

SENATE No. 580

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 further protecting research animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/9/2023</i>

SENATE No. 580

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 580) of Bruce E. Tarr and Michelle M. DuBois for legislation to further protect research animals. Environment and Natural Resources.

The Commonwealth of Massachusetts

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

An Act further 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 Section 1. Section 174D¹/₂ of chapter 140 of the General Laws is hereby amended by
2 striking out the second through eighth paragraphs and inserting in place thereof the following 7
3 paragraphs:-

4 “Animal rescue organization”, an organization licensed by the department of agricultural
5 resources under section 39A of chapter 129 and the rules and regulations promulgated under said
6 section 39A.

7 “Product testing facility”, a facility that is using animals for the testing of consumer
8 products, including, but not limited to, cosmetics, pesticides, medical devices, food additives,
9 and ingredients for use in such products.

10 “Research institution”, any facility employing dogs or cats in scientific investigation,
11 experiment or instruction or for the testing of drugs or medicines licensed by the commissioner
12 of public health under section 174D.

13 (b) A research institution or product testing facility shall, after the completion of any
14 testing or research involving a dog or cat that does not require euthanasia of the dog or cat upon
15 the termination of the study, as defined and approved by the research or testing protocol, assess
16 the health of the animal and determine whether the dog or cat is suitable for adoption. Except as
17 otherwise provided in subsection (c), a research institution or product testing facility that intends
18 to euthanize a dog or cat shall, before euthanizing the dog or cat, make a reasonable effort to
19 offer the dog or cat to an animal rescue organization to facilitate the adoption of the dog or cat to
20 a permanent adoptive home. A research institution or product testing facility shall enter into a
21 collaborative agreement with an animal rescue organization to carry out this subsection;
22 provided, however, that a research institution or product testing facility that is also a licensed
23 operation under section 39A of chapter 129 may accomplish the goals of this section directly
24 without entering into a collaborative agreement. Any such collaborative agreement shall provide
25 that the parties make reasonable efforts to adhere to the principles of: (i) facilitating permanent
26 adoptions and discouraging post-adoption transfers; and (ii) selecting adopters who demonstrate
27 a willingness and ability to keep the animal permanently, provide an appropriate living space and
28 accept lifelong responsibility for the animal's care.

29 (c) A research institution or product testing facility shall not be required to offer a dog or
30 cat to an animal rescue organization pursuant to subsection (b) if the dog or cat: (i) manifests a
31 behavioral or medical defect that poses a risk to the health and safety of the public; (ii) manifests
32 symptoms of a disease, injury, congenital or hereditary condition that adversely affects, or is
33 likely to adversely affect, the health of the dog or cat; or (iii) the research institution or product
34 testing facility provides the dog or cat to an employee of the research institution or product
35 testing facility for purposes of keeping the dog or cat permanently. The attending veterinarian of

36 the research institution or product testing facility or the attending veterinarian's designee shall
37 assess the suitability of the dog or cat and determine its availability for adoption under this
38 section.

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

45 (e) Research institutions and product testing facilities shall, annually, report to the
46 department of agricultural resources data on the use and disposition of dogs and cats after the
47 completion of any testing or research including, but not limited to, the number of dogs and the
48 number of cats who were (i) euthanized upon the termination of the study, as defined and
49 approved by the research or testing protocol; (ii) determined to be suitable and unsuitable for
50 adoption and, if determined to be unsuitable for adoption, the reason why and their disposition;
51 (iii) offered for adoption through a collaborative agreement with an animal rescue organization;
52 and (iv) offered for adoption directly, without entering into a collaborative agreement with an
53 animal rescue organization. The department shall, annually, make such data publicly available, in
54 an electronic format.