HOUSE DOCKET, NO. 1174 FILED ON: 1/20/2011

HOUSE . . . . . No. 1437

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and Brian A. Joyce

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:

An Act relative to the spaying and neutering of cats.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	*6th Norfolk*
Brian A. Joyce	*Norfolk, Bristol, and Plymouth*

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By Mr. Galvin of Canton and Senator Joyce, a joint petition (accompanied by bill, House, No. 1437) of William C. Galvin and Brian A. Joyce relative to the spaying and neutering of cats. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1975* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to the spaying and neutering of cats.

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

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

Section 174E. No person shall own or harbor, within the commonwealth any cat over the age of 6 months which has not been spayed or neutered, unless such person holds a license to keep an unaltered cat or a license and permit for breeding cats issued by the board of health of the city or town in which they live or unless the caretakers, due to age, health or illness and having in their possession a letter from a licensed veterinarian stating such, which shall be provided to the board of health.

An intact permit shall be issued for an unaltered cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit. An intact permit may be issued by the board of health to a person who refuses to spay or neuter their cat. The fee for such permit shall be $100 per year. All funds shall be deposited in the city or town's spay-neutered account. Any person providing care or sustenance for a period of 30 days or longer shall be deemed the owner of such animal, and shall adhere to the provisions of this section and must also:

1) Register, at no charge, with the city or town in which they live as a caretaker for feral cats;

2) Regularly feed or arrange for the feeding of the colony, including on weekends and holidays;

3) Trap or make a reasonable effort to trap all feral cats over the age of 8 weeks in his care and have them spayed or neutered;

4) Identify feral cats that have been spayed or neutered by means of ear notching, ear tipping or ear tagging;

5) Have all trapped cats vaccinated in accordance with state and local laws.

No person shall cause or allow any cat owned or harbored in the city or town in which they live to breed without first obtaining a breeding permit under this section.

Each city or town board of health shall administer a permit program to allow the breeding of cats consistent with criteria and according to procedures contained in city or town ordinances or bylaws, provided, however that where the city or town ordinances or bylaws specially prohibit the breeding of cats the city or town ordinances or bylaw shall govern.

Each applicant who is issued a permit to breed cats shall pay a fee of $100 per year.

No person shall cause or allow the breeding of a male or female cat without first obtaining a breeding permit issued by the animal control officer. Breeding permits shall be valid for 12 months, renewable on an annual basis for a fee of $100.

Herein, all breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:

6) No offspring may be sold or adopted and permanently placed until reaching an age of at least 8 weeks;

7) No offspring shall be sold or adopted until immunized against common diseases;

8) If within 60 days of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found the permit holder may accept return of the animal if healthy and shall become fully responsible for its care;

9) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. The permit number must be provided to any person adopting or purchasing any animal bred by the permit holder;

10) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the board of health and state law.

Any person who provides or offers to the public, whether or not for compensation, any pet or pet related goods, where they are the primary products, or pet services shall provide to their clients, at no charge, information relating to pet care and ownership, including information on city and town laws pertaining to animal control.

Any person offering cats for sale or adoption shall disclose to a purchaser or adoptive owner, information regarding the licensing or permit requirements of the city or town in which they reside applicable to the animal.

No person shall offer for sale or adoption any cat on any public street, sidewalk or public park unless the person first obtains approval from the city or town's board of health or a business license to sell pets.

Any permit issued may be revoked if the animal control officer has reasonable cause to believe any of the following to be true:

1) The permittee has violated any state or local ordinances relating to the keeping, care or use of any animal;

2) The permittee is in violation of any state health or safety law or regulation regarding animal care or control;

3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this section;

4) The permittee refuses to allow inspection upon 48 hours of written notice, of any cat covered by the permit or the premises on which the animal is kept;

5) The permittee has transferred, sold or otherwise disposed of the cat for which the permit was issued.

If, after investigation, the animal control officer concludes that it is probable that one or more of the above grounds for revocation has occurred, he or she shall cause written notice thereof to be transmitted by mail to the address of the permittee. The notice shall specify the grounds of possible revocation of the permit, and shall specify a date and time for an informal hearing to be held before the animal control officer. The date shall be not less than 5 days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit.

Farmland, defined as any tract of land, including woodland and wasteland constituting a farm unit which is actively devoted to agricultural or horticultural use including, but not limited to: forages and sod crops; grains and feed crops; fruits and vegetables; poultry, diary, and other livestock and their products; nursery, floral and greenhouse products, and any other food or fiber products useful to people; shall be exempt from the provisions of this chapter.

If any cat is abandoned by their owner or any person having charge or custody of that cat, that person shall, for each offense be punished by a fine of $250 for first offense and $500 for each offense thereafter.

Each city or town shall collect 50¢ surcharge on each dog license issued by the municipality. The revenue generated by this surcharge shall be deposited in the respective city and town's spay/neuter account to fund low cost spay/neuter programs.

Any person who violates the permit provision of this section shall have no more than 30 days to have their cat spayed or neutered or provide proof from a licensed veterinarian indicating arrangements have been made to spay or neuter their cat or cats. The board of health shall inform persons subject to this law of the availability or reduced cost or free spay or neuter programs sponsored by local humane organizations. If a cat is not spayed or neutered within 30 days of the notice, the person shall be subject to $100 fine for each 30 days the cat is not spayed or neutered. Funds generated pursuant to this section shall be deposited in the spay-neuter account of the city or town where the violation occurred. The local board of health shall be responsible for the enforcement of this section.

SECTION 2. Persons harboring a cat subject to this section on the effective date thereof shall be given 120 days from that date to comply with the provisions of this section.