



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

MARK J. CUSACK
REPRESENTATIVE
5TH NORFOLK DISTRICT
ROOM 544
TEL: (617) 722-2637

Chairman
Committee on Marijuana Policy

Mark.Cusack@MAhouse.gov

October 12, 2017

The Honorable James O'Day
Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, MA 02133

Dear Chairman O'Day,

I write to you today to ask for your support of H.3212 *An Act to protect pets in the Commonwealth*, which will be heard by your committee on October 17, 2017. H.3212 will set in place a uniform set of statewide standards for pet care, consumer protection and consumer choice for selection of their pet companion.

This bill is one that holds animal welfare to the highest of standards. It protects all pets by weeding out the bad actors and allows for good businesses with high standards to operate and thrive. In reality, the neighborhood pet shop is the only safe source that a consumer has to buy a new pet that is licensed, regulated, and inspected properly. Pet shops offer consumer choice and selection that other sites do not. There is still the need to ensure that all pet shops meet high standards in all of their business practices and that is what H.3212 ensures.

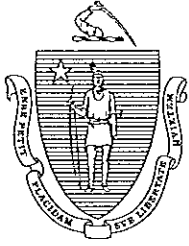
If passed, H.3212 would become a national benchmark in comprehensive pet standard, consumer protection and consumer choice law, by implementing the following: (i) prohibit sale of puppies and kitten under 8 weeks old, (ii) implement national consumer warranty standards, (iii) create strong pet shop "sourcing" restrictions to protect consumers, (iv) prohibit road side sales of puppies, (v) make mandatory puppy micro-chip, (vi) require retailers to provide consumers access to electronic animal care sheets and (vii) require shelter record keeping & reporting standards. This statewide standard would prevent a confusing patchwork of local ordinances, and would allow the consumer to have access to safe and regulated pet shops to bring home a new and healthy addition to their families.

Thank you for your time and please do not hesitate to contact me with any questions or concerns.

All my best,

A handwritten signature in black ink, appearing to read "Mark Cusack".

Mark Cusack
State Representative
5th Norfolk District



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

JOSH S. CUTLER
STATE REPRESENTATIVE
6TH PLYMOUTH DISTRICT

STATE HOUSE, ROOM 26
TEL. (617) 722-2080
Josh.Cutler@MAhouse.gov

Committees:
Vice Chair, Community Development
and Small Businesses
Telecommunications, Utilities and Energy
Ways and Means
Steering, Policy and Scheduling

October 17, 2017

Representative James J. O'Day
Joint Committee on Municipalities
and Regional Government
State House, Room 540

Senator Michael O. Moore
Joint Committee on Municipalities
and Regional Government
State House, Room 109-B

RE: An Act Relative to Penalties for the Improper Treatment of Animals

Dear Chairman O'Day and Chairman Moore,

I write in support of H.B. 1084, *An Act relative to Penalties for the Improper Treatment of Animals*.

Often times, buyers of cats and dogs may not be fully aware of the health of the animal they are purchasing. This legislation would allow for buyers to have a veterinarian of their choice inspect the animal and deem whether or not it is healthy. Should the veterinarian find that the animal is "unfit for purchase" at the time of or before sale, the seller will have to provide remedies to the buyer which are laid out in the legislation. The seller does have the option to contest the initial determination of "unfit for purchase" by obtaining their own veterinarian inspection.

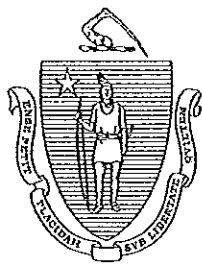
This bill gives additional authority to local officials to inspect kennels and catteries within their jurisdiction. It also gives the public the ability to file through petition a nuisance case in regards to any unreasonable nuisance of a kennel or cattery.

This legislation aims to require more accountability from dog and cat sellers, kennels, and catteries. By doing so we can better help consumers and animals alike, creating a more open and transparent animal market.

I respectfully request that the Committee report this bill out favorably. Should you have any questions or concerns, do not hesitate to contact my office.

Sincerely,

REP JOSH S. CUTLER
Sixth Plymouth District



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

WILLIAM C. GALVIN
STATE REPRESENTATIVE
6TH NORFOLK DISTRICT
STATE HOUSE, ROOM 166
TEL. (617) 722-2692
FAX (617) 722-2846

CHAIRMAN
House Committee on Rules

William.Galvin@MAhouse.gov

October 17, 2017

The Honorable Michael O. Moore
The Honorable James J. O'Day
Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, MA 02133

Dear Chairmen Moore and O'Day:

Due to a conflict in my schedule, I am unable to testify before you on October 17th regarding bills that promote animal safety and care. Please accept this letter as my testimony in support of **H1080, An Act to protect puppies and kittens; H2426, An Act protecting abandoned animals in vacant properties; H2419, An Act to protect animal welfare in cities and towns.**

H1080 would protect consumers and animals from unethical practices of some pet shops and breeders. This legislation would prevent the sale of puppies or kittens less than eight weeks old, provide a remedy for the sale of sick dogs and cats, guarantee that pet shops adhere to standards and ensure that they do not have repeat violations under the Animal Welfare Act.

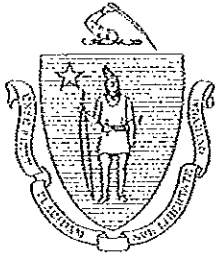
If enacted, H2426 would require owners of foreclosed or rented properties to visit a property within three days of a vacancy to check for abandoned pets. If a pet is found, the owner is required to report the animal to animal control. Sadly, when families leave pets behind because they cannot care for them or take them to their new home, the animals suffer and sometimes die from dehydration and malnutrition. This bill would help to prevent this needless suffering.

H2419 builds upon the PAWS act that was enacted in 2014, further strengthening our animal cruelty and reporting laws. This legislation increases penalties and broadens our cruelty statutes.

I appreciate your consideration of these bills. Please contact me with any questions.

Sincerely,

William C. Galvin
William C. Galvin
State Representative



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

REP. PATRICIA A. HADDAD
5TH BRISTOL DISTRICT
.....
TOWN OFFICE BUILDING
140 WOOD STREET
SOMERSET, MA 02726
TEL (508) 646-2821

Speaker Pro Tempore
.....
ROOM 370, STATE HOUSE
TEL (617) 722-2600
FAX (617) 722-2313
.....
Committees:
Rules & Ethics

October 17, 2017

Senator Michael O. Moore, Chairman
Joint Committee on Municipalities and
Regional Government
Room 109-B, State House
Boston, MA 02133

Representative James J O'Day, Chair
Joint Committee on Municipalities and
Regional Government
Room 540, State House
Boston, MA 02133

Dear Senator Moore and Representative O'Day,

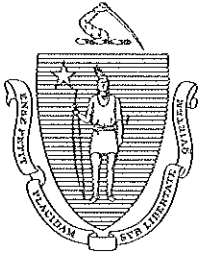
I'm writing to urge favorable passage of *H1084 An Act relative to penalties for the improper treatment of animals*, of which I am a co-sponsor.

This bill protects farm animals under similar rules of cruelty prevention as dogs in section 174E and prevents the confinement of farm animals in filthy and dirty conditions that could harm their health.

Thank you for your consideration.

Sincerely yours,

PATRICIA A. HADDAD
Speaker Pro Tempore



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

JAY R. KAUFMAN
STATE REPRESENTATIVE
LEXINGTON - WOBURN

CHAIRMAN
COMMITTEE ON REVENUE

THE STATE HOUSE, ROOM 34
TEL. (617) 722-2320
FAX. (617) 722-2415
Jay.Kaufman@MAhouse.gov

October 17, 2017

Representative James O'Day
Senator Michael Moore
Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, Ma 02133

Dear Chairwoman Cronin, Chairman Brownsberger, and committee members,

I am writing to you in support of H2419/S1159 *An Act to promote animal welfare and safety in cities and towns* filed by Representative Kafka and Senator Tarr, of which I am a co-sponsor of. I respectfully urge you to report this bill favorably from the committee.

This bill colloquially known as PAWS II and builds upon the successful passage of anti-animal cruelty legislation in 2014 (PAWS I). The proposed changes include raising the fees for animal offenses including the initial offense, which would previously have been dismissed. It requires that employees within the Department of Children and Families, the Department of Elder Affairs, and the Disabled Persons Protection Commission report animal abuses (including neglect). Drowning an animal would also become prohibited under this bill. The bill also removes language that would require the automatic euthanizing of an animal that has been a part of animal fighting. Landlords would also be required to check a vacated property and report to the police or animal control office any animal abandoned on that property.

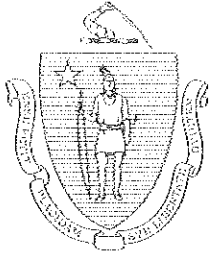
Animals provide loving companionship for many residents in the Commonwealth. They should be protected from abuse and neglect and this bill seeks to do just that.

Thank you for your time and consideration of my request.

Warmly,

A handwritten signature in cursive script that reads "Jay Kaufman".

Jay R. Kaufman



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE
OFFICE OF THE ASSISTANT MAJORITY LEADER

SENATOR MARK MONTIGNY
ASSISTANT MAJORITY LEADER
Second Bristol and Plymouth District

CHAIRMAN
SENATE COMMITTEE ON RULES

STATE HOUSE, ROOM 312C
BOSTON, MA 02133-1053
TEL: (617) 722-1440
FAX: (617) 722-1068
DISTRICT TEL: (508) 984-1474

MARK.MONTIGNY@MASENATE.GOV
WWW.MASENATE.GOV

October 18, 2017

Honorable Michael O. Moore
Joint Committee on Municipalities and
Regional Government
State House, Room 109-B
Boston, MA 02133

Honorable James J. O'Day
Joint Committee on Municipalities and
Regional Government
State House, Room 540
Boston, MA 02133

Dear Chairman O'Day:

I am writing in support of *S.1159 An Act to protect animal welfare and safety in cities and towns (PAWS II)*. This legislation builds upon changes to the state's animal cruelty laws that were made with the passage of the PAWS Act of 2014. While the PAWS Act sought to ensure the Commonwealth's laws were sufficient to prevent animal cruelty and neglect, PAWS II looks further into the strength and effectiveness of existing laws.

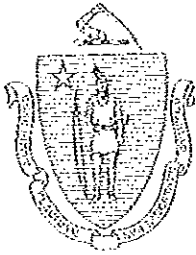
This legislation aims to guarantee animal abusers are penalized in a manner sufficient for their crime. The key provisions of this bill ensure abuse is reported and there is efficient enforcement of animal control laws, while removing archaic ones based on outdated beliefs. Additionally, this legislation explicitly prohibits the drowning of both wild and domestic animals, prevents the automatic killing of animal fighting victims, and adds animal crimes to the list of offenses that serve as the basis for a request for a determination of detention or release upon conditions.

A study by the MSPCA and Northeastern University found a person who has committed animal abuse is five times more likely to commit violence against people, four times more likely to commit property crimes, and three times more likely to be involved in drunken or disorderly offenses. PAWS II recognizes the link between animal and human cruelty and takes the next step to ensure that the Commonwealth's laws protect both people and pets.

I respectfully ask that the committee report this bill favorably. If you have any questions or concerns, please do not hesitate to contact my office at any time.

Sincerely,

Mark Montigny
SENATOR



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1064

FLOOR DIVISION LEADER

SARAH K. PEAKE
STATE REPRESENTATIVE
4TH BARNSTABLE DISTRICT

ROOM 163, STATE HOUSE
TEL: (617) 722-2040
Sarah.Peake@MAhouse.gov

October 17, 2017

James J. O'Day, House Chair
Michael O. Moore, Senate Chair
Joint Committee on Municipalities & Regional Government
State House, Room 540
Boston, MA 02133

RE: Animal Protection

Dear Chairmen O'Day and Moore,

I am writing to you regarding two bills I have co-sponsored that are being heard by the committee today. I would like to voice my support of the following:

H1080: An Act to protect puppies and kittens


This bill would prohibit the sale of puppies and kittens younger than 8 weeks of age, establish a "puppy/kitten lemon law", and requires MDAR to adopt regulations for certain dog/cat breeders. Most importantly, it ensures that consumers purchase their pets from breeders who adhere to minimum health and welfare standards.

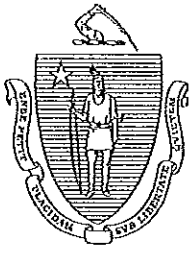
H2426: An Act protecting abandoned animals in vacant properties

This bill requires owners of rented or foreclosed properties to check them for abandoned animals within three days after being vacated and report to the local animal control officer or other authorities if animals are present. Additionally, property owners, animal control officers, and others are often unclear about what to do with animals who are left behind; this bill provides clarification without imposing any penalties.

I respectfully request that these bills be considered during the next executive session and reported out favorably. Should you have any further questions or comments, please do not hesitate to contact my office.

Very truly yours,


Sarah K. Peake



CHRIS WALSH, AIA
REPRESENTATIVE
6TH MIDDLESEX DISTRICT

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

Vice Chairman
Joint Committee on Education

Committees:
Economic Development and
Emerging Technologies
Public Service
Financial Services

ROOM 473G, STATE HOUSE
TEL. (617) 722-2070

October 11, 2017

James J. O'Day, House Chair
Joint Committee on Municipalities and Regional Government
Room 540
24 Beacon Street
Boston, MA 02133

Dear Chairman O'Day,

I am writing to respectfully request that H. 2419, *An Act to Protect Animal Welfare and Safety in Cities and Towns*, be released from your committee favorably.

This legislation (PAWSII) will implement legislative recommendations made by the state's animal cruelty task force created under the Protect Animal Welfare and Safety Act in 2014. Provisions include ensuring abuse is reported, including animal abuse as a basis for a request for a determination of detention under the state's dangerousness statute prohibiting certain inhumane methods of killing animals, and helping prevent animal homelessness by addressing dog-related insurance issues and animal abandonment.

I look forward to you releasing this bill from your committee and your committee's support for this bill. Should you have any questions or comments, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in cursive script that reads "Chris Walsh".

Chris Walsh
State Representative
Sixth Middlesex District



**American
Kennel Club®**

8051 Arco Corporate Drive
Suite 100
Raleigh, NC 27617-3390

www.akc.org

Phil M. Guidry, J.D.
Director, Policy Analysis,
Government Relations
phil.guidry@akc.org
Tel (919) 816-3503

Friday, October 13, 2017

Massachusetts General Court Joint Municipalities and Regional Government Committee
Sen. Michael O. Moore, Senate Chair
24 Beacon Street
Room 109-B
Boston, MA 02133

Rep. James J. O'Day, House Chair
24 Beacon Street
Room 540
Boston, MA 02133

RE: Deeply Concerned with H.1080/S.1155 – Acts Relative to Protecting Puppies and Kittens;
Provides comment on H.1084 – Relative to Penalties for the Improper Treatment of Animals;
Supports H.2418/S.1159 in part – Acts to Protect Animal Welfare and Safety in Cities and Towns); and
Supports H.3212 in part – An Act to Protect Pets in the Commonwealth

Chairman Moore, Chairman O'Day, and Members of the Joint Municipalities and Regional Government Committee:

The American Kennel Club (AKC) writes today to share our thoughts on several bills the Joint Municipalities and Regional Government Committee is scheduled to consider on Tuesday, October 16. We respectfully urge committee action in line with our recommendations.

The American Kennel Club was established in 1884 to promote the study, breeding, exhibiting, and advancement of purebred dogs. Today, AKC represents more 5,100 dog clubs nationally, including 111 clubs in Massachusetts. We advocate for the purebred dog as a family and working companion, advance canine health and well-being of all dogs, protect the rights of dog owners, and promote responsible dog ownership.

The American Kennel Club strongly supports humane treatment of dogs, including an adequate and nutritious diet, clean water, clean living conditions, regular veterinary care, kind and responsive human companionship, and training in appropriate behavior. The AKC also supports reasonable and enforceable laws that protect the welfare and health of purebred dogs and do not restrict the rights of breeders and owners who take their responsibilities seriously.



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Suite 100
Raleigh, NC 27617-3390

www.akc.org

Phil M. Guidry, J.D.
Director, Policy Analysis,
Government Relations
phil.guidry@akc.org
Tel (919) 816-3503

AKC Deeply Concerned with House Bill 1080 and Senate Bill 1155

Because they originated in previous legislative sessions, AKC reiterates its longstanding concerns with H.1080 and S.1155.

First, H.1080/S.1155 empower the Department of Agricultural Resources to create rules and regulations for commercial breeder kennels and personal kennels where at least five sexually intact female dogs or cats are kept to breed and sell the offspring as pets. We believe this numerical threshold is unreasonably low, as a breeder producing one average-sized litter could qualify for regulation under these bills. We also believe this current phrasing is unreasonably vague, as it does not address situations where dogs kept under a personal kennel license specifically for the betterment of their respective breed and/or for show, trialing or other sports or purposes but from which a household pet may occasionally be sold.

To clarify, **we recommend the language be amended to raise the numerical threshold and to apply only to situations where the sole purpose is breeding and selling the offspring as household pets.**

Second, by allowing localities to adopt ordinances stricter than the state's law, H.1080/S.1155 will facilitate the creation of an inequitable patchwork of dog laws that will make Commonwealth regulatory action unnecessarily complicated. **In the interest of fairness and consistency, we recommend deletion of this provision.**

Third, with concern for the health and safety of the Commonwealth's residents, the AKC is deeply troubled that H.1080/S.1155 fail to account for the estimated tens of thousands of dogs and cats imported into Massachusetts each year for sale by "rescues" or shelters. While breeders and pet stores have been the subject of increased critical focus and regulation, updates to Massachusetts' regulations overseeing animal importation to supply shelters are long overdue.

Lack of substantive oversight has increased the risk of diseased animals entering into the Commonwealth's shelter system (please see <http://www.naiaonline.org/articles/article/Mission-creep-Dog-rescues-and-animal-shelters-risk-public-health-and-safety#sthash.n8ISpxbX.dpbs>, explaining the humane trafficking movement; and <http://abcnews.go.com/Health/story?id=3765973&page=1>, highlighting how a rabies-positive dog entered Massachusetts from Puerto Rico). As a result, the general public has been put at multiple risks, including acquiring dogs that lack reliable background or health information, consumers not being offered state mandated consumer protections similar to those currently provided in H.1080/S.1155 for dogs sourced from breeders, and an increased risk of zoonotic disease transfer from to humans



**American
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8051 Arco Corporate Drive
Suite 100
Raleigh, NC 27617-3390

www.akc.org

Phil M. Guidry, J.D.
Director, Policy Analysis,
Government Relations
phil.guidry@akc.org
Tel (919) 816-3503

or other animals (including livestock) from animals imported without substantiated health clearances or other verified precautions taken.

We believe that government oversight of shelter operations and instituting importation rules similar to surrounding states is deserving of greater attention by the General Court, and request that these issues be addressed in H.1080/S.1155 prior to approval by the committee.

AKC Comments on H.1084

AKC believes H.1084 is more reasonable than H.1080/S.1155. It shares those bill's reasonable consumer protection provisions that were the product of the work of animal interest stakeholders from across the ideological spectrum. H.1084 also provides for, but does not mandate, kennel inspections, which provides greater flexibility for communities and makes it more affordable for the Commonwealth to administer. It also improves current law by providing for written citations or notices explaining noncompliant issues and for a time period for a kennel to come into compliance. This bill would also empower the Department of Agricultural Resources to create rules for commercial and personal kennels, but provides that such standards would apply to those kennels with 10 or more sexually intact female dogs or cats between 1-8 years of age for the purpose of breeding and selling the offspring as household pets (Under H.1080/S.1155, kennels would qualify if they have only five or more sexually intact female dogs or cat of any age.)

AKC Supports H.3212

As stated above, the Commonwealth faces serious public health threats due to the unregulated import of dogs for distribution and re-sale via the shelter system. H.3212 attempts to assist the Commonwealth in understanding the extent of the such enterprises and related issues by requiring extensive record keeping requirements for releasing agencies, including public or private pounds, animal control agencies, animal shelters, humane societies, societies for the prevention of cruelty to animals, and animal rescue organizations.

H.3212 also seeks to impose consumer warranty provisions on pet shops doing business in the Commonwealth. The AKC supports reasonable laws and regulations intended to protect the pet-buying public in obtaining a sound dog of the breed represented. Breeders and/or sellers should be responsible for providing certain refunds, replacements, or reimbursements should the dog sold become ill or die from a condition contracted prior to the purchase. Such remedies should be conditioned upon the buyer's scrupulous adherence to the care and feeding program prescribed by the breeder and/or seller, as well as a timely examination by a state licensed veterinarian. Breeders and/or sellers should provide buyers with a written bill of sale detailing the responsibilities of both the



**American
Kennel Club®**

8051 Arco Corporate Drive
Suite 100
Raleigh, NC 27617-3390

www.akc.org

Phil M. Guidry, J.D.
Director, Policy Analysis,
Government Relations
phil.guidry@akc.org
Tel (919) 816-3503

buyer and seller. This bill of sale should also detail any exclusions to refunds, replacements, or reimbursements.

H.3212, if enacted as currently written, would also provide that "any law, rule, regulation, or ordinance may not directly or indirectly prohibit or be applied to prohibit the sale of animals by a pet store or pet dealer, expressly or in effect, based on the source from which the animal is obtained if obtained in compliance with the provisions of this act."

The AKC emphatically supports freedom of choice in selecting a pet. We actively promote efforts to ensure that people are educated, understand the demands of responsible ownership and have access to a pet that is right for them. AKC strongly opposes any measure that restricts choice by compelling people and/or retailers to obtain pets solely from shelter or rescue distributors.

AKC Supports H.2419/S.1159, In Part

The AKC supports Section 19 of these companion bills, which feature a provision that restricts insurance companies that offer homeowners or renters insurance coverage from refusing to issue or renew, cancel or charge or impose an increased premium rate based in whole or in part on the breed of dog kept on the insured premises.

The AKC believes that insurance companies should determine coverage of a dog-owning household based on the dog's deeds, not the dog's breed. If a dog is a well-behaved member of the household and the community, there is no reason to deny or cancel coverage. In fact, insurance companies should consider a dog an asset, a natural alarm system whose bark may deter intruders and prevent potential theft.

The AKC reserves comments on other aspects of H.2419/S.1159.

The American Kennel Club thanks you for your consideration of these points, and encourages committee action in line with our recommendations. It would be my pleasure to provide greater detail and explanations of our views of these bills. Please do not hesitate to contact me for any reason at 919-816-3503.

Sincerely,

Phil M. Guidry, JD
Director, Policy Analysis
AKC Government Relations



MASSACHUSETTS FARM BUREAU FEDERATION, INC.

"The Voice of Agriculture"

249 Lakeside Ave, Marlborough, MA 01752-4503 • Phone: 508.481.4766 Toll Free: 1.866.548.MFBF • Fax: 508.481.4768
www.MFBF.net

October 16, 2017

Dear Members of the Joint Committee on Municipalities and Regional Government:

The Massachusetts Farm Bureau Federation (MFBF) is the largest farming organization in the Commonwealth with approximately 6,000 members. On behalf of these members, we are writing to express our opposition to SB 1145 – An Act enhancing the issuance of citations for cruel conditions for animals.

We suspect that this bill was born out of the tragedy in Westport where numerous tenants on neglected animals and kept them in extremely poor conditions. We do support the intent of the bill, which is to ensure that livestock is kept in appropriate conditions. However, the methodology of the bill is flawed in that it takes requirements for the keeping of dogs and from existing law (MGL Chapter 140E, Section 174E.i.(f).1, and attempts to apply them to livestock.

We have several concerns with the language:

1. While some of the provisions in this section will apply to livestock species, some do not. What constitutes "filthy and dirty...conditions for a dog" may be entirely appropriate for pigs.
2. Some of the language, such as "noxious odors" or "emotional heath" is very broad and lends itself to subjective interpretation.
3. We are concerned that the bill will be interpreted that conditions for livestock must equate with those necessary for dogs. Different species have different needs, and therefore require different conditions.

This bill is identical to HB 416 of the same title. HB 416 was heard by the Joint Committee on the Environment, Natural Resources and Agriculture last month along with several other bills addressing humane care and treatment of livestock. Our suggestion to the Joint Committee on the Environment, Natural Resource and Agriculture is to include a provision in HB 441 charging the Livestock Care and Standards Board develop standards or regulations governing the keeping of various livestock species. We are confident that a dedicate group of humane group, farmers, veterinarians and relevant state agencies could develop meaningful standards that are tailored to various livestock species.

We urge this committee to work with the Joint Committee on the Environment, Natural Resources and Agriculture to put forward a bill which offers a sound approach to ensuring that livestock is kept properly and humanely.

Contact

Brad Mitchell
617.413.3727



The Honorable Michael Moore, Chair
Municipalities & Regional Govt .Comm.
State House, Room 109
Boston, MA 02133

The Honorable James O'Day, Chair
Municipalities & Regional Govt. Comm.
State House, Room 540
Boston, MA 02133

RE: SUPPORT H. 3212, An Act to Protect Pets

Dear Chairman Moore, Chairman O'Day and Committee members:

We write in support of H. 3212, An Act to Protect Pets.

This legislation sets in place statewide standards for pet care, consumer protection and consumer choice for selection of their pet companion. This statewide standard would eliminate and prevent a patchwork of rules and guidelines from community to community, protecting consumer choice and ensuring a high standard of pet care.

We all care about animal welfare and sound pet care. A good animal welfare bill should protect pets by weeding out the bad actors and allowing good businesses with high standards to operate and thrive. If passed, H. 3212 would become a national benchmark in comprehensive pet standard, consumer protection and consumer choice law.

If passed, H. 3212 would become a national benchmark in comprehensive pet standard, consumer protection and consumer choice law:

- Prohibit sale of puppies and kitten under 8 weeks old
- Strong pet shop "sourcing" restriction to protect consumers
- Implement national consumer warranty standards
- Prohibit road side sales of puppies
- Mandatory puppy micro chip to enhance consumer protection
- Require retailers to provide consumers access to electronic animal care sheets
- Shelter record keeping & reporting standards

healthier **pets**, happier **people**, better **world**™



Again, this statewide standard would prevent a confusing patchwork of local ordinances. Other legislation filed this session would ban or curb the ability for retail pet shops to operate, limiting consumer choice for their pet companion and allowing unregulated, unlicensed operations to thrive. That's not good for animals and not good for consumers.

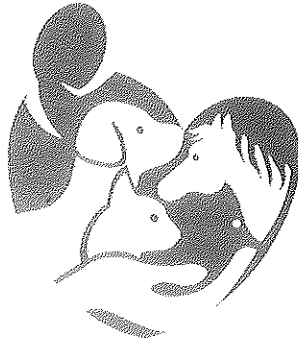
Sincerely,

A handwritten signature in cursive script that reads "Marcie Whichard".

Marcie Whichard
Vice President, Industry & Public Affairs
marciew@petco.com
858.735.7071
PETCO Animal Supplies, Inc

healthier pets. happier people. better world.

10850 Via Frontera | San Diego, CA 92127 | 858-453-7845 | petco.com



NAIA
National
Animal Interest
Alliance

Testimony in support of HD 3212

Chairs, Michael Moore, and James O'Day, Vice Chairs Walter Timilty and Thomas Stanley, and members of the committee; for the record my name is Nancy Fisk, a native of Massachusetts who has retired in Virginia. I am here today as a board member and legislative liaison of the National Animal Interest Alliance (NAIA) to speak in favor of HD 3212

NAIA is a national animal welfare organization with members in every state whose role is to provide a balanced, fact-based, problem-solving approach to animal welfare issues. We are proud to represent a variety of recognized experts and advocates from agriculture, medical research, humane societies, and responsible rescue organizations, animal businesses, veterinarians, wildlife managers and dog and cat enthusiasts and breeders.

I flew in for this hearing because HD 3212 deals with a problem that I believe to be the single most serious animal health and welfare issue facing our pets – and people too for that matter: the minimally regulated, mass transport of dogs from areas of high supply and often tragic circumstances into the Commonwealth of Massachusetts (the US) for the pet trade.

We have the deepest sympathy for the people and pets that were impacted and displaced by the recent hurricanes in Texas, Florida and Puerto Rico; but we are also worried about the Massachusetts pets and people being harmed by the pets being imported from these devastated areas: They often carry parasites and vector-borne diseases that are not commonly found in the Northeastern US, as well as infectious and zoonotic diseases that can sicken and even kill pets and people.

Please note the attached articlesⁱ on the emergence of Leptospirosis in post-hurricane Puerto Rico. Several people and dogs have died of Leptospirosis so far, but hundreds of potentially infected dogs have been transported to Massachusetts with many more scheduled to arrive.ⁱⁱⁱ

Leptospirosis is just the latest disease found in imported rescue dogs. Rabid rescue dogs have been imported into Massachusetts, Virginia, Washington and Vermont. TB was diagnosed in a Georgia rescue dog imported from Turkey. A strain of Asian flu imported in a rescue dog led to a flu epidemic, costing American dog owners thousands of dollars. Canine brucellosis is common in the street dogs

imported by rescue groups from foreign countries and offshore territories. And these diseases are in addition to commonly recognized infectious diseases like distemper and parvo, which these rescue dogs also carry and spread.

So, with these concerns in mind I urge you to vote in favor of HD 3212. It provides consumer protections for pet transactions whether conducted by openly commercial businesses or by not for profit businesses. It makes all entities that transfer a large number of pets accountable for their transactions and requires the documentation needed to be able track pets to their source when diseases or other problems emerge.

In closing, I would like to invite you to call on NAIA if we can be of help as you move forward with this important issue.

Note: Please reconsider the breed identification portion of bite reporting requirement. A CDC study about breed-specific legislation reported that few people are capable of accurately identifying breeds. Therefore, this language is likely to create more problems than it solves.

ⁱ <http://stevedalepetworld.com/leptospirosis-outbreak-in-puerto-rico/>

ⁱⁱ <https://www.cbsnews.com/news/puerto-rico-hurricane-maria-disease-outbreak-leptospirosis/>

ⁱⁱⁱ http://www.masslive.com/news/worcester/index.ssf/2017/10/about_200_pets_rescued_from_pu.html

Nancy Fisk, NAIA Director
577 Sadlers Hill Rd.
Laneview VA 22504
508-612-9553
NancyBFisk@aol.com

October 16, 2017

Chair Moore, Chair O'Day, Representative Cahill, Senator McGee, and members of the Joint Committee on Municipalities and Regional Government. Thank you for the opportunity to provide testimony.

My name is Karla Starckenberg; I am submitting testimony, as a resident of the city of Lynn in Essex County, to document my support of S.1155/H.1080, my opposition to H.3212, my support of S.1159/H.2418, my support of S.1127/H.2426, and my support of S.1145/H.416.

As to S.1155/H.1080: An Act Relating to Puppies and Kittens, I support this because it would ensure puppies and kittens being sold cannot be taken away from their mothers before eight week of age. Just like human babies, baby dogs and cats need their mothers for nourishment, both emotional and physical protection, and proper socializing. This bill would also protect consumers who purchase sick animals, by providing compensation of up to 150% of the animal's cost, and allowing the consumer to keep the new puppy/kitten (currently there is no legislation allowing someone to keep their new pet while getting reimbursed for the sick animal's veterinary bills). In addition, this bill would ensure breeders don't have three or more violations of the federal Animal Welfare Act in the past three years. These are very minimal protections for animal welfare standards, giving a wide berth for breeders to address and fix violations, and protecting consumers if they unknowingly purchase a sick animals.

As to H.3212: An Act to Protect Pets in the Commonwealth, I stongly oppose this bill because it would prohibit local government to pass ordinances relating to the sale of commercially bred dogs and cats. When talking about living beings being bred, bought, and sold, there must be protections regarding their care and wellbeing, while also protecting consumers from buying sick animals from inhumane breeders. Many cities and towns around the country (including Boston and the entire state of California) have outlawed the sale of commercially bred dogs and cats; H.3212, if passed, would overturn that decision in Boston. PetSmart is an example of a pet store that is thriving, while not selling dogs and cats. They have partnered with shelters, and shelter animals can be adopted in their stores. With a huge pet overpopulation problem and so many animals in shelters in need of good homes, and a growing consumer awareness about the cruelties of the puppy/cat mill industry, H.3212 would be inhumane legislation.

As to S.1159/H.2418: An Act to Protect Animal Welfare and Safety in Cities and Towns (PAWS II), I support this bill for its far-reaching protections for both animals and people. It would require animal abuse be reported by Department of Children and Families employees and contractors, Department of Elder Affairs investigators, and Disabled Persons Protection Commission investigators, just as animal control officers would be mandated reporters of abuse against children, the elderly, and disabled persons (people who abuse animals are likely to go on to abuse people and commit other crimes). This bill would make it a violation to drown domestic and wild animals (drowning is not humane euthanasia). This bill would prevent the automatic killing of animal fighting victims (even in the nationally known case of Michael Vick's fighting dogs, the dogs were able to be rehabilitated and adopted into loving homes). This bill would prohibit dog breed discrimination by insurance companies, which currently can leave people homeless or force them to surrender dogs who would otherwise have loving homes. This bill would hold landlords responsible for checking vacant properties for the presence of abandoned animals.

As to S.1127/H.2426: An Act Protecting Abandoned Animals in Vacant Properties, I support this bill because animal abandonment is a real problem and animals, like humans, can only survive for about 3

days without water. This would require landlords and foreclosing owners to check foreclosed and recently vacated properties within three days for abandoned animals, and would require they immediately notify animal control, police, or other authorized agent if an animal is found.

As to S.1145/H.416: An Act Enhancing the Issuance of Citations for Cruel Conditions for Animals, I strongly support this bill because farmed animals are among the most abused and least protected animals. This bill would require farmed animals be free from suffering under cruel conditions such as exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could cause injury or death, and other potentially harmful conditions. Caring citizens would never allow dogs and cats to be subjected to such inhumane conditions and we need to look no further than the Westport cruelty case to see this is a problem which needs to be addressed. This is a smart bill that would allow animal control and law enforcement officers to address cruel and dangerous conditions with a civil citation and financial incentive for farmers to establish practices in the best interest of the animals.

I am not able to attend this hearing in person, but ask that you accept this letter stating my views, and I would be happy to provide any further thoughts or information regarding these five bills.

Sincerely,

Karla Starckenberg

15 Lake View Avenue

Lynn, MA 01904

Testimony of Judy Carty from The Puppy Place located in West Springfield,
Massachusetts RE: HB3212 Public Hearing – October 17, 2017

Dear Joint Committee of Municipal and Regional Government Member:

I have an extremely important responsibility in working with our family business as I have the task of choosing the best breeders we can find to purchase puppies from.

My job is to check USDA Inspection Reports from any perspective USDA licensed breeder. The guidelines we use are as follows: A breeder must have ZERO direct violations and no more than 2 indirect violations of the Animal Welfare Act within the past 2 years. Since the USDA has closed the inspection report portion of their website which had been available to the public, my job has become more difficult! Therefore, with the assistance of our store manager, Julie Parsons, I am contacting any potential breeder that we plan to purchase from and request their USDA inspection reports from the past 2 years. When I receive these reports, I review them thoroughly to make sure we are dealing with a good breeder based on their inspection report history. If they do not meet our standards, we will not purchase from them. These reports are available to our customers upon request.

Our goal is to purchase puppies from responsible breeders. We will only deal with breeders who provide good care and treatment of their puppies. I retired 5 years ago from my position in a Hartford based hospital to assist our family who is very passionate about providing the healthiest puppies from reputable breeders to our customers.

I truly hope that you will support HB3212.

Thank you

October 17, 2017

RE: **Oppose** House Bill #1080 and Senate Bill #1155 An Act to Protect Puppies & Kittens

I am writing today because I am concerned about House Bill #1080 and Senate Bill #1155. I am a resident of Massachusetts, a responsible dog owner, and a town licensed hobby breeder of AKC registered miniature dachshunds and I oppose both bill(s) entitled, An Act to Protect Puppies & Kittens.

As currently written, these measures would impose unreasonable regulations on responsible hobby breeders, such as myself. I have a town issued personal kennel license which is issued to me annually, and both the building inspector and animal control officer come to my residence for inspections before approving my license each year. In addition, I passed an AKC inspection in 2015. I am a member in good standing with the Bay Colony and Connecticut Yankee Dachshund Club(s), and I am an American Kennel Club (AKC) Breeder of Merit. I live in the town of Uxbridge located in Worcester County, and I have lived here with my husband, and our dogs, since 2003.

The two bills, as written, are very lengthy, contain vague and confusing language, and will severely limit the number of intact dogs I am licensed to own and breed because of the expensive changes to housing, crating, and sanitation, and which will not allow me to raise my dachshunds in their current set up. I compete in several AKC sanctioned events around the state and have numerous championship and performance titles on my dachshunds. I breed and sell to responsible pet owners throughout the state of Massachusetts, as well as around the country, and am very active in promoting responsible dog ownership and AKC sanctioned events.

House Bill #1080 and Senate Bill #1155 will not automatically create more responsible breeders in Massachusetts. But it will negatively impact responsible hobby breeders and dog owners like me who strive to raise healthy, well cared-for dogs and who work to ensure that puppies are placed with responsible owners. As a taxpayer, I am concerned that passage of this bill would cost the state a large amount of money to implement and manage, and the regulations would impose a 'one size fits all' commercial dog breeding model and not take into consideration small scale hobby breeders.

If the State Legislature really wants to address the issue of substandard kennels, they should focus on strong enforcement of current standards of care, regardless of the number of intact dogs a person owns. These standards of care should also be applied to ALL dogs, whether they are in a commercial dog kennel, a personal residence, an animal shelter, or rescue operation.

Sincerely,



Helen Paradise
44 Kasey Ct.
Uxbridge, MA 01569
401-316-2666

Testimony on H.1080 and S.1155
Carolyn Ing, 493 Westford Street, Carlisle, MA 01741
October 17, 2017

My name is Carolyn Ing and I live in Carlisle. I have devoted almost all of my spare time to dogs for almost thirty years. In 1989, I purchased two Shetland Sheepdog puppies to show and I have owned, exhibited, and bred Shelties as a hobby since then. I am an American Kennel Club-approved judge of Shetland Sheepdogs, a member and past board member of the American Shetland Sheepdog Association, and the president of the Colonial Shetland Sheepdog Club, based in the Boston area. Every year, Colonial sponsors many public events: conformation shows, agility trials, a match, and several other educational programs.

I show and train my dogs to compete in breed competitions as well as agility trials. I spend a lot of time showing and training my dogs. I train at home and regularly attend two classes and one group practice every week, and enter shows and trials two to three weekends a month. I am totally devoted to my dogs and to the sport.

I feel strongly that H.1080 and S.1155 do not represent the best interests of dogs. Specifically, Section 174G mandates regulations for kennels that house five sexually intact female dogs. I have three primary issues with this:

First, I have a kennel license in Carlisle that I renew annually and am already subject to inspection by the Carlisle dog officer. There is absolutely no need for a redundant law.

Second, when showing in conformation dog shows, the dogs must be intact. I currently own seven intact female Shelties and have only one to two litters per year. It often takes a couple of years for a dog to mature enough to be competitive in the show ring. It can then take another year or two to earn the dog's championship, and then add on even more years after that where you can have more fun and campaign the dog as a champion. At the Westminster Kennel Club Dog Show in 2016, a gorgeous German Shepherd bitch won Best in Show. Maybe you saw her on TV or read about her in the news. The day she won, Rumor was five years old and had not yet been bred. She had her very first litter this year at age six.

Third, four major studies have been published in the last few years that demonstrate that spaying and neutering can have severe negative health effects on dogs¹²³⁴. These studies showed a striking increase in cancer, joint disorders, immune issues, and behavioral disorders in altered dogs in four different breeds. These are major, lethal diseases that have shortened the lives of many beloved family members by several years.

For active competitors in dog agility, these and other studies raise much concern. Dogs that compete in dog sports are athletes, and like all athletes, they train arduously to stay fit and sound. A physical injury is a setback or even a career-ending event. For me and many others, I want to maximize health and soundness by being able to decide when or whether to spay or neuter my dogs.

¹ Waters, D.J., Exploring mechanisms of sex differences in longevity: lifetime ovary exposure and exceptional longevity in dogs. *Aging Cell* (2009), pp. 752-755.

² Torres de la Riva, G., School of Veterinary Medicine, UC Davis, Neutering dogs: effects on joint disorders and cancers in Golden Retrievers, February 13, 2013, <https://doi.org/10.1371/journal.pone.0055937>.

³ Zink, M.C., Evaluation of the risk and age of onset of cancer and behavioral disorders in gonadectomized Vizslas, February 1, 2014, *Journal of the American Veterinary Medical Association*, vol. 244, no. 3, pp 309-319, <https://doi.org/10.2460/javma.244.3.309>.

⁴ Hart, B.L., School of Veterinary Medicine, UC Davis, Long-term health effects of neutering dogs: comparison of Labrador Retrievers with Golden Retrievers, July 14, 2014, [journals.plos.org/plosone/article?id=10.1371/journal.pone.0102241](https://doi.org/10.1371/journal.pone.0102241).

October 17, 2017

Dear Chair Moore, Chair O'Day, and members of the Joint Committee on Municipalities and Regional Government:

Thank you for this opportunity to speak with you today. My name is Dr. Jennifer Maas. I have practiced veterinary medicine in the Commonwealth for the past 37 years. I currently teach classes on animal ethics at both Tufts and Yale. I am here to express my strong support for PAWS II.

As a small animal practitioner and business owner, I have witnessed numerous cases of animal abuse, including the maltreatment of dogs used illegally for fighting, the involvement and abuse of pets in domestic violence cases, and the use of drowning to kill pets and wildlife. I am here because the duo of bills, known as PAWS II, addresses these problems. In my professional opinion, this legislation is long overdue.

I speak, also, on behalf of the nearly 400 members of the Humane Society Veterinary Medical Association (HSVMA) in Massachusetts, a national organization of veterinary professionals with a focus on the health and welfare of all animals, including companion dogs and cats.

PAWS II would build upon changes made to the state's animal cruelty laws in 2014 with passage of the PAWS Act and further ensure that Massachusetts law protects both animals and people.

My own clinical experience has been consistent with evidence based peer reviewed research which shows that those who abuse animals are more likely to be violent especially towards the most vulnerable of their fellow human beings. PAWS II would increase protection of both animals and people and ensure that reporting of such abuse is strengthened by mandating cross-reporting among agencies.

Other common-sense components of PAWS II include a prohibition against drowning animals, discriminating against dog breeds and the efficient enforcement of animal control laws. These two bills would improve the health and welfare of companion dogs and cats, ensure that our laws are sufficient to prevent animal cruelty and neglect, and provide additional protections to vulnerable people in the Commonwealth.

I strongly urge your support of S.1159 and H.2418, An Act to Protect Animal Welfare and Safety in Cities and Towns.

Thank you for your time and attention; I'd be glad to answer any of your questions.

Jennifer Maas, DVM, MS
299 River Road
Worthington, MA 01098

Buoniconti & McCary, LLC
One Boston Place, Suite 2600
Boston, MA 02108
P: 617-933-7255

Stephen J. Buoniconti, Esq.

Michael W. McCary

October 17, 2017

Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, MA 02133

Dear Chairman Moore and Chairman O'Day:

On behalf of the Eastern States Exposition (ESE), I write today to voice opposition to SB1155/HB1080 *An Act Relative to Protecting Puppies and Kittens* as it is currently drafted.

For more than 100 years the Eastern States Exposition has served as an incubator of agriculture and industry, hosting events for farmers and tradespeople from across the globe at our 175 acre property in West Springfield, MA. Probably our most well-known annual event is "The Big E" fair which takes place for 17 days each September and is attended by over 1.5 million guests. On an annual basis, ESE generates more than \$500 million of economic impact to the Greater Springfield regional economy and is directly responsible for more than \$8.2 million in Massachusetts tax revenues. We are proud to be the eastern seaboard's premier showcase for agricultural and industrial innovation, and to contribute in a positive way to the economy of Western Massachusetts and the Commonwealth.

Among the more than 100 events the Eastern States Exposition hosts on our property throughout the course of the year, some of the most popular events are more than 30 days of 4-H and American Kennel Club affiliated or sanctioned dog shows. These events give children, professional breeders and others, the opportunity to show their extraordinary animals competitively in a safe and humane environment. Further, these events are a showplace for large numbers of exhibitors who sell their animal related products to competitors and the general public alike. In terms of generating tax revenue in the form of sales tax, meals tax, gasoline tax, and rooms tax, we have found that our dog shows are some of our most important events.

While SB1155/HB1080 do contain an exemption for a "state or county fair" exhibition or "4-H or similar educational exhibition", there is no specific exemption for American Kennel Club affiliated or sanctioned exhibitions. We feel that without this language made explicit in the bill,

several of the events which take place on our grounds throughout the course of the year could find themselves in violation of this law.

We urge the committee to carefully review this bill for potentially unintended consequences such as the one which we have raised, and to report unfavorably on any version of SB1155/HB1080 which does not contain an explicit exemption for American Kennel Club affiliated or sanctioned events.

Thank you for your consideration of our testimony on this important matter. If you have any questions, please do not hesitate to contact me.

Best regards,

Eugene Cassidy, President and CEO
Eastern States Exposition

To: The Joint Committee on Municipalities and Regional Government
From: Bonnie Chandler, 183 Prospect Hill Road, Harvard, MA 01451, 978-456-3169
bchandler1@charter.net
Re: Testimony for Committee Hearing 10/17/17, 1 p.m. Room 222

I am a dog trainer, a dairy goat farmer, a member of many dog and farm animal clubs, and legislative liaison for several of those clubs (listed at the end of this statement). But above all else, I am a pet owner who loves all types of animals and loves learning about and working with them. I have been paying attention to animal legislation since 1973, when I first noticed that a lot of the proposals being made were counter-productive to the animals' own best interests and welfare. These proposals appeal to the public's emotions so they don't look closer at the details and notice that the legislation will actually hurt rather than help both the animals and the people who love them. It soon became clear to me that this legislative trend was too consistent not to be intentional, and that the underlying, hidden but nevertheless obvious intention was not to help animals, but to take them away from us. This is the Animal Rights vegan philosophy against animal ownership and consumption of meat.

This is true of some of the bills you are considering today. Here are my comments on several of the bills in your 10/17/17 hearing:

Please Oppose These Bills:

H. 1080 and S.1155 (Sen. Karen Spilka and Rep. Jennifer Benson) An Act to Protect Puppies and Kittens (bill language nearly identical) This is supposedly a consumer protection or lemon law, but as currently written it does not protect consumers at all, because it exempts the largest source of pets in our state, the rescues and shelters. Its real effect is not to protect consumers, but harm them by making it harder to find healthy pets bred by honest, conscientious people. It joins several other bills with the same effect that are currently being considered in our legislature, most notably S.470, Sen Patrick O'Connor's An Act Banning the Sale of Cats and Dogs in Commercial Pet shops, which would allow pet shops to sell only dogs and cats from rescues and shelters (currently in The Joint Committee on Environment, Natural Resources and Agriculture).

Shelters and rescues, especially the ones that import out-of-state and foreign dogs into MA, are now not only the largest source of pets in our state but also the largest source of sick and behaviorally problematic pets. People don't understand that shelters in Massachusetts and most of the US have hardly any local dogs any more. The shelters are running out of domestic pets to rescue, so they have gone international, importing over 300,000 dogs annually from foreign, third world countries, 18,000 a year into Massachusetts alone. But they have very little accountability, required only to register with the Department of Agriculture and quarantine imported animals for 48 hours. Many of these organizations are making big profits by selling imports as fast as possible for prices nearly as high as purebreds without making sure of health and temperaments (48 hours is NOT long enough for vaccinations to take effect or to be sure an animal is healthy and of good temperament). The shelters could not get away with such high prices for low quality if there weren't a serious shortage – that is Economics 101. Along with these meat dogs and street dogs has come disease. They are the source of new strains of rabies

and parvovirus, as well as the newest, the "canine flu" epidemic spreading across the US (brought in by Korean "meat" dogs). They have also brought many parasitic diseases such as babesiosis and ehrlichiosis and anaplasmosis (carried by ticks), chagas disease (carried by the triatomine bug), leishmaniasis (carried by sand flies). Who knows what the next diseases will be? There has also been national publicity about adopters attacked by their own new pets.

This bill would treat the small, conscientious breeders of a few local dogs as a threat but exempts the shelters and rescues that are the real problem. The shelters import thousands of questionable dogs from all over the world to make their empty cages look full, while simultaneously accusing local breeders of creating "overpopulation."

It is unconstitutional "unequal treatment" to have one law for breeders and another for shelters and rescues. It is also common sense not to duplicate programs or waste resources on the least likely offenders (people with a few pets inside their own homes) and instead to concentrate on the more likely ones (large scale breeding and foreign pet importing). Since commercial breeders are already federally licensed, heavily regulated, and inspected by the US Department of Agriculture, additional state regulations would wastefully duplicate that effort, but foreign pet imports by shelters and rescue organizations have very little supervision. Also, pet care standards in the United States are far better than the standards in the places these imported rescues come from, and local home-bred puppies have been exposed to far less stress and disease than the rescues being trucked and flown in from other places.

There are other problems with this bill, too: It creates an additional layer of paperwork, regulation, and inspection beyond the layers that hobby breeders and commercial breeders are already subject to. It would be a second set of inspections for some home hobby breeders already subject to inspection, and 3rd layer for commercial breeders, who are already subject to local and national regulation. In addition, many of the proposed regulations conflict with existing requirements or ask for unnecessary impossibilities such as industrial-style facilities inside private homes. Finally, the bill provides no money for MDAR while requiring burdensome bookkeeping and expense both for the breeders and for the Ag Department, which would have to write the new rules and then oversee and inspect breeders. The department doesn't have the personnel to handle this, so more important work would get neglected.

The purpose of this bill is clearly to discourage intentional dog breeding, even though New England has a severe shortage of well-bred, healthy puppies, creating a perverse incentive to fill the need by importing far too many shelter dogs with unknown backgrounds. It doesn't make sense to discourage healthy dogs and encourage unhealthy ones. Dogs bred and cared for responsibly by Massachusetts breeders who find them homes without burdening the local shelters should be encouraged, not discouraged. Unfortunately, many of the public cannot get beyond their emotions to even consider facts, and the animal rights lobbyists pushing bills like this one in every state are counting on that.

H.1078 [Rep. Bruce Ayres] An Act Relative to Puppy Mills

This bill starts out by using, in its title, a slur term that has no legal meaning or definition: "puppy mills." It is used by so many different groups with different agendas to mean so many

different things that it should never be used in any legal context, because the meaning cannot ever be clear.

The bill would set commercial kennels apart from other types of kennels and require the state Department of Agriculture to set up new commercial breeder regulations and care standards, administered by each town, along with inspections, paperwork, and a lot of micromanaging requirements for collars and tags on each dog, including putting the onus on the kennel owner to be sure that every dog sold is relicensed and retagged by its new owner within two weeks or reported to the breeder's own town clerk if it isn't. This is overkill, as most commercial kennels are already licensed and inspected under federal law and town laws, and it is also micromanagement that will burden breeders and small towns who don't have the personnel or the money to handle it. What is more, this is a slippery slope; once it is passed, the animal rights lobby that objects to anyone owning any pet will try (as they always do) to quietly add future amendments that change the definition of a commercial breeder to "anyone who breeds a dog" and create even more extra work and expense for towns and for anyone who sells even one dog privately.

Support
may
need
some
revision
might

H.3212 [Rep. Mark Cusack] An Act to protect pets in the Commonwealth – *for once*
Another attempt at a consumer protection law – a lemon law – that, *as currently written*, provides little protection because it *only regulates* ~~excludes~~ *pet shops & rescues* the most likely offenders, shelters and rescues. Most of what this bill tries to do is already covered in existing regulations. The bill establishes a second set of rules for pet shops in addition to their current rules. Currently they are already licensed and regulated by MDAR under Massachusetts General Laws, Chapter 129. The new rules *would* ~~would~~ *might* conflict with MDAR's current pet shop regulations. *This should be worked out more clearly.* The bill moves enforcement to Chapter 140, automatically transferring the enforcement authority from MDAR to municipal animal control officers, who would have to rely on court action for any violations. That is more labor intensive and results in inconsistent enforcement. This bill, as written, does not coordinate with the way city and town animal control officers currently work. The definitions of "Dealer," "Retailer," and "Seller" conflict with current pet shop regulations, and allow exemptions that interfere with MDAR's authority. This bill would also prohibit off-site adoption events held by animal shelters and rescues, which shelters and rescues say are important to their missions. ~~There is no reason to prohibit such an events.~~ *That needs work, too.* There are some good aspects within the bill, ~~but it would be better to add them to existing regulations.~~ *but it needs revision.*

H.1084 [Rep. Josh Cutler] An Act relative to penalties for the improper treatment of animals, Another attempt at a lemon law and breeder licensing. It would require the state to write regulations for licensing and inspecting any "kennel or cattery" with over 8 intact females, and require the cities and towns to do the enforcing. Again it fails by exempting the most likely offenders, shelters and rescues. It also conflicts with H.1078 by proposing different changes to the same paragraphs of existing laws that H.1078 also tries change.

H.2419, S.1159 [Rep. Kafka, Sen. Tarr] An Act protecting animal welfare and safety in cities and towns (bill language nearly identical) These bills awkwardly muddle together a number of unrelated animal issues. They increase some fines drastically, direct the Departments of Elder Care and of Disabled Persons to report animal cruelty or neglect if they see it in the course of their work (without defining what constitutes actionable cruelty or neglect), create new fines and imprisonment for any animal put to death by drowning, require landlords to check

vacated apartments for abandoned pets, and prevent insurance companies from denying homeowners insurance based on particular breeds. Some of these ideas are good, some not so good, and several are already in other bills being considered in the current session. These ideas should be separated and voted on separately.

H.1079 [Rep. Bruce Ayers] An Act relative to further increasing the fines for cruelty to animals, and establishing a fund dedicated to improvements for local animal shelters

This bill increases fines for animal cruelty and directs some of the fines towards a special account in each municipality for animal shelter improvements. However, the increase in fines is not enough to serve as a further deterrent to cruelty, and the percentage of fines directed toward an animal control facility is not significant enough to be helpful. In addition, fine money goes only to the individual municipality where the violation occurred, regardless of whether that town actually has its own animal shelter, shares one with another town, or even has none at all. The bill would create extra work and expense for towns, all 351 of which, regardless of size (and many are tiny), would have to add and maintain a permanent, separate account for such funds, even though most often the account would be empty, or nearly so. It would be better to put such fines into a statewide fund that can be used by municipalities as needed.

S.1145 [Sen. Montigny] An Act enhancing the issuance of citations for cruel conditions

This bill adds farm animals to the list of animals not allowed to be kept in "cruel conditions or inhumane chaining or tethering." Unfortunately the guidance in this bill about what "cruel conditions" are is as equivocal as a lot of existing legislation which has allowed enforcers with an agenda, in many cases, to use minor messiness as an excuse to fine or imprison pet owners and take their animals away from them. Livestock are already well covered under cruelty laws, but standards are different for livestock than pets. Most people these days know very little about farm animals, and most of what they think they know is wrong. The same is true of the animal control officers who might be enforcing this provision. Commercial livestock that lives in a barn could end up being held to standards that are applicable to pets that live in a house but are not only wrong, but sometimes even dangerous for livestock. Farm animals should not be added to pet cruelty laws because their presence there creates the false implication that they need the same type of care as housepets.

Please Support:

S.1127 and H.2426 [Sen. James Eldridge and Rep. David Rogers] An Act Protecting Abandoned Animals in Vacant Properties

Two other bills, **H.2419** and **S.1159** also attempt to cover this issue, but they also include many objectionable provisions. **S.1127** is good because it contains only this single subject. It would reduce animal suffering by ensuring quick discovery of abandoned animals in foreclosed or vacant properties. The bill would require landlords or foreclosing owners to inspect recently vacated property within three days to be sure animals weren't left behind when irresponsible owners moved out. If an animal is found abandoned, the foreclosing owner or landlord would be required to contact an animal control officer, police or other authorized agent. This is a good idea which I strongly support.

Sincerely,

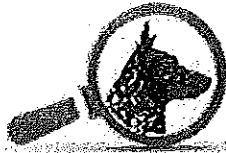
Bonnie Chandler

Bonnie Chandler
183 Prospect Hill Road
Harvard, MA 01451
978-456-3169
bchandler1@charter.net

Board member of the Massachusetts Federation of Dog Clubs and Responsible Dog Owners
Legislative Liaison for American Goat Society, Colonial Shetland Sheepdog Club, Concord Dog
Training Club

Also Member of:

Charles River Dog Training Club
North East Stockdog Association
ARFF Agility Club
New England Sheltie Rescue
American Shetland Sheepdog Association
Berkshire Belgian Tervuren Club
Colonial Belgian Tervuren Fanciers
American Dairy Goat Association
New England Nigerian Dwarf Association



FORENSIC VETERINARY INVESTIGATIONS, LLC

S 1159, H 2419

An act to protect animal welfare and safety in
cities and towns ("PAWS II")

FVI, LLC position: SUPPORT

Dr. Martha Smith-Blackmore is a veterinarian with over 20 year's experience in animal welfare in Massachusetts. She has worked for the MSPCA, the Animal Rescue League of Boston, the Cummings School of Veterinary Medicine at Tufts University and in a variety of private practice settings. She is the former chair of the Massachusetts Veterinary Medical Association's Animal Welfare Committee and the American Veterinary Medical Association's Animal Welfare Committee. Dr Smith-Blackmore is appointed to the Governor's Massachusetts Animal Fund advisory committee, the International Association of Chiefs of Police Forensic Science Committee and she is a member of the American Academy of Forensic Sciences and the President of FVI, LLC, a Boston based veterinary forensics consulting business. Dr. Smith-Blackmore was a subject matter expert for the Animal Cruelty Task Force that developed the language of the PAWS II Act.

I support the many improvements to the animal cruelty laws contained in S1150/H2419 including the following:

As a veterinarian, I have seen the evolution of reporting requirements for suspicions of animal cruelty from no requirement, to immunity for good faith reporting to a requirement that a veterinarian MUST report suspicions of animal cruelty. In so doing, Massachusetts has removed any equivocation that a veterinarian might have relative to making such a report. Veterinarians as a whole are relieved not to have an internal moral debate on whether or not to make a report.

It is time now to extend these reporting requirements to employees of the Department of Children and Families, the Department of Elder Affairs, and Disabled Persons Protection Commission investigators. These are the people on the front lines, visiting families and individuals in the home setting. They are the ones who are going to see animals who are suffering from maltreatment, much more so than veterinarians – as we know veterinary medicine is out of reach for many families. If the abused animal won't make it into the veterinary hospital to have their condition recognized and reported, there must be provisions to cause others to report.

In dysfunctional and violent households, animals may be maltreated as an effort to exert power and control over another person. When animals are kept safe in the home environment, we help to protect people as well.

Clerks should not be required to dismiss a first offense of a non-criminal violation such as a kennel licence violation or a violation of the dangerous dog law. This correction will help put teeth into the regulations and will better protect communities against dog owners who are capricious in their adherence to regulations.

Prohibit drowning of wildlife as a method of putting animals to death. The American Veterinary Medical Association condemns drowning as a method of "euthanasia" because it does NOT provide a "good death".

Allow the evaluation and potential rehabilitation of animals seized in animal fighting cases. Animals in fighting situations are not necessarily bad animals, and they are victims of the circumstances that people put them in. While not every animal's life can be saved after training for aggression, each animal deserves to be evaluated on their own merits. The ASPCA proved that many of the fighting dogs saved from Michael Vick's dog fighting enterprise were safe to place as pets.

Animal abuse (including animal fighting) should be included as a specifically enumerated offense that requires a determination of detention and/or release ("**dangerousness hearing**"), due to the violent nature of animal maltreatment and its relationship to other forms of violence; and its use as a form of power and control over other individuals.

Prohibit insurance companies from banning certain breeds of dogs from coverage. Successful dangerous dog legislation focuses on the behaviors of the owner and the proven prior behaviors of the dog. Breed type cannot be discerned by looking at a dog, and a dog's behavior can be predicted based on its prior behavior, not based on what it looks like. When insurance is refused based on dog breed, insurance is refused for reasons other than science.

Require a walk through by landlords and foreclosing owners on properties within three days of a known vacancy in order to prevent the horrible suffering of death by dehydration or starvation when animals are abandoned by prior occupants.

I urge you to support S1159, H2519 An act to protect animal welfare and safety in cities and towns (PAWSII)
In so doing, you make Massachusetts a more humane state for animals, and a safer place for people as well.

554
Amanda Kennedy – H.544/S.533 - An Act concerning the use of certain insurance
underwriting guidelines pertaining to dogs harbored upon the insured property
Joint Committee on Financial Services

October 17, 2017

- Good afternoon Chairman Michlewitz, Chairman Eldridge and Members of the Committee. My name is Amanda Kennedy and I am Director of Animal Care and Control in the City of Boston. I am here to testify in support of H.544/S.533, An Act concerning the use of certain insurance underwriting guidelines pertaining to dogs harbored upon the insured property, sponsored by Representative Jack Lewis and Senator Anne Gobi.
- In my role as an animal welfare public servant within the City of Boston, I am keenly aware of the impact of insurance coverage denial based on a list of dog breeds. In my long history of working in animal welfare, I have had the opportunity to work for police departments as well as non-profit animal welfare agencies and can draw from those experiences.
- Families are often times forced to give up their beloved dogs in order to maintain their home owners insurance. Secondly, landlords are more often restricting breeds of dogs to tenants due to the impact it can have on the insurance policy for the building. And finally, renters wishing to purchase renters insurance can be faced with the same challenges.
- There are a significant number of dogs surrendered to animal shelters throughout the Commonwealth due to the unfortunate practice of judging dogs by their breed rather than the individual dog's disposition. Separating people from the pet they are bonded to not only fractures an intact family but places an unnecessary burden on animal shelters and municipalities. The resources used to care for, and hopefully re-home, these pets could be better utilized for truly unwanted pets.
- I am aware that there are dogs that could pose a threat and a liability risk to an insurance company. This bill allows insurance companies to protect their interests by allowing them to cancel, deny, or not renew should the dog in question have been designated as a dangerous dog under M.G.L. c. 140 s.157. Similar to how an auto insurer makes a policy decision based on driving history, this would enable the same sort of decisions to be based on an individual dog's history.
- In closing, I thank you for the opportunity to speak and am happy to answer any questions you may have.

Testimony in support of S.1155. Linda Murphy - Director Mass Coalition To End Puppy Mills

We are a grassroots group of concerned citizens and consumers. We use publicly available documents to trace the origins of puppies sold in Massachusetts pet stores: Here is some of what we have found:

11 stores still sell puppies. All are connected to breeders in the Midwest with conditions few would consider to be humane.

We estimate 3,200-3,300 puppies were sold in 2016 in pet stores.

The puppy industry is rampant with blatant consumer deception if not outright fraud. We have spoken to many people who have been victimized.

Many stores show papers from the American Canine Association (ACA) as a way to reassure customers the puppy is worth the price and comes from a quality breeder. However, many of the absolute worst conditions we see take place at breeding operations that hold Star Breeder Certificates from the ACA which targets commercial breeders for its program. Example attached.

All pet stores reassure concerned customers they use professional USDA licensed and regulated breeders. However, these regulations in no way ensure that a puppy will be healthy or socialized or come from a humane breeder. Caring people are being duped into supporting horrible puppy mills.

These are conditions we most often see at USDA breeders that supply MA pet stores:

Dogs living in wire cages that cause painful injuries to their feet and legs.

Dogs living in cages providing even less than the minimum USDA required 6 inches of space to move.

Dogs suffering with untreated injuries and horrible infections.

Filthy and unsafe facilities. Dirty neglected dogs with heavily matted fur, long toenails and severe dental disease.

Lack of proper shelter from the elements. Harmful self-administered veterinary care.

Even if the cages are clean it is a life sentence and these dogs are bred until they are dead.

When a puppy is sick, the pet store veterinarian usually recommends the family relinquish it back to the store. A heartbreaking decision and one that people feel terribly guilty about. The puppy's fate will then be a business decision. We also know that some stores ask people to sign a non-disclosure before being reimbursed, so it will be difficult to assess how many families purchased puppies that were sick or died.

If legislators do not pass Senator O'Connell's bill, S.470 to ban the retail sale of puppies and kittens which we prefer, we hope you will pass the moderate provisions in S.1155.

Most people in Massachusetts take the extra time and effort to rescue, adopt or find a responsible breeder. We care that millions of dogs and cats have to be killed every year because there are no homes for them while over a million more are being bred in insanely cruel puppy mills. Our values cannot be represented by financially supporting an industry linked to such unnecessary animal suffering, such obvious consumer deceptions and so unwilling to change.

We also support S.1145 ACO's and farm animals, S.1159 (Paws II). We do not support H 3212.

Linda Murphy

16 Spaulding Ave., Scituate, MA

reportsickpuppy@gmail.com



RETAILERS ASSOCIATION
OF MASSACHUSETTS

**Testimony of the
Retailers Association of Massachusetts**

Ryan C. Kearney, General Counsel

**Before the Joint Committee on Municipalities and Regional Government
October 17, 2017**

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**Re: H. 3212 An Act to protect pets in the Commonwealth
S. 1155 An Act relative to protecting puppies and kittens
H. 1080 An Act to protect puppies and kittens**

The Retailers Association of Massachusetts (RAM), established in 1918, is a statewide trade association of approximately 4,000 member companies. Our membership ranges from independent, "mom and pop" owned stores to larger, national chains operating in the general retail, restaurant and service sectors of the retail industry. The retail industry in the Commonwealth is the backbone of our local Main Streets, supporting over 928,000 jobs and operating in more than 73,000 brick-and-mortar establishments.

RAM would like to voice its *support* of H. 3212, an Act to protect pets in the Commonwealth, as it establishes a reasonable and uniform set of standards for the sale of pets in Massachusetts. This legislation ensures that there is a well-regulated, responsible and humane source of pets for Massachusetts citizens, while offering important protections to safeguard against animal suffering associated with puppy mills and substandard breeding practices.

In addition to being a comprehensive animal welfare bill, this legislation preserves consumer choice as its expanded sourcing restrictions allow for breed specific purchases from responsible breeders and facilities; provides important consumer protections through its warranty provisions; and promotes the continued operation of responsible brick-and-mortar retailers by refraining from imposing unnecessary and onerous requirements on them which not shared by their out-of-state and internet competitors.

RAM would also like to be recorded in *opposition* to S. 1155 and H. 1080, which are similar in nature to H. 3212, but which stand to jeopardize the viability of responsible retail operations within the Commonwealth due to the inclusion of a

number of overly restrictive and unworkable provisions. In particular, the inclusion of more stringent sourcing provisions would interfere with the ability of sellers to source from responsible and trusted partners, such as hobby breeders.

RAM also finds the warranty provisions included in these bills to be excessive. Imposing liability on sellers in an amount that could significantly exceed the purchase price of an animal is unworkable, unwarranted, and is out of step with industry standards and similar laws adopted across the country. It goes beyond consumer protection and instead creates a punitive framework, which for the most part, will be imposed on sellers for matters outside of their control. Exposure to such liability will put a number of small retailers at risk of going out of business and lead to an increase in prices charged to consumers for those that do not.

RAM is also concerned with the lack of local preemption in these bills. Over the past few years RAM has experienced an increase in the frequency of activity at the local level to restrict the sale of otherwise legal products. The most recent example is the ban of any pet sales in Cambridge, which has directly resulted in the closure of an impacted brick-and-mortar retail location operating in that city.

A patchwork of 351 different sets of rules, on any number of consumer products, is simply unworkable and results in winners and losers in the competitive retail marketplace. When necessary, RAM prefers the adoption of a statewide standard to address such issues in order to provide a level playing field and uniformity in our laws that simplifies compliance. As written, this legislation would not create such a statewide standard.

For these reasons, RAM respectfully requests the Committee to *support* the comprehensive and balanced approach of H.3212 and *oppose* the burdensome and unworkable approach of S.1155 and H. 1080. RAM appreciates the Committee's consideration of these comments and stands ready to discuss this matter further should the Committee have any questions.

 DONATE NOW

2018 – PAWS II, Animal Cruelty

S. 2646: An Act to protect animal welfare and safety in cities and towns (PAWS II)

Sponsors: Senators Montigny and Tarr; Representative Kafka

MSPCA Position: Support

Status: S. 2646 was enacted by the Mass. House and Senate on August 2. The bill was signed by Governor Baker on August 9, 2018!



This bill builds upon changes to the state’s animal cruelty laws made with passage of the PAWS (Protect Animal Welfare and Safety) Act in 2014. It is [Chapter 219 of the Acts of 2018](#).

The PAWS Act gained momentum after law enforcement responded to a cruelty matter where a puppy — who became known as “Puppy Doe” — was systematically and severely tortured over several months. The details of this case galvanized people who care about animals to ensure that perpetrators like Puppy Doe’s abuser (and others who engage in such cruel acts) are penalized in a manner sufficient for the crime. It also prompted the public to seek to ensure the Commonwealth’s laws are sufficient to prevent animal cruelty and neglect.



The impact of animal abuse is far-reaching and the link between animal abuse and violence toward humans is well-documented. A Massachusetts study found that a person who has committed animal abuse is: five times more likely to commit violence against people, four times more likely to commit property crimes, and three times more likely to be involved in drunken or disorderly offenses. When our laws recognize this link, all our family

members can be better protected.

With the passage of the PAWS Act, Massachusetts decided that we must do all we can to prevent cruelty to animals and engage in a thorough investigation of the strength and effectiveness of existing laws, as well as to determine what gaps exist. The PAWS Act formed a task force to do

this. This bill is the result of the task force's effort and is the next step toward ensuring our laws protect both people and pets.

Key provisions of this bill:

Help ensure abuse is reported

This section builds on Massachusetts law relating to the reporting of abuse, both of animals and vulnerable people, recognizing the link between these crimes. Specifically, this bill would allow animal abuse to be reported by the Department of Elder Affairs investigators and Disabled Persons Protection Commission investigators. The bill would add animal control officers as mandatory reporters of child abuse, elder abuse, and abuse against disabled persons.

Ensure efficient enforcement of animal control laws

This section would increase the effectiveness of and add more appropriate penalties to animal control laws that provide non-criminal penalties for violations (such as licensing violations; violations of the dangerous dog law). Highlights include removing language requiring a clerk to dismiss a first offense and increasing the penalty for a violation for not obtaining a kennel license.

Prohibit the drowning of animals – wild and domestic

These changes would explicitly list drowning of animals as a violation of the law. Many are surprised to learn that animals, particularly wildlife, are currently being drowned – a cruel and inhumane death.

Update the animal fighting law to prevent the automatic killing of animal fighting victims

Massachusetts is one of only 11 states that has a provision requiring automatic killing of animals involved in animal fighting. This bill removes this language, so that there are other options in statute for these animal victims.

Add animal crimes to the list of offenses that serve as the basis for a request for a determination of detention and/or release upon conditions

This would amend G.L. c. 276 § 58A to include the crimes of animal cruelty and fighting as specifically enumerated offenses to serve as the basis for a request for a determination of detention and/or release upon conditions.

Ensure that landlords check vacant properties for the presence of abandoned animals and clarify the law relating to when animals are abandoned

This provision would require a landlord, owner, or assignee that knew or should have known that a property was vacated through foreclosure, termination of tenancy, abandonment or other removal or exclusion of a tenant to check the property within three days. If they encounter an animal, they must immediately notify the police or animal control officer.

Animal Sexual Abuse

This section clarifies and updates the law against animal sexual abuse, by prohibiting sexual contact with an animal and prohibiting the promotion or facilitation of an act involving sexual contact with an animal and forcing a child to engage in sexual contact with an animal.

Dogs and Insurance

While the provision to prohibit insurance companies from discriminating based on perceived dog breed was unfortunately not included in the final bill, a provision that requires insurers to ask more questions about dog bite incidents to better track and identify the factors that contribute to dog incidents (not just focusing on breed) has been included.

Update a law relating to who/what entities can be charged with certain types of animal cruelty

Ch. 272 sec. 79 currently provides that “A corporation violating either of the two preceding sections shall be punished...”. At one time, this likely meant section 77 and section 78 (section 79 was enacted in 1868). In later years, additional sections added to G.L. c. 272 changed the meaning of “two preceding sections.” In addition to a “corporation” as currently permitted, the current language is amended to add additional crimes and to make additional entities subject to this law. These changes recognize that these types of entities should be held responsible for a violation of the enumerated statutes and that entities doing business with animals might not be a formal corporation.

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