



**OPPOSE HB1303– An Act Relative to Prevent Animal Cruelty (Rep. Callahan)**

Referred to Joint Committee on Municipalities & Regional Government

**PROBLEM:**

The degree of veterinary care an animal may need to prevent suffering is not defined. Veterinarians do not always agree on appropriate care. An animal owner could be prosecuted for a felony offense if they choose a course of care that might be debated among veterinarians, especially in the case of treatment for cancers or in the case of appropriateness to euthanize an animal. Veterinarians could also be subject to this law if the owner believes their animal has not been appropriately treated.

**HISTORY:**

Currently, Chapter 272, Section 77 describes in great detail what comprises cruel treatment of an animal. The current chapter includes the statement that a person who “knowingly and willfully authorizes or permits it [an animal] to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished...” So a lack of care is already a part of the law.

**WHAT THIS BILL DOES:**

1. Creates a felony for failure to give a level of veterinary care which could be debated.
2. Opens Veterinarians up to a criminal action by any person who believes their animal was not properly treated.
3. Creates a law that could very easily be abused by overzealous persons.

**WHY YOU SHOULD OPPOSE THIS BILL:**

1. Chap. 272 Section 77 already defines animal cruelty in detail.
2. This bill could make it necessary for veterinarians to carry malpractice insurance and thus raise already high fees for care of animals..

**FOR MORE INFORMATION:**

**Massachusetts Federation of Dog Clubs and Responsible Dog Owners**

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MassFed: 05/13/09

HOUSE DOCKET, NO. 32 FILED ON: 1/12/2009

**HOUSE . . . . . No. 1303**

The Commonwealth of Massachusetts

PRESENTED BY: Jennifer M. Callahan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to prevent animal cruelty.

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Jennifer M. Callahan 18th Worcester  
Denise Provost 27th Middlesex  
Cory Atkins 14th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 1339 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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AN ACT TO PREVENT ANIMAL CRUELTY.

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. Section 77 of chapter 272 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after the word "kind," in line 18, the following words:- or fails to provide the animal with veterinary care to prevent unnecessary suffering,

**CURRENT LAW TO BE AMENDED**

Chapter 272: Section 77. Cruelty to animals

Section 77. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind **or fails to provide the animal with veterinary care to prevent unnecessary suffering**, shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment.

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections seventy-seven A, seventy-eight, seventy-eight A, seventy-nine A, seventy-nine B, eighty A, eighty B, eighty C, eighty D, eighty F, eighty-six, eighty-six A, eighty-six B or ninety-four the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.