

SENATE No. 2463

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act protecting research animals.

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

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

3 (a) Section 174D1/2. As used in this section, the following words shall have the
4 following meanings, unless the context clearly requires otherwise:

5 “Animal rescue organization”, an organization whose mission and practice is the
6 placement of abandoned, unwanted, neglected or abused animals, that does not obtain dogs or
7 cats from a breeder or broker for payment or compensation and that is an organization exempt
8 from taxation under section 501(c)(3) of the federal Internal Revenue Code or corresponding
9 sections of that code.

10 “Animal shelter”, a facility operated, owned or maintained by an animal rescue
11 organization that exists for the purpose of receiving, maintaining, caring for, transporting or
12 transferring ownership of a domestic animal, but not a foster home.

13 “Product testing facility”, a facility that is engaged in animal research for the testing of
14 consumer products.

15 “Research Facility”, a higher education research facility that utilizes dogs or cats for
16 educational, medical or scientific research that receives public funds or a facility that provides
17 research through a contractual agreement with a higher education research facility

18 (b) A research facility or product testing facility shall, after the completion of any testing
19 or research involving a dog or cat that does not require euthanasia of the animal upon the
20 termination of the study as defined and approved by the research or testing protocol, assess the
21 health of the animal and determine whether the animal is suitable for adoption. Except as
22 otherwise provided in subsection (c), a research facility or product testing facility that intends to
23 euthanize a dog or cat shall, before euthanizing the dog or cat, make a reasonable effort to offer
24 the dog or cat for adoption to an individual, an animal shelter or an animal rescue organization
25 for the purpose of facilitating the adoption of said dog or cat to a permanent adoptive home. A
26 research facility or product testing facility may enter into a collaborative agreement with an
27 individual, an animal shelter or an animal rescue organization for the purpose of carrying out the
28 provisions of this subsection. A research facility, product testing facility, animal shelter or
29 animal rescue organization involved with the adoption of a dog or cat used for research or testing
30 shall make reasonable efforts to adhere to the principles of (i) facilitating permanent adoptions
31 and discouraging post-adoption transfers, (ii) selecting adopters for willingness and ability to
32 keep the animal permanently, provide an appropriate living space and accept lifelong
33 responsibility for the animal’s care; and (iii) ensuring that involved entities have a background,
34 history, and reputation of safe and responsible animal adoption practices.

35 (c) A research facility or product testing facility is not required to offer a dog or cat to an
36 animal shelter or rescue organization pursuant to subsection (b) if the dog or cat: (i) manifests a
37 behavioral or temperamental defect that poses a risk to the health and safety of the public; or (ii)
38 manifests symptoms of a disease, injury, congenital or hereditary condition that adversely
39 affects, or is likely to adversely affect, the health of the dog or cat. The attending veterinarian of
40 the research facility or product testing facility or designee shall be responsible for assessing the
41 suitability of the dog or cat and determining its availability for adoption under this section.

42 (d) A facility that is required to offer dogs and cats for adoption under this section shall
43 owe no duty of care to an animal shelter or rescue organization that accepts the animal or to a
44 person or entity that adopts those animals, whether through the organizations or through private
45 placement. No assumption of responsibility or liability for injuries, property damage or other
46 damages or losses shall be incurred by a research institution or product testing facility on account
47 of the adoption or placement of a dog or cat pursuant to the provisions of this act.

48 (e) Nothing in this act shall require a research institution or product testing facility to
49 offer a dog or cat for adoption to an animal shelter, rescue organization or through private
50 placement if the dog or cat is a newborn dog or cat in need of maternal care and not appropriate
51 for adoption.