



Date: September 11, 2012  
To: Animal Control Officers  
From: Animal Control Officers Association of Massachusetts (ACOAM) in conjunction with the MSPCA, Animal Rescue League of Boston, Massachusetts Animal Coalition, Massachusetts Veterinary Medical Association  
Re: Changes to state laws governing animal control

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Dear officer,

Senate Bill 2192, An Act Further Regulating Animal Control, passed into law in August and it will become effective on October 31, 2012. This law will affect many aspects of the animal control function in our municipalities. ACOAM, along with many other stakeholders, worked to draft and pass this legislation. We believe that, while it will require some changes to your local bylaws and procedures, it will provide long term benefits to the animals and the public in your community and our role as ACOs, while saving your city or town money, too.

In broad terms, the law will update many of the statutes pertaining to animals in the Mass. General Laws Ch. 140 to reflect the current state of animal control in our municipalities today. For example, the changes do away with references to the outdated and unused county system. Cities and towns can make bylaws that aren't inconsistent with the provisions of MGL Ch. 140 sec. 136A through 174E.

We hope this summary will provide an introduction to these changes and welcome the opportunity to discuss these with you and/or your municipal government. We hope you will take the time to view the law in its entirety at [www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter193](http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter193) and share with officials in your town that would benefit from this information. A document showing the changes between the current and new law can be found at [www.acoam.com](http://www.acoam.com).

There are trainings being held by Commonwealth Police Service on October 4<sup>th</sup> in N. Grafton and November 12<sup>th</sup> in Taunton that you and/or your municipal officials may find useful (visit [www.commonwealthpolice.net](http://www.commonwealthpolice.net) for more information).

Following is a summary of key changes:

### **1. Definitions**

The law updates definitions in Ch. 140 sec. 136A. For example, the term "dog officer" is replaced with the modern term "animal control officer." The new law also breaks the definition of kennel into more specific types.

**2. Dangerous Dog provisions**

The new law sets forth a statewide dangerous dog law, and specifically prohibits regulation based on breed. It also prevents “banishing” a dog to another community, recognizing that this does not address the underlying issues regarding the dog’s behavior. After lengthy discussions with professionals who enforce the dangerous dog laws and those engaged in the administrative process involved with dangerous dog issues, as well as those involved in defending dogs deemed dangerous, the following provisions were drafted:

*Definition of dangerous (§136A):* An issue that many communities have struggled with is which behaviors or actions constitute a “dangerous” disposition. Based on studies published in respected periodicals such as the Journal of the American Veterinary Medical Association, as well as consultation with certified animal behaviorists, §136A provides cities and towns with a working, objective and fair definition of “dangerous.”

*Procedural (§157):* This section clearly defines the steps that must be taken in order to initiate an investigation into the dangerousness of a dog. This section also spells out the authority of the local jurisdiction to hold an administrative hearing and recommendations for disposition (restrictions on care and control or euthanasia). The appeal process afforded to the owner of the dog in question is also defined. Section 157 also provides local officials with the discretion to seek a court order to impound a dog if, in their discretion, it is necessary and to recover costs for housing the animal if the order is not successfully appealed.

*Preventive measures/requirements for future confinement (§157):* This section offers cities and towns recommendations to order the future confinement and other provisions for a dog deemed dangerous. A comprehensive list is provided so that a local authority can order any combination, at their discretion, of what they feel is necessary to properly and safely confine a dangerous dog in order to protect the public from future harm.

*Penalties for violations (§157A):* Previous fines had been not been updated in many years. The low level did not serve as a deterrent nor did it represent the true severity of violating these orders.

**3. Stray hold period**

The stray hold period is now a standard statewide 7 days (only Suffolk County had previously been at 7 days). Given that almost all stray dogs who are reclaimed go back home within 3 days of impoundment, this will allow dogs to be adopted or sent to another placement organization sooner, rather than having to wait 10 days as previously required. There are organizations in Massachusetts and neighboring states that will take dogs from municipal facilities when their stray hold is up; see MAC’s PILOT program, for example, <http://www.massanimalcoalition.com/programs/pilot-program.html>, and breed rescues (see list at <http://www.crdtc.org/ne-rescu.html>). Communication about dogs that need to be transferred to other organizations may begin during the stray hold period, so that dogs can be moved as soon as the hold period is complete. Please make sure you know, and work with, shelter and rescue organizations in your area. For questions on these groups, please contact the Mass. Animal Coalition at [info@massanimalcoalition.org](mailto:info@massanimalcoalition.org). See also #9 below.

**4. ACO training**

The new law sets up a statewide Homeless Animal Prevention and Care Fund that will offer a spay/neuter and vaccination program and also provide training to Animal Control Officers. Once

the Fund has enough money to provide training to ACOs, this training will become mandatory. The law states: "Each animal control officer shall, within 24 months of the effective date of this act if serving as an animal control officer before the effective date of this act or within 12 months from the officer's date of hire if such date of hire is on or after the effective date of this act, complete a training course offered under section 151C of chapter 140 of the General Laws; provided, however, that such training requirement shall be subject to the availability of funds in the Homeless Animal Prevention and Care Fund, established in section 35TT of chapter 10 of the General Laws, as determined by the commissioner of the department of agricultural resources. Priority for training animal control officers serving in such capacity before the effective date of this act shall be given to those officers having served for 12 months or less."

### **5. Euthanasia**

A dog or cat whose killing is authorized under this chapter shall be euthanized only by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia or as allowed in section 151A (for emergencies). Nothing in the law changes who can perform euthanasia; please share this information with those who perform euthanasia for your city or town.

### **6. Differential licensing**

The law now requires a differential fee for dog licensing, providing a reduced fee incentive for owners who have their dog altered and therefore don't potentially contribute to the homeless animal population. The law states "The license fee for a spayed or neutered dog shall be less than the license fee of an intact dog."

### **7. Spay/neuter deposit**

As you know, Section 139 of Chapter 140 requires shelters and municipal animal control facilities to collect a deposit if an animal is adopted without being spayed or neutered. Ideally, all animals would be altered before they leave the facility. If they are not, the deposit law (originally passed in 1987) is designed to help ensure the animal is spayed or neutered and that shelters and animal control facilities are not inadvertently participating in the a problem – too many homeless animals -- they seek to solve. If the owner does not get the surgery performed, the deposit is forfeited. Changes to this section increase the deposit fee from \$10-30 to not less than \$40. It also allows the Commissioner of the Department of Agricultural Resources to impose fines for non-compliance. Animal control officers and shelters can also petition for the forfeiture and relinquishment of the animal from owners who do not comply with the law. The increased spay/neuter deposit raises the incentive for owners to comply with the law, as adopters will be more likely to get their animal spayed or neutered in order to get their deposit back. The imparting of violations will also help raise compliance levels as the risk of being fined or losing the pet gives more weight to the agreement.

### **8. Reporting**

In Section 151A, the reporting has become more specific and applies to both dogs and cats and also requires ACOs to forward a copy of the record to the city or town clerk within 30 days.

### **9. Microchip or tattoo scanning**

In Section 151, the law requires that, before euthanizing any animal or giving or turning over an animal to any one else, and ACO must examine the animal for a microchip and a tattoo. To thoroughly scan for microchips, a universal scanner, such as Home Again, should be used. We are researching group purchase options for universal scanners; email [info@massanimalcoalition.org](mailto:info@massanimalcoalition.org) if you do not have one and need help obtaining one.

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## **10. Tethering**

An amendment to the bill in the House of Representatives provides restrictions on how dogs are kept outdoors and limits the manner and time a dog can remain outside. This section (174E) will provide ACOs with tools to address “filthy and dirty” conditions when a dog is kept outside, such as ensuring access to clean water, appropriate shelter and addressing exposure to excessive animal waste.

## **11. Statewide oversight**

The Chapter 140 laws now fall under the Commission or the Department of Agricultural Resources and not Public Health (except for Section 174D). The Commissioner may appoint an ACO if a municipality fails to do so (having an ACO has always been required, but there has been no enforcement if a city or town failed to do this). The Commissioner can also inspect places where stray animals are detained.

As noted above, the new law creates a Homeless Animal Prevention and Care Fund; the money in this fund will come from donations via a check-off on state income tax forms. Please help spread the word to people who appreciate your efforts; the more they donate, the sooner all ACOs will be trained and funds will be available for spaying/neutering and vaccinating animals in Massachusetts.

We’d be happy to help with the implementation of this new law. If you have any questions or concerns, please contact:

Cheryl L. Malone  
ACOAM Director of Advocacy and Legislative Affairs  
Phone (508)385-2808  
Email: [dogwench@comcast.net](mailto:dogwench@comcast.net)

# Animal Control Officers: All Major Changes for 2012

## Tufts University of Veterinary Medicine

**SIGN UP IMMEDIATELY!!!!!!**

Since this facility only holds so many people, it is suggested that you sign up for this special seminar asap via the web!!

**Seating is Limited**

**A Comprehensive 1 Day Session for 2012**

*Especially designed for ALL Massachusetts police officials!*

A Centralized Location—in North Grafton, MA **GPS Info:** This seminar will be held at Tufts University of Veterinary Medicine, 200 Westboro Road, North Grafton, MA 0153

### **Most Significant Changes in the Law for Animal Protection!**

**ALL RECENT 2012 CHANGES WILL BE ADDRESSED!**

COMMONWEALTH POLICE SERVICE, INC.

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**Instructor:** Attorney Patrick Michael Rogers of Commonwealth Police Service, Inc.

**FOR DIRECT DEPARTMENT BILLING: go to [www.commonwealthpolice.net](http://www.commonwealthpolice.net)**

coffee served throughout the day

All Major Changes for 2012

**Thursday, October 4, 2012 at the Tufts University of Veterinary Medicine**

All Major Changes for 2012

**TIMES:** Registration will be at 8:30 a.m. and the seminar will run approx. from 8:45 a.m. to 1:00 p.m.

**COST:** The cost of this 1 day seminar will be \$135.00 per person. **2012 Certificates Included for ALL Officials.**

**REGISTER:** To register, simply complete the form below and fax this page to **508.644.2670** [fax back asap]

**FORTHWITH REGISTRATION:** To register immediately go to our website—[www.commonwealthpolice.net](http://www.commonwealthpolice.net)

**SEATING LIMITATION:** Seating will be limited.

**THE NEW 2012 ANIMAL CONTROL LAWS:** We will slowly go over **all of the major changes recently signed into law** in August of 2012 and how they now impact on your duties and responsibilities as an ACO. We will also address how Massachusetts criminal procedure impacts on animal control investigations. We will also cover such topics as bring criminal complaints, conducting hearings (e.g., barking dogs), entry upon private property and/or dwelling houses to investigate cruelty, etc., along with issues surrounding an animal control officers legal authority under Massachusetts law..

**MATERIALS:** Each police official attending will receive a comprehensive breakdown of all major areas in Massachusetts law and procedure pertaining to animal protection and control as well as the NEW animal control laws for 2012.

Email [rogers.patrick@comcast.net](mailto:rogers.patrick@comcast.net) for more information or sign up immediately at [www.commonwealthpolice.net](http://www.commonwealthpolice.net)

**NO CANCELLATIONS:**

There will be absolutely no refunds for any reason. However, any official who fails to attend due to sick leave, furlough, court, etc., may apply the cost of this presentation to any future seminar held at the Leicester Training Center. We also reserve the right to cancel and reschedule this seminar on different dates due to weather, etc..

**FOR DIRECT DEPARTMENT AND AGENCY BILLING: FILL OUT & FAX THIS PAGE BACK TO US AT: 508.644.2670**

AGENCY \_\_\_\_\_ STREET ADDRESS & ZIP \_\_\_\_\_

**NAME OF OFFICIALS ATTENDING:**

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_  
4) \_\_\_\_\_ 5) \_\_\_\_\_ 6) \_\_\_\_\_

**FOR PERSONAL BILLING: COMPLETE CREDIT CARD INFO & FAX THIS PAGE BACK TO US AT: 508.644.2670**

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ANIMAL CONTROL OFFICERS—ALL SIGNIFICANT CHANGES FOR 2012  
Goto [www.commonwealthpolice.net](http://www.commonwealthpolice.net) for immediate registration

# Animal Control Officers: All Major Changes for 2012

## Taunton Holiday Inn on Route 495

**SIGN UP IMMEDIATELY!!!!!!**

Since this facility only holds approximately 50 people, it is suggested that you sign up for this special seminar asap via the web!!

**Strictly Limited to 50 Applicants**

**A Comprehensive 1 Day Session for 2012**

*Especially designed for ALL Massachusetts police officials!*

**A Centralized Location—in Taunton**

**GPS Info:** This seminar will be held at the Taunton Holiday Inn located at 700 Myles Standish Blvd. in Taunton, Massachusetts 02780. (exit 9 off of Routh 495 N or S).

### Most Significant Changes in the Law for Animal Protection!

COMMONWEALTH POLICE SERVICE, INC.

**ALL RECENT 2012 CHANGES WILL BE ADDRESSED!**

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**Instructor:** Attorney Patrick Michael Rogers of Commonwealth Police Service, Inc.

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coffee served throughout the day

All Major Changes for 2012

**Monday, November 12, 2012 at the Taunton Holiday Inn [easy access on Route 495]**

All Major Changes for 2012

**TIMES:** Registration will be at 8:30 a.m. and the seminar will run from 8:45 a.m. to 3:00 p.m.

**COST:** The cost of this 1 day seminar will be \$155.00 per person. **2012 Certificates Included for ALL Officials.**

**REGISTER:** To register, simply complete the form below and fax this page to 508.644.2670 [fax back asap]

**FORTHWITH REGISTRATION:** To register immediately go to our website—[www.commonwealthpolice.net](http://www.commonwealthpolice.net)

**SEATING LIMITATION:** Seating will be limited to the first 50 Animal Control Officials who sign-up.

**THE NEW 2012 ANIMAL CONTROL LAWS:** We will slowly go over **all of the major changes recently signed into law** in August of 2012 and how they now impact on your duties and responsibilities as an ACO. We will also address how Massachusetts criminal procedure impacts on animal control investigations. We will also cover such topics as bring criminal complaints, conducting hearings (e.g., barking dogs), entry upon private property and/or dwelling houses to investigate cruelty, etc., along with issues surrounding an animal control officers legal authority under Massachusetts law..

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NAME OF OFFICIALS ATTENDING:

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