



3/3/10 HB344 Passed House
in a 155 -1 vote
3/4/10 Referred to Senate
Ethics & Rules
4/1/10 Amendment adopted,
new text substituted
(SB2359), passed Senate
4/8/10 House concurred
w/Senate Amendment

OPPOSE SB2359 (formerly HB344) – An Act Prohibiting Devocalization of Dog & Cats

PROBLEM:

Animal Rights Activists have deemed debarking, devocalization or bark softening as "torture".

HISTORY:

HB344 was filed as part of a nationally coordinated campaign by animal rights groups. MassFed believes that devocalizing a dog should only be done as a last resort on dogs for which no other remedy can be found to correct nuisance barking. The surgery takes a few minutes, it does not silence the dog but the dogs voice much quieter and the dog does not realize he's been devocalized. Devocalization is not done on cats.

WHAT THIS BILL DOES:

This bill makes it illegal to debark a dog in Massachusetts and contains provisions for excessive and unreasonable penalties.

WHY YOU SHOULD OPPOSE:

1. Bark softening saves lives! Many dogs cannot be trained to stop barking, not because they are bored or lonely, but because of genetic predisposition to bark. If passed, this proposal would force the killing of many happy, healthy pets.
2. These habitual barkers become public nuisances, a source of complaints by angry neighbors and would end up in shelters or with breed rescues and may have to be euthanized.
3. Excessive barking can result in friction between otherwise amicable neighbors. Many knowledgeable and responsible dog owners consider debarking for the welfare and happiness of their dogs. This procedure allows the owner to avoid harsh measures such as shock collars to control excessive barking, or being forced to get rid of their dog.
4. **The penalty, as prescribed in the bill, is outrageous. Up to five year imprisonment and \$2500 fine – which is the usual penalty for felony assault with a dangerous weapon. The court can also deem it necessary to complete a course in humane treatment of animals and individuals may be banned from owning a dog or cat or sharing a residence with anyone who owns a dog or cat.**

SUPPORT AN AMENDMENT:

We would support an amendment to allow for the following exception:

(c) Subsection (b) shall not apply if: (4) dog has caused the owner to have been charged with violating a law or ordinance relating to excessive noise caused by the dog or cat and alternate means of behavioral modification has failed.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

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AMERICAN
KENNEL CLUBSM

Statement Regarding Canine Devocalization

Much misinformation exists about debarking of dogs. When performed by a veterinarian, debarking is an acceptable medical procedure that is often done as a "last resort" when all other methods of modifying a dog's behavior have failed. For many responsible dog owners, debarking is the only alternative to euthanizing or surrendering their canine companion to a local shelter when their pet's noisy behavior continually disturbs the community. The decision to debark a dog is one that is best left to the dog owner and his veterinarian.

**Massachusetts Federation of Dog Clubs
& Responsible Dog Owners
Member Clubs OPPOSING SB2359 (formerly HB344)**

Bay Colony Tibetan Terrier Club
Baystate Bullmastiff Club
Cape Cod Kennel Club
Charles River Dog Training Club
Cocker Spaniel Breeders' Club of New England
Collie Club of New England
Colonial Shetland Sheepdog Club
Hockamock Kennel Club
Holyoke Kennel Club
Ladies' Dog Club
Mayflower Pembroke Welsh Corgi Club
Merrimack Lhasa Apso Club
Minuteman Samoyed Club
New England Rhodesian Ridgeback Club
New England Rottweiler Fanciers
New England Terrier Club
North Shore Kennel Club
Patriot Papillon Club
Pioneer Valley Kennel Club
South Shore Kennel Club
Wachusett Kennel Club
Worcester County Kennel Club
Yankee Golden Retriever Club
Yankee Siberian Husky Club
Yankee Weimaraner Club

SENATE No. 2359

The Commonwealth of Massachusetts

AN ACT PROHIBITING THE DEVOCALIZATION OF DOGS AND CATS.

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

SECTION 1. Section 1370 of chapter 140 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "seventy-nine", in line 6, the following figure:- , 80 1/2

SECTION 2. Section 138A of said chapter 140, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:--

No commercial establishment, pet shop, firm, corporation or person shall sell a dog or cat that has been surgically devocalized, as defined in section 80 1/2 of chapter 172, unless written notice that such a procedure has been conducted on that animal is provided to any prospective purchaser thereof before any agreement to purchase such animal is entered into. In addition to the penalties provided for violation of this section, failure to provide such notice shall render any purchase agreement void and a violation of this paragraph shall constitute an unfair or deceptive act in the conduct of a trade or commerce for purposes of chapter 93A.

SECTION 3. Chapter 272 of the General Laws is hereby amended by inserting after section 80A the following section:-

Section 80h. (a) For the purposes of this section, the following words shall have the following meanings:--

"Board", the board of registration in veterinary medicine.

"Devocalization", a procedure on the larynx or vocal cords of an animal which causes the reduction or elimination of vocal sounds produced by that animal.

(b) Whoever performs, or causes to be performed, the surgical devocalization of a dog or cat shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2 1/2 years, or by a fine not to exceed \$2,500 or by both such fine and imprisonment. In addition to this penalty, the court may order that whoever violates this section shall successfully complete a course of instruction relative to the humane treatment of animals or that such person be barred from owning or keeping a dog or cat or sharing a residence with another who owns or keeps a dog or cat for a period of time as determined by the court.

(c) Subsection (b) shall not apply if:

(1) the person performing such de vocalization is licensed under section 55 of chapter 112; and

(2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an illness, disease or injury of such animal or to correct a congenital abnormality of such animal that is causing, or may cause that animal physical pain or harm; or

(3) the person who causes a devocalization procedure to be performed is relying upon the opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the dog or cat is medically necessary to treat or relieve an illness, disease or injury of such animal or to correct a congenital abnormality of such animal that is causing or may cause, that animal physical pain or harm.

(d) A veterinarian who performs a surgical devocalization procedure on a dog or cat shall for a period of 4 years after the last contact with the animal keep a record of such procedure. This record shall include the name and address of the animal's owner, the name and address of the person from whom payment is received for the procedure, a description of the animal, including its name, species, breed, date of birth, sex, color, markings and current weight; the license number and municipality that issued such license for the animal, the date and time the procedure was performed, the reason that the devocalization procedure was performed and any diagnostic opinion, analysis or test results to support such diagnosis. These records shall be subject to audit by the board.

Any person who performs a devocalization procedure on a dog or cat shall report the number of all such procedures to the board, annually, not later than March 30. The board shall maintain all notices received pursuant to this subsection for 4 years from the date of receipt.

Records maintained pursuant to this subsection shall not be considered a public record, as defined in clause Twenty-sixth of section 7 of chapter 4 or section 66 of chapter 10, and such records shall not be publically disseminated.

(e) The board shall, annually, report to the joint committee on the environment, natural resources and agriculture the number of animals that were the subject of devocalization notices received pursuant to subsection (d) not later than March 1.

(f) Whoever, being licensed under section 55 of chapter 112, violates any provision of this section shall be subject to the suspension or revocation of such license pursuant to section 59 of said chapter 112 and 256 CMR 7.00."