



**Hearing 6/23/09;
Amended to SB2120
Amended to SB2151
Amended to SB2172
10/20/09 Senate
passed; referred to
House Way & Means**

SUPPORT SB2172 (formerly SB2151, SB2120 & SB406)
An Act Updating the Animal Control Laws of Massachusetts (Sen. Jehlen)
Referred to House Committee on Ways and Means

PROBLEM:

Many laws that govern animal control date back to the 1800s and are antiquated.

HISTORY:

Many organizations have participated in revising Chapter 140 including Massachusetts Veterinary Medical Association, the MSPCA, Animal Rescue League of Boston, and the Bureau of Animal Health within the Department of Agricultural Resources, as well as input from the Massachusetts Federation of Dog Clubs and Responsible Dog Owners.

WHAT THIS BILL DOES:

This bill is a redrafted and retooled version of the laws related to dogs and animal control. It does many good things including:

1. Requires training of Animal Control Officers.
2. Applies a \$3 surcharge across the board for all licenses (neutered or unaltered animals) and allows the Department of Agricultural Resources to use the funds for low-cost spay/neuter programs and support of animal officer training as needed. This is accomplished without impacting the budgets of cities and towns. It will have a significant impact in improving the safety and security of the residents relative to animal issues.
3. Improves Dangerous Dog laws and prohibits breed specific legislation.
4. Updates kennel definitions.
5. Requires humane euthanasia.
6. Places animal control matters consistently with the Department of Agriculture.

See following pages for more detailed information.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

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MassFed: 06/22/09

SD671 - AN ACT UPDATING THE ANIMAL CONTROL LAWS OF MASSACHUSETTS Mass. General Laws Chapter 140, sections 136A through 174D

Why do these laws need to be updated?

Many of the laws that govern animal control date back to the 1800s. Quite simply, the laws do not address the current state of animal control in our municipalities. For example, animal control was previously based on the structure of a county system, which is for the most part not used today. The fines and fees are outdated. The term “dog officer” is still used, although in Massachusetts and nationally, the current term used is “animal control officer.” This document elaborates on the suggested changes to Chapter 140, sections 136A through 174D to update and make the animal control laws more efficient, current and effective.

Who supports these changes?

The Animal Control Officers Association of Massachusetts (ACOAM), the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), the Animal Rescue League of Boston, the state’s Bureau of Animal Health within the Department of Agricultural Resources and the Massachusetts Veterinary Medical Association (MVMA) have worked together to draft these changes. In addition, other entities, such as dog breeders, city and town representatives, elected officials, and public health officials have been consulted.

Will these changes cost the state money?

No. Fees and fines are increased in this bill. Other than that, the outdated “county” dog fund has been replaced with an animal control fund within a city or town, since the county system is not used any more. Cities or towns should not be impacted by these changes either.

In addition, the costs related to furnishing additional training and education for Animal Control Officers will not have a negative impact on the budgets of the cities and towns. The funding comes from an additional source, dog related and does not take away any currently existing funds.

The proposed updates and improvements to Chapter 140, sections 136A through 174D include:

Changing the term “dog officer” to “animal control officer”

The term “dog officer” is outdated. Many animal control officers today deal with many animals in addition to dogs. Many, if not most, states now use the term animal control officer, including the New England states of Maine, Rhode Island, Connecticut, and New Hampshire. While the term changes, this does not *require* cities or towns to cover species other than dogs, though more and more are doing so voluntarily.

Requiring training of animal control officers

Several other states have requirements for such training. In Massachusetts, animal control officers work for municipalities and currently have no training requirements. Animal control officers have important responsibilities, including responding to reports of stray animals, enforcing leash law violations and barking and dangerous dog ordinances. In addition, they often care for and adopt sheltered animals. Such training will increase the professionalism of this important role in our cities and towns. In return, this will provide for better care of Massachusetts’ animals, increase public safety, and create more uniform and stronger enforcement of the animal control laws.

Allowing towns/cities specifically to set own license period

Because cities and towns could opt out of the county system under the current laws in Ch. 140, many have set their own licensing periods. This change simply reflects this and the ability and desire of cities and towns to set their own time period.

Creating consistency and removing outdated references

Many of these sections have reference to entities that are no longer a part of animal control, such as county commissioners and county dog officers. Therefore, references to this older, and now irrelevant, system of

government have been removed in this draft. Additionally, references to specific provisions for Suffolk county have also been removed (again, since the county system is no longer used). The word “city” has been added to places where it previously had just said “town.” In the definition section, the county “dog fund” has been changed to a town or city “animal control fund.”

Updating fines and fees

Many of the fines in chapter 140 are outdated and comically low. In many instances these have been increased in this draft (See, for example, section 137C (violating kennel license law); section 141 (keeping an unlicensed dog); section 145B (failing to comply with rabies vaccination requirements); section 151 (violating provision relating to selling animals to research facilities)). Some fees would be left to the discretion of the city or town (See, for example, section 139 (spaying and neutering/license fee); section 137A (kennel licenses)). The proposed minimum fee for licensing was increased to not less than \$6 for a neutered dog and not more than \$50 for an unaltered dog. The amount per license (in section 137) that is maintained by the town or city clerk would be changed from ten cents to an amount determined by the city or town. This is due not only to the outdated amount, but also for the increased activity of retaining the surcharge (for spay/neuter fund) in section 147C.

Adding ferrets to 145B (Rabies vaccination requirement)

Ferrets were made legal in Massachusetts in 1996. This section has been updated to reflect this and their vaccination requirements.

Improving the Dangerous Dog law

Section 157, relating to the process by which a dog is determined dangerous or a nuisance, has been updated and now works in conjunction with additional sections (157A-157C) that define what constitutes a “dangerous dog” and prohibits cities and towns from declaring a dog dangerous based on breed alone if they should implement their own bylaw. For city and towns that choose to use the new language, section 157C provides clear provisions to protect both the public and animals.

Creating categories for kennel licensing

This definition section has been changed to specify different kennel categories, instead of having only one category which covers a wide variety of types of kennels (personal, boarding, etc.). In many instances kennels are limited to industrial, light industry or business zones, even when the kennel request is for a private or personal use kennel, not a business. Changing the definition of a kennel to separate categories and requiring towns to issue licenses accordingly allows kennel licenses to be issued to “commercial” kennels and restricted to those zones while allowing licenses to be issued for personal kennels in residential zones. Kennel license would be issued subsequent to an inspection by the animal control officer.

Creating consistency in the holding time for stray dogs

Currently, the holding period for stray dogs is 7 days in Suffolk county and 10 days everywhere else. This draft suggests a change to make the holding period in Massachusetts 7 days. Not only would this make the laws more uniform, but research suggests that stray dogs are usually reclaimed within 3 days. A person who has lost a dog should, with any reasonable effort, be able to find the dog at an animal shelter within this period of time. Many other states have lower holding periods. This would save cities and towns money and allow dogs to be available for adoption sooner.

Prohibiting certain methods of euthanasia for dogs and cats

Currently, the law allows the use of carbon monoxide with certain provisions. Neither carbon monoxide nor carbon dioxide are being used as methods of euthanasia for dog and cats currently in Massachusetts that could be found. The AVMA recommends lethal injections as the most humane method of euthanasia. Many other states are restricting uses of these methods, as carbon monoxide, in particular, can also be harmful to humans if not conducted properly. In addition, the AVMA’s guidelines are reference in sections 151A and 153, instead of listing out methods of euthanasia.

Adding enforcement provision to section 139A

Section 139A is the current mandatory spay/neuter deposit law. Several changes have been proposed to improve its effectiveness. The changes would require a written agreement with the adopter; update the minimum the deposit amount; and allow for enforcement. These changes are based on many similar provisions that other states have.

Creating funding for spay/neuter fund

In this legislation, one third of the dog license surcharge fee will provide spay /neuter funds to those in need of financial assistance.

Again, as in the instance of the increased Animal Control Officer training, this cost does not come from existing budget revenue sources.

Create some statewide oversight for animal control

Two thirds of the dog license surcharge will be used to provide some statewide oversight of animal control. Unlike many other states, Massachusetts has no statewide agency specifically designated to oversee animal control. This would allow the Department of Agricultural Resources to ensure the training of animal control officers (section 151); enforce the spay/neuter provision (section 139A), run the spay/neuter fund, and maintain statewide statistics on animal populations in Massachusetts – including animals adopted, euthanized, etc. – something that Massachusetts is lacking.

The above list is not intended to be inclusive of every change that would occur in this bill, but a summary of the major issues and those that the public, legislators and others are likely to be most interested in.