

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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 relative to the spaying and neutering of cats.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	6th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

3
4 Section 174E. No person shall own or harbor, within the commonwealth any cat over the
5 age of 6 months which has not been spayed or neutered, unless such person holds a
6 license to keep an unaltered cat or a license and permit for breeding cats issued by the
7 board of health of the city or town in which they live or unless the caretakers, due to age,
8 health or illness and having in their possession a letter from a licensed veterinarian stating
9 such, which shall be provided to the board of health.

10
11 An intact permit shall be issued for an unaltered cat if the owner signs a written statement
12 that such animal will not be allowed to breed unless the owner has first obtained a
13 breeding permit. An intact permit may be issued by the board of health to a person who
14 refuses to spay or neuter their cat. The fee for such permit shall be \$100 per year. All
15 funds shall be deposited in the city or town's spay-neutered account. Any person
16 providing care or sustenance for a period of 30 days or longer shall be deemed the owner
17 of such animal, and shall adhere to the provisions of this section and must also:

- 18
19 1) Register, at no charge, with the city or town in which they live as a caretaker for
20 feral cats;
21 2) Regularly feed or arrange for the feeding of the colony, including on weekends
22 and holidays;
23 3) Trap or make a reasonable effort to trap all feral cats over the age of 8 weeks in
24 his care and have them spayed or neutered;
25 4) Identify feral cats that have been spayed or neutered by means of ear notching,
26 ear tipping or ear tagging;

27 5) Have all trapped cats vaccinated in accordance with state and local laws.
28
29

30 No person shall cause or allow any cat owned or harbored in the city or town in which
31 they live to breed without first obtaining a breeding permit under this section.
32

33 Each city or town board of health shall administer a permit program to allow the breeding
34 of cats consistent with criteria and according to procedures contained in city or town
35 ordinances or bylaws, provided, however that where the city or town ordinances or
36 bylaws specially prohibit the breeding of cats the city or town ordinances or bylaw shall
37 govern.
38

39 Each applicant who is issued a permit to breed cats shall pay a fee of \$100 per year.
40

41 No person shall cause or allow the breeding of a male or female cat without first
42 obtaining a breeding permit issued by the animal control officer. Breeding permits shall
43 be valid for 12 months, renewable on an annual basis for a fee of \$100.
44

45 Herein, all breeding permits shall contain the following terms and conditions and be
46 subject to all of the following requirements:
47

- 48 6) No offspring may be sold or adopted and permanently placed until reaching an
49 age of at least 8 weeks;
- 50 7) No offspring shall be sold or adopted until immunized against common diseases;
- 51 8) If within 60 days of placement a new owner becomes unable or unwilling to
52 continue ownership and responsibility for an animal, the permit holder shall assist
53 in placement of the animal. If no suitable placement can be found the permit
54 holder may accept return of the animal if healthy and shall become fully
55 responsible for its care;
- 56 9) Any permit holder advertising to the public the availability of any animal for
57 adoption or sale must prominently display the permit number in any publications
58 in which they advertise. The permit number must be provided to any person
59 adopting or purchasing any animal bred by the permit holder;
- 60 10) The breeding permit holder shall adhere to minimum standards regarding the care
61 and keeping of animals developed and approved by the board of health and state
62 law.

63 Any person who provides or offers to the public, whether or not for compensation, any
64 pet or pet related goods, where they are the primary products, or pet services shall
65 provide to their clients, at no charge, information relating to pet care and ownership,
66 including information on city and town laws pertaining to animal control.
67

68 Any person offering cats for sale or adoption shall disclose to a purchaser or adoptive
69 owner, information regarding the licensing or permit requirements of the city or town in
70 which they reside applicable to the animal.
71

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

75
76 Any permit issued may be revoked if the animal control officer has reasonable cause to
77 believe any of the following to be true:

- 78 1) The permittee has violated any state or local ordinances relating to the keeping,
79 care or use of any animal;
- 80 2) The permittee is in violation of any state health or safety law or regulation
81 regarding animal care or control;
- 82 3) The permittee has failed to comply with any condition or requirement of the
83 permit or has failed to pay any fee imposed under this section;
- 84 4) The permittee refuses to allow inspection upon 48 hours of written notice, of any
85 cat covered by the permit or the premises on which the animal is kept;
- 86 5) The permittee has transferred, sold or otherwise disposed of the cat for which the
87 permit was issued.

88
89 If, after investigation, the animal control officer concludes that it is probable that one or
90 more of the above grounds for revocation has occurred, he or she shall cause written
91 notice thereof to be transmitted by mail to the address of the permittee. The notice shall
92 specify the grounds of possible revocation of the permit, and shall specify a date and time
93 for an informal hearing to be held before the animal control officer. The date shall be not
94 less than 5 days subsequent to the date the notice is mailed. After the informal hearing,
95 the animal control officer may modify the terms of the permit or revoke the permit.

96
97 Farmland, defined as any tract of land, including woodland and wasteland constituting a
98 farm unit which is actively devoted to agricultural or horticultural use including, but not
99 limited to: forages and sod crops; grains and feed crops; fruits and vegetables; poultry,
100 dairy, and other livestock and their products; nursery, floral and greenhouse products, and
101 any other food or fiber products useful to people; shall be exempt from the provisions of
102 this chapter.

103
104 If any cat is abandoned by their owner or any person having charge or custody of that cat,
105 that person shall, for each offense be punished by a fine of \$250 for first offense and
106 \$500 for each offense thereafter.

107
108 Each city or town shall collect 50¢ surcharge on each dog license issued by the
109 municipality. The revenue generated by this surcharge shall be deposited in the
110 respective city and town's spay/neuter account to fund low cost spay/neuter programs.

111
112 Any person who violates the permit provision of this section shall have no more than 30
113 days to have their cat spayed or neutered or provide proof from a licensed veterinarian
114 indicating arrangements have been made to spay or neuter their cat or cats. The board of
115 health shall inform persons subject to this law of the availability or reduced cost or free
116 spay or neuter programs sponsored by local humane organizations. If a cat is not spayed
117 or neutered within 30 days of the notice, the person shall be subject to \$100 fine for each

118 30 days the cat is not spayed or neutered. Funds generated pursuant to this section shall
119 be deposited in the spay-neuter account of the city or town where the violation occurred.
120 The local board of health shall be responsible for the enforcement of this section.

121
122 **SECTION 2.** Persons harboring a cat subject to this section on the effective date thereof
123 shall be given 120 days from that date to comply with the provisions of this section.