

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Lida E. Harkins

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 prohibiting devocalization of dogs and cats.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ruth B. Balser	12th Middlesex
William N. Brownsberger	24th Middlesex
Cheryl A. Coakley-Riveria	10th Hampden
Sean Garballey	23rd Middlesex
Patricia A. Haddad	5th Bristol
Lida E. Harkins	13th Norfolk
Louis L. Kafka	8th Norfolk
John D. Keenan	7th Essex
Kay Khan	11th Middlesex
Barbara A. L'Italien	18th Essex
Pam Richardson	6th Middlesex
Michael F. Rush	10th Suffolk
Bradford R. Hill	4th Essex
Mr. Brewer	Worcester, Hampden, Hampshire and Franklin
Brown, Scott (SEN)	Norfolk, Bristol and Middlesex
David M. Nangle	17th Middlesex
Christine E. Canavan	10th Plymouth
Viriato Manuel deMacedo	1st Plymouth
Daniel E. Bosley	1st Berkshire

Steven J. D'Amico	4th Bristol
Cynthia Stone Creem	First Middlesex and Norfolk
John A. Hart, Jr.	First Suffolk
Denise Provost	27th Middlesex
Richard T. Moore	Worcester and Norfolk
Paul J. Donato	35th Middlesex
Willie Mae Allen	6th Suffolk
Elizabeth A. Malia	11th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROHIBITING DEVOCALIZATION OF DOGS AND 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. Said Chapter 272 is amended by inserting the following section:

2 Section 80. (a) No person shall surgically debark or silence a dog or cat, or cause the surgical
3 debarking or silencing of a dog or cat, unless a veterinarian licensed in this state has filed a
4 written certification with the town clerk or in Boston, the police commissioner, stating that the
5 surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or
6 injury, or correct a congenital abnormality that is causing or will cause the dog or cat medical
7 harm or pain.

8 (b) The written certification described in (a) shall contain the date and description of the
9 veterinarian's examination and evaluation of the dog or cat, statement certifying that surgical
10 debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or
11 correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any
12 supporting diagnosis and findings, the name and current address and telephone number of the
13 dog or cat's owner or keeper, and the name and current address and telephone number, state
14 license number, and signature of the veterinarian.

15 (c) No person except a veterinarian licensed in this state, using anesthesia, may surgically
16 debark or silence a dog or cat.

17 (d) Any person in violation of this section shall be punished by imprisonment in the state prison
18 for not more than 5 years or imprisonment in the house of correction for not more than 2 1/2
19 years or by a fine of not more than \$2,500, or by both such fine and imprisonment. A court may

20 also order any person convicted under this section to submit to a mental health evaluation as
21 determined by the court and undergo any recommended counseling or treatment. In addition
22 to any other penalty provided by law, a person convicted under this section may be barred
23 from owning or possessing any animals, or living on the same property with someone who
24 owns or possesses animals, for a period of time deemed appropriate by the court, and required
25 to take humane education, pet ownership and dog training classes as ordered by the court.

26 SECTION 2. Said Chapter 140 of the General Laws, as appearing in the 2006 Official Edition, is
27 hereby amended by inserting the following section:

28 Section _____. Any person or business selling a dog or cat for profit shall disclose whether
29 the dog or cat has been surgically debarked or silenced and provide the purchaser with a copy
30 of the veterinarian certification required by Chapter 272, Sec. 80.

31 SECTION 3. Said Section 137D of chapter 140 of the General Laws, as appearing in the 2006
32 Official Edition, is hereby amended by inserting "eighty" between "seventy seven" and "eighty
33 A".

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