

**HOUSE . . . . . No. 344**

By Ms. Harkins of Needham, a petition (accompanied by bill, House, No. 344) of Lida E. Harkins and others for legislation to impose a penalty for the devocalization of dogs and cats. The Judiciary.

**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:
Lida E. Harkins	13 <sup>th</sup> Norfolk
Jennifer L. Flanagan	Worcester and Middlesex
Patricia D. Jehlen	Second Middlesex
Matthew C. Patrick	3rd Barnstable
Jennifer M. Callahan	18th Worcester
David P. Linsky	5th Middlesex
Robert L. Rice, Jr.	2nd Worcester
Ellen Story	3rd Hampshire
Ruth B. Balsler	12th Middlesex
William N. Brownsberger	24th Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Sean Garballey	23rd Middlesex
Patricia A. Haddad	5th Bristol
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Scott P. Brown	Norfolk, Bristol and Middlesex
Daniel E. Bosley	1st Berkshire
Christine E. Canavan	10th Plymouth
Viriato Manuel deMacedo	1st Plymouth

Louis L. Kafka	8th Norfolk
John D. Keenan	7th Essex
Barbara A. L'Italien	18th Essex
David M. Nangle	17th Middlesex
Pam Richardson	6th Middlesex
Michael F. Rush	10th Suffolk
Cynthia Stone Creem	First Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
John A. Hart, Jr.	First Suffolk
Geraldo Alicea	6th Worcester
Willie Mae Allen	6th Suffolk
James Arciero	2nd Middlesex
Bill Bowles	2nd Bristol
Garrett J. Bradley	3rd Plymouth
Stephen R. Canessa	12th Bristol
Steven J. D'Amico	4th Bristol
Paul J. Donato	35th Middlesex
John P. Fresolo	16th Worcester
Peter J. Koutoujian	10th Middlesex
Stephen Kulik	1st Franklin
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex
John W. Scibak	2nd Hampshire
Carl M. Sciortino, Jr.	34th Middlesex
Martin J. Walsh	13th Suffolk
Jonathan Hecht	29th Middlesex
James T. Welch	6th Hampden
John F. Quinn	9th Bristol
Jeffrey Sánchez	15th Suffolk
Anthony W. Petruccelli	First Suffolk and Middlesex
Susan C. Tucker	Second Essex and Middlesex
Kathi-Anne Reinstein	16th Suffolk
David M. Nangle	17th Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Martha M. Walz	8th Suffolk
Charles A. Murphy	21st Middlesex
Bruce E. Tarr	First Essex and Middlesex
Jennifer Benson	37th Middlesex
Thomas P. Conroy	13th Middlesex
William Lantigua	16th Essex
Linda Dorcena Forry	12th 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 debark  
16 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 to  
22 any other penalty provided by law, a person convicted under this section may be barred from  
23 owning or possessing any animals, or living on the same property with someone who owns or

24 possesses animals, for a period of time deemed appropriate by the court, and required to take  
25 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 of  
30 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".