

SENATE No. 2624

The Commonwealth of Massachusetts

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

SENATE, July 24, 2018

The committee on Ways and Means to whom was referred the Senate Bill protecting research animals (Senate, No. 2387),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2624).

For the committee,
Karen E. Spilka

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An Act protecting research animals.

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

1 Chapter 140 of the General Laws is hereby amended by inserting after section 174D the
2 following section:-

3 (a) Section 174D1/2. As used in this section, the following words shall have the
4 following meanings, unless the context clearly requires otherwise:

5 “Animal rescue organization”, an organization whose mission and practice is the
6 placement of abandoned, unwanted, neglected or abused animals, that does not obtain dogs or
7 cats from a breeder or broker for payment or compensation and that is an organization exempt
8 from taxation under section 501(c)(3) of the federal Internal Revenue Code or corresponding
9 sections of that code.

10 “Animal shelter”, a facility operated, owned or maintained by an animal rescue
11 organization that exists for the purpose of receiving, maintaining, caring for, transporting or
12 transferring ownership of a domestic animal, but not a foster home.

13 “Product testing facility”, a facility that is engaged in animal research for scientific,
14 medical or educational purposes.

15 (b) Except as otherwise provided in subsection (c), a research institution or product
16 testing facility that intends to euthanize a dog or cat for any purpose other than scientific,
17 medical or educational research shall, before euthanizing the dog or cat, offer the dog or cat for
18 adoption to an animal shelter, an animal rescue organization or through private placement. A
19 research institution or product testing facility may enter into a collaborative agreement with an
20 animal shelter or rescue organization for the purpose of carrying out the provisions of this
21 subsection.

22 (c) A research institution or product testing facility is not required to offer a dog or cat to
23 an animal shelter or rescue organization pursuant to subsection (b) if the dog or cat: (i) manifests
24 a behavioral or temperamental defect that poses a risk to the health and safety of the public; or
25 (ii) manifests symptoms of a disease, injury, congenital or hereditary condition that adversely
26 affects, or is likely to adversely affect, the health of the dog or cat.

27 (d) A facility that is required to offer dogs and cats for adoption under this section shall
28 owe no duty of care to an animal shelter or rescue organization that accepts the animal or to a
29 person or entity that adopts those animals, whether through the organizations or through private
30 placement. No assumption of responsibility or liability for injuries, property damage or other
31 damages or losses shall be incurred by a research institution or product testing facility on account
32 of the adoption or placement of a dog or cat pursuant to the provisions of this act.

33 (e) Nothing in this act shall require a research institution or product testing facility to
34 offer a dog or cat for adoption to an animal shelter, rescue organization or through private

- 35 placement if the dog or cat is a newborn dog or cat in need of maternal care and not appropriate
- 36 for adoption.