

**SENATE . . . . . No. 00655**

The Commonwealth of Massachusetts

PRESENTED BY:

*Stephen M. Brewer*

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 passage of the accompanying bill:

An Act relative to animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire, Franklin</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>William "Smitty" Pignatelli</i>	<i>4th Berkshire</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>

**SENATE . . . . . No. 00655**

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By Mr. Brewer, petition (accompanied by bill, Senate, No. 655) of Spilka, deMacedo, Pignatelli and other members of the General Court for legislation relative to animals [Joint Committee on the Judiciary].

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to 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. Said Chapter 272 is amended by inserting at the end the following new  
2 paragraphs:

3           (a) Notwithstanding any other provision of law, it shall be unlawful for any person to  
4 slaughter or otherwise cause or procure the death of, or have another person slaughter or  
5 otherwise cause or procure the death of a horse, where such person knows or should know that  
6 any part of such horse will be used for human consumption.

7           (b) Notwithstanding any other provision of law, it shall be unlawful for any person to  
8 sell, offer to sell or barter, give away, purchase, possess, transport, deliver, or receive any horse  
9 with the intent of slaughtering or otherwise causing or procuring the death of, or having another  
10 person slaughter or otherwise cause or procure the death of such horse, if such person knows or  
11 should know that any of the horseflesh is intended for human consumption.

12 (c) Notwithstanding any other provision of law, it shall be unlawful for any person to  
13 import into or export from this state, live horses where such person knows or should know that  
14 such horse is intended for slaughter for human consumption.

15 (d) The Secretary of Agriculture shall maintain a record of ownership as described in  
16 paragraph (e) and statement signed by the owner under penalty of perjury of the destination of  
17 any horse exported from the Commonwealth. Such records shall be made available upon request  
18 to the Dept. of Health or any state or local law enforcement or animal control agency.

19 (e) The evidence of ownership referred to in paragraph (d) may include (i) a recorded  
20 brand registered in the name of the person in possession of the animal; (ii) a brand inspection  
21 certificate; (iii) a bill of sale from the owner of the brand on the animal; (iv) in the case of an  
22 unbranded animal, a bill of sale which gives a description of the breed, sex, color, and natural  
23 markings, if any; or (v) other record as determined to be appropriate by the Secretary.

24 (f) It shall be unlawful for any person to possess, ship, transport, purchase, sell, deliver,  
25 or receive, any horse, with the intent that it is to be exported from the Commonwealth, without  
26 evidence of ownership as described in paragraph (e);

27 to acquire, possess or deliver a false statement of such ownership; or to acquire, possess or  
28 deliver a false statement of the destination of a horse to be exported or which has been exported  
29 from the Commonwealth as described in paragraph (d).

30 (g) The Secretary of Agriculture shall make such regulations that are necessary to  
31 implement and enforce the provisions of paragraphs (d) and (e) of this section, including a  
32 scheme of civil penalties.

33 (h) As used in this section, the term "horse" includes all members of the equine  
34 family, including horses, ponies, donkeys, mules, asses and burros; and the term "horseflesh"  
35 means the flesh of a dead horse, including the animal's viscera, skin, hair, hide, hooves, and  
36 bones; the term "person" means an individual, corporation, partnership, trust, association or  
37 other legal entity.

38 (i) Any person in violation of this section shall be punished by imprisonment in the  
39 state prison for not more than 5 years or imprisonment in the house of correction for not more  
40 than 2 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment. A  
41 court may also order any person convicted under this section to submit to a mental health  
42 evaluation as determined by the court and undergo any recommended counseling or treatment. In  
43 addition to any other penalty provided by law, a person convicted under this section may be  
44 barred from owning or possessing any animals, or living on the same property with someone  
45 who owns or possesses animals, for a period of time deemed appropriate by the court, and  
46 required to take humane education classes as ordered by the court.

47 SECTION 2. Chapter 94 is amended by striking out section 151A, as appearing in the  
48 2008 official edition, and inserting in place thereof the following:-

49 (a) Notwithstanding any other provision of law, it shall be unlawful for any person  
50 to sell, barter, offer to sell or barter, give away, purchase, possess, transport, deliver, or receive  
51 horseflesh if such person knows or should know that any of the horseflesh will be used for  
52 human consumption.

53 (b) Notwithstanding any other provision of law, it shall be unlawful for any person to  
54 import into or export from this state, horseflesh where such person knows or should know that  
55 such horseflesh is intended for human consumption.

56 (c) It shall be unlawful to offer horseflesh for sale for human consumption.

57 (d) As used in this section, the term "horse" includes all members of the equine  
58 family, including horses, ponies, donkeys, mules, asses and burros; and the term "horseflesh"  
59 means the flesh of a dead horse, including the animal's viscera, skin, hair, hide, hooves, and  
60 bones; the term "person" means an individual, corporation, partnership, trust, association or  
61 other legal entity.

62 (e) Any person in violation of this section shall be punished by imprisonment in the  
63 state prison for not more than 5 years or imprisonment in the house of correction for not more  
64 than 2 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment.

65 SECTION 3. Chapter 94 is amended by striking section 118 and inserting in place  
66 thereof the following:-

67 Definitions. The following words as used in sections one hundred and eighteen to one hundred  
68 and thirty-one, inclusive, unless a different meaning is required by the context or is specifically  
69 prescribed, shall have the following meanings:--

70 "Broker", any person engaged in the business of buying or selling livestock products or poultry  
71 products on commission, or otherwise negotiating purchases or sales of such articles other than  
72 for his own account or as an employee of another person.

73 "Capable of use as human food", any livestock or poultry carcass, or part of product of any such  
74 carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the  
75 department to deter its use as human food, or it is naturally inedible by humans.

76 "Commissioner", the commissioner of public health or his duly authorized agent.

77 "Container" or "package", any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

78 "Department", the department of public health.

79 "Inspector", an employee or official of the division of food and drugs, authorized by the director  
80 to perform any inspectional function.

81 "Label", a display of written, printed, or graphic matter upon any article or container, not  
82 including package liners, of any article.

83 "Labeling", all labels and other written, printed, or graphic matter: (1) upon any article or any of  
84 its containers or wrappers; or, (2) accompanying such article.

85 "Livestock", any cattle, sheep, swine, or goats, , whether live or dead.

86 "Livestock product", any carcass, part thereof, meat, or meat food product of any livestock.

87 "Meat food product", any product capable of use as food which is made wholly or in part from  
88 any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products  
89 which contain meat or other portions of such carcasses only in a relatively small proportion or  
90 historically have not been considered by consumers as products of the meat food industry, and  
91 which are exempted from definition as a meat food product by the commissioner under such  
92 conditions as he may prescribe.

93 "Official certificate", any certificate prescribed by regulations of the department for issuance by  
94 an inspector or other person performing official functions under this chapter.

95 "Official device", any device prescribed or authorized by the department for use in applying any  
96 official mark.

97 "Official establishment", any establishment as determined by the department at which inspection  
98 of the slaughter of livestock or poultry or the preparation of livestock products or poultry  
99 products is maintained under the authority of this chapter.

100 "Official inspection legend", any symbol prescribed by regulations of the department showing  
101 that an article was inspected and passed in accordance with this chapter.

102 "Official mark", the official inspection legend or any other symbol prescribed by regulations of  
103 the department to identify the status of any article or livestock or poultry under this chapter.

104 "Poultry", any domesticated bird, whether live or dead.

105 "Poultry product", any poultry carcass or part thereof; or any product which is made wholly or in  
106 part from any poultry carcass or part thereof, excepting products which contain poultry  
107 ingredients only in a relatively small proportion or historically have not been considered by  
108 consumers as products of the poultry food industry, and which are exempted by the  
109 commissioner from definition as a poultry product under such conditions as he may prescribe to  
110 assure that the poultry ingredients in such products are not adulterated and that such products are  
111 not represented as poultry products.

112 "Prepared" or "processed", slaughtered, canned, salted, stuffed, rendered, boned, cut up, or  
113 otherwise manufactured or processed in any way.

114 "Shipping container", any container used or intended for use in shipping the product packed in  
115 another container.

116 "Renderer", means any person engaged in the business of rendering livestock or poultry  
117 carcasses, or parts or products of such carcasses, except rendering conducted under inspection or  
118 exemption under this chapter.

119 SECTION 4. Chapter 94 is amended by striking section 127 and inserting in place  
120 thereof the following:-

121 Prohibited Acts with Respect to Livestock, Poultry, or Their Products.

122 (a) No person shall, with respect to any livestock or poultry or any livestock products or poultry  
123 products: (1) slaughter any such animals or prepare any such articles which are capable of use  
124 as human food at any official establishment, except in compliance with the requirements of this  
125 chapter and any regulations thereunder promulgated; (2) sell, transport, offer for sale or  
126 transportation, or receive for transportation, in intrastate commerce, any such articles which are  
127 capable of use as human food, and are adulterated or misbranded at the time of such sale,  
128 transportation, offer for sale or transportation, or receipt for transportation; or any such articles  
129 required to be inspected under this chapter unless they have been so inspected and passed; (3)  
130 do, with respect to any such articles which are capable of use as human food, any act while they  
131 are being transported in intrastate commerce or held for sale after such transportation, which is  
132 intended to cause or has the effect of causing such articles to be adulterated or misbranded.

133 (b) No person shall buy, sell, transport, offer for sale or transportation, or receive for  
134 transportation: (1) any slaughtered poultry from which the blood, feathers, feet, head, or  
135 viscera have not been removed in accordance with regulations promulgated by the department



136 except as may be authorized by such regulations; (2) any livestock products or poultry  
137 products which are not intended for use as human food unless they are denatured or otherwise  
138 identified as required by the regulations of the department or are naturally inedible by humans.

139 (c) No person engaged in the business of buying, selling, or transporting in intrastate commerce,  
140 dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died  
141 otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive  
142 for transportation, in such commerce, any dead, dying, disabled, or diseased livestock or poultry  
143 or the products of any such animals that died otherwise than by slaughter, unless such transaction  
144 or transportation, is made in accordance with such regulations as the department shall prescribe  
145 to assure that such animals, or the unwholesome parts or products thereof, will be prevented  
146 from being used for human food purposes.

147 (d) No person shall: (1) cast, print, lithograph, or otherwise make any device containing any  
148 official mark or simulation thereof, or any label bearing any such mark or simulation, or any  
149 form of official certificate or simulation thereof, except as authorized by the commissioner; (2)  
150 forge any official device, mark, or certificate; (3) without authorization from the commissioner  
151 use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or  
152 destroy any official device, mark, or certificate; (4) contrary to the regulations prescribed by  
153 the department, fail to use, or to detach, deface, or destroy any official device, mark, or  
154 certificate; (5) possess, without promptly notifying the commissioner or his representative, any  
155 official device or any counterfeit, simulated, forged, or improperly altered official certificate or  
156 any device or label or any carcass of any animal, including poultry, or part or product thereof,  
157 bearing any counterfeit, simulated, forged, or improperly altered official mark; (6) represent  
158 that any article has been inspected and passed, or exempted, under this chapter when, in fact, it

159 has, respectively, not been so inspected and passed, or exempted; (7) knowingly make any  
160 false statement in any shipper's certificate or other nonofficial or official certificate provided for  
161 in the regulations prescribed by the department; (8) fail to furnish the commissioner upon his  
162 request any record, report, answer, or information which may be required under the provisions of  
163 or under the authority of sections one hundred and eighteen to one hundred and thirty, inclusive,  
164 or knowingly make any omission or false statement in any such record, report, answer, or  
165 information.

166 SECTION 5. Chapter 94 is amended by striking out section 139C, as appearing in the  
167 2008 official edition, and inserting in place thereof the following:

168 Definitions. As used in this section and sections one hundred and thirty-nine D to one hundred  
169 and thirty-nine G, inclusive, the following words shall have the following meanings:--

170 "Commissioner", the commissioner of public health.

171 "Slaughterer", any person regularly engaged in the business of (1) purchasing livestock for  
172 purposes of slaughter or (2) slaughtering livestock for the sale, by such person or others, of meat  
173 or meat products.

174 "Livestock", cattle, calves, sheep, swine, goats and any other animal which can or may be used in  
175 and for the preparation of meat or meat products, excluding poultry.

176 "Packer", any person engaged in the business of slaughtering, or of manufacturing or preparing  
177 meat or meat products for sale, either by such person or others; or of manufacturing or preparing  
178 livestock products for sale by such person or others.

179 "Stockyard", any place, establishment or facility conducted or operated for compensation or  
180 profit as a public market, consisting of pens, or other enclosures, and their appurtenances, for the  
181 handling, keeping and holding of livestock for the purpose of sale or shipment.

182 "Humane method", a method whereby the animal is rendered insensible to pain by mechanical,  
183 electrical, chemical or other means that is rapid and effective, before being shackled, hoisted,  
184 thrown, cast or cut; or a method of slaughtering, including handling and other preparation for  
185 slaughtering, required by or used in connection with the ritual requirements of the Jewish faith or  
186 of any other religious faith, whereby the animal suffers loss of consciousness by anemia of the  
187 brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp  
188 instrument.

189           SECTION 6. This act shall take effect on the one hundred twentieth day after it shall  
190 have become a law.