale, advertise, or transfer an animal
276 which tests positive for or shows signs of any of the following conditions:

277 (1) An infectious or contagious disease, including, but not limited to, distemper, hepatitis,
278 leptospirosis, coccidiosis giardiasis, parvo virus, or rabies;

279 (2) Any internal or external parasites, including, but not limited to, heartworm; or

280 (3) Any significant behavioral concern that may pose a safety risk to humans.

281 (e) Prior to transfer of an animal, an animal rescue organization shall provide the
282 prospective recipient with an animal's individual animal record.

283 (f) An animal in the possession of an animal rescue organization, which is found to be
284 affected by any non-contagious medical condition, such as nutritional or metabolic disease,
285 fracture, lameness, or congenital abnormalities, shall be treated and stabilized by a veterinarian
286 prior to being offered for sale or transfer.

287 (g) Dogs and cats shall be spayed or neutered prior to being offered for adoption. Any
288 dog or cat not of sufficient age to be a good candidate for spay or neuter surgery may be adopted;
289 provided, that there is a sterilization clause in the animal rescue organization's adoption
290 agreement. Such clause shall require the adopter either to have the animal deprived of the ability
291 to produce offspring by the age of 6 months or to return the animal to the care and custody of the
292 animal rescue organization. By the time the dog or cat reaches 6 months of age, the adopter shall
293 have provided the animal rescue organization with written documentation from a veterinarian
294 that the dog or cat has been spayed or neutered. Such documentation shall be retained by the
295 animal rescue organization as part of the individual animal record. An animal rescue
296 organization invoking the sterilization clause while transferring animals shall also comply with
297 the provisions of section 139A of chapter 140.

298 (h) Within 14 days of transfer, an adopter may have an animal examined by any
299 veterinarian. If the veterinarian determines that the animal is affected by any medical issue and
300 the animal rescue organization's veterinarian concurs with the diagnosis, the adopter may return
301 the animal to the animal rescue organization for a refund of the entire adoption fee, or, if the
302 animal rescue organization and the adopter both consent, a replacement animal.

303 Section 56. (a) An owner surrender from the state of Connecticut, Maine, Massachusetts,
304 New Hampshire, Rhode Island, or Vermont shall not be subject to any quarantine requirements;
305 provided, that:

306 (1) the owner surrender has undergone a veterinary exam within 14 days of being
307 surrendered and was declared healthy and free of any communicable disease;

308 (2) the owner surrender is surrendered to an entity registered with the department or
309 to an individual citizen of the commonwealth;

310 (3) all veterinary records are provided with the owner surrender to the receiving
311 entity; and

312 (4) a formal owner surrender form has been completed and signed by the
313 surrendering individual or family.

314 (b) In the event of an owner surrender becoming affected by any contagious disease, the
315 owner surrender shall be subject to the appropriate quarantine order for the category of the
316 receiving group or organization.

317 (c) An owner surrender transferred between individual citizens, and not transferred
318 between an animal rescue organization, animal shelter, foster care or foster home, which
319 becomes ill within 5 days of transfer, shall be subject to a 5 day isolation quarantine at a state
320 approved facility. The individual receiving the owner surrender shall be responsible for any
321 costs associated with said quarantine.