SUPPORT HB1816 – An Act Known as The Animal Rescue Access of Massachusetts
Rep. Tram Nguyen (D)

What This Bill Does:
This bill requires animal control officers and shelters notify any rescue organizations or shelters (that have previously requested to be notified) of any animal that is going to be euthanized. The notification can be written or electronic, must include a detailed description of the animal (including a photo if possible) and must be done no more than 24 hours after the animal has been impounded. There will be a voluntary contribution check-off available on dog license renewals to help support shelters.

Why You Should Support This Bill:
This bill makes sure that all impounded animals (except those that have rabies or are experiencing irremediable physical suffering as certified in a writing by a veterinarian licensed to practice in MA) are given to a shelter or rescue group to be put up for adoption instead of being euthanized. This bill also says that no shelter or animal control officer may deny any owner the right to reclaim their lost pet simply due to the lack of ability to immediately or fully pay fees, fines, or the cost of vaccinations. A reasonable payment plan should be offered to such owner. It is unlikely that any adoptable shelter animals are in danger of being euthanized these days because there is a severe shortage of adoptable pets in Massachusetts. Still, it’s best to be sure than none slip through the cracks.

FOR MORE INFORMATION:
Massachusetts Federation of Dog Clubs and Responsible Dog Owners
Mrs. Rebecca Leonard, 5inwayland@gmail.com, 508-653-6139
Mrs. Bonnie Chandler, bchandler1@charter.net, 978-456-3169

06/23/19
The Commonwealth of Massachusetts

PRESENTED BY:

*Tram T. Nguyen, (BY REQUEST)*

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 adoption of the accompanying bill:

An Act known as the animal rescue access act of Massachusetts.

PETITION OF:

**NAME:**

**DISTRICT/ADDRESS:**

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

Part I. Communication and Networking

Sec. 1(a) Before the euthanasia of any impounded animal, and no more than 24 hours after that animal has been impounded, an animal control officer or shelter providers, having care or custody of such animal will communicate with all rescue organizations and shelters that have previously requested to be notified. Notification shall be by written or electronic communication and shall include a detailed description and if possible, a photo of the animal, as well as hours of availability to meet, evaluate or take possession of the impounded animal. If desired by the rescue organizations or shelters, animal control officers and shelters shall have on file, emergency and after hours telephone numbers of the rescue or shelter's director, assistants or volunteer staff and a reasonable attempt shall be made to contact these individuals as soon as possible and until communication has occurred.
(b) No impounded animal except those determined 'irremediably physically suffering' or a 'dangerous dog' as adjudicated by a court of law, shall be euthanized unless there are no rescue organizations willing to accept the animal and the animal control holding facility or shelter does not have the room to hold such animal. No impounded animal with the exception stated above shall be euthanized for at least 72 hours after a rescue group has notified the shelter either by written, electronic or phone message or conversation that it is accepting custody of the animal, even if the holding period has expired. The animal control officer or shelter director shall certify in writing, dated and signed on the animal's record that there were no other alternatives and this record shall be available for free public inspection for no less than three years.

(c) No rescue organization shall be denied an animal adoption or transfer for any reason including but not limited to the following: It brought grievance against an animal control officer or animal shelter either verbally, in written statements, through hearsay or court action.

(d) No animal rescue organization having an officer, member, or volunteer who has been convicted of a criminal offense or has a criminal offense involving animal cruelty or neglect pending in a court of law may take possession of an animal unless such charges are dismissed or dropped.

(e) Upon taking physical possession of an animal, a rescue organization or animal shelter shall assume all liability for the animal while the animal is in its custody and control provided that the rescue organization or animal shelter shall not be deemed responsible for harm caused to or by the animal that occurred prior to the time the rescue or animal shelter assumed physical possession of the animal.
(f) The provisions of this subdivision shall not apply to animals determined to have rabies or an animal who is experiencing irremediable physical suffering as certified in writing by a veterinarian licensed to practice medicine in this state.

(g) Shelters or animal control officers may require that rescue organizations provide information on the disposition of the animals transferred that were in their care on no more than a monthly basis. No additional information may be demanded to keep any rescue organization on the animal shelter or animal control officer's registry.

(h) No shelter or animal control officer may deny any owner the right to reclaim their lost pet simply due to the lack of ability to immediately or fully pay fees, fines or the cost of vaccinations. A reasonable payment plan shall be offered to such owner.

Part II. Surcharges

Sec. II(a) Surcharges shall be imposed as follows and proceeds will be deposited in the "Homeless Prevention and Care Fund of Massachusetts" as established in Section 35WW of Chapter ten of the General Laws.

(b) Voluntary License Check-off:

Dog License Forms shall include a line at the bottom which states: "I would like to give a voluntary donation of $XX to save the lives of sheltered animals in Massachusetts."

Part III. Public Accountability

Sec III (a) Any rescue organization shelter or private citizen may compel a shelter or animal control officer to follow the mandates of this Act through any and all remedies of the law.
Sec IV (a) Fines may be levied against any animal control officer or shelter director and according to General Law 140, 151(b) who does not comply with this Act.

Definitions

(1) “Animal Shelter” means an animal control facility or public or private facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

(2) ”Impounded Animal” means any animal that enters a shelter regardless of whether the animal is a stray, owner-relinquished, seized, taken into protective custody, transferred from another shelter or is an animal whose owner requests that the animal be killed.

(3) “Rescue Organization” means a non-profit organization under Sec. 501(c)(3) of the Internal Revenue Code whose primary stated purpose is animal networking and animal rescue.

(4) “Irremediably physically suffering” means any animal with a medical condition that has a poor or grave prognosis for being able to live without severe, unremitting pain despite necessary veterinary care as determined in writing, signed and dated by a licensed veterinarian in this state.