

DRAFT 330 CMR 30.00 ANIMAL RESCUE AND SHELTER REGULATIONS

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30.01: Scope and Purpose

330 CMR 30.00 establishes the requirements for the operation of an Animal Rescue Organization. The purpose of 330 CMR 30.00 is to provide standards relating to the importation, handling, and care of Domestic Animals in connection with their adoption, sale, barter, transfer, or exchange within the Commonwealth by an Animal Rescue Organization or as facilitator of such activities by others.

30.02: Definitions

Adoption – The process transferring ownership of a Domestic Animal.

Animal – Any bird, mammal or reptile that may be kept without a permit from the Massachusetts Division of Fisheries and Wildlife, as described in 321 CMR 9.01 (The word “Animal” and “animal,” unless expressly stated, shall also include those animals defined under “Domestic Animal.”)

Animal Control Officer (“Officer”) – A person appointed under M.G.L c. 140, Section 151, who is charged with enforcing state statutes and local ordinances and by-laws regulating Domestic Animals, whether designated locally as the “dog officer” or other title having equivalent authority.

Animal Inspector (“Inspector”) – A municipal animal inspector nominated under M.G.L. c. 129, Section 15, and approved by the Department.

Animal Rescue Organization (“Organization”) – A person, organization, or other legal entity, that is not required to be licensed under M.G.L. c. 129, Sections 39, 39A, or 45, and that either on its own behalf or as facilitator for others engages or arranges for others to engage in the activities of transferring ownership of a Domestic Animal.

Animal Shelter (“Shelter”) – A facility operated, owned, or maintained by an Animal Rescue Organization that exists for the purposes receiving, maintaining, caring for, transporting, or transferring ownership of a Domestic Animal, but not a Foster Home.

Applicant – A person that has submitted an application for Registration or Import Registration to the Department.

Cat – A mammal of the species *Felis domesticus*.

Clean and Disinfect – The process by which bacteria, viruses, and other pathogens are eliminated from an environment through the physical removal of organic material or debris from personnel, facilities, vehicles, and other equipment, followed by the appropriate application of chemical agents specifically designed to destroy potentially hazardous microorganisms.

Commissioner – The Commissioner of the Massachusetts Department of Agricultural Resources.

Department – The Massachusetts Department of Agricultural Resources.

Director – The Director of the Division of Animal Health of the Department of Agricultural Resources.

Disclosure Statement – A written statement pertaining to an individual Domestic Animal describing all of its known medical and behavioral issues.

Dog – A mammal of the species *Canis familiaris*.

Domestic Animal – An animal of any domesticated species as defined by 321 CMR 9.02, including Dogs and Cats.

Facility – A location owned, operated, or otherwise used by an Animal Rescue Organization for receiving, maintaining, caring for, transporting, or transferring ownership of any Domestic Animal, but not a Foster Home.

Foster Care – An interim or temporary housing arrangement for Domestic Animals.

Foster Home – A residential location providing interim or temporary in-home housing for Domestic Animals on behalf of an Animal Rescue Organization.

Health Certificate – A document dated and signed by a licensed Veterinarian which certifies a Domestic Animal's health status.

Impervious Surface – an area constructed of non-porous and waterproof materials.

Imported Animal – Any Domestic Animal that has been transported into the Commonwealth for the purpose of foster care or adoption.

Import Registration - An annual registration issued by the Department that authorizes the Registrant to operate in the Commonwealth as an Animal Rescue Organization and to import animals into the Commonwealth.

Individual Animal Record – The comprehensive record relating to an individual Domestic Animal that includes where applicable an official Certificate of Veterinary Inspection, documentation of Isolation Upon Import, post-isolation health certificate, history of vaccinations, history of all medical treatment including administered medications, source of animal, date of acquisition, name and address of adoptive owner or Foster Home, Official Identification, date of sale or transfer, mortality record, and such other records reasonably related to the purposes of these regulations.

Interstate Certificate of Veterinary Inspection – See “Official Certificate of Veterinary Inspection.”

Isolation Room – A location approved by the Department designed to serve as a receiving station for animals affected with or exposed to infectious disease, or any area approved by the Department to accept animals for Isolation Upon Import.

Isolation Upon Import – Restricting a Domestic Animal from any animal contact by transporting the animal upon entry into the Commonwealth directly to an Isolation Room.

Official Certificate of Veterinary Inspection (“OCVI”) – An official form issued by a USDA Accredited Veterinarian in the state of origin and approved by the Animal Health Official of the state of origin listing all animals (with an accurate description or other identification) covered by the certificate that have been examined by the person issuing the form, stating the nature of the examination and the findings of the health of the animals covered by the certificate, and containing the names and address of the consignor and the consignee of the animals, the vaccinations that the animals may have received, and the dates that the vaccinations occurred. See also, Interstate Certificate of Veterinary Inspection.

Official Identification – A device or method used as a means of identifying an individual Domestic Animal, appropriate for that species, including, but not limited to, microchip, labeled collar, or other means of distinction affixed to the animal.

Owner Surrender (“Surrender”) – The voluntary act of an owner who has chosen to permanently relinquish care, custody, control, and ownership of an animal.

Owner Surrender from Another New England State or the State of New York – The voluntary act of an animal owner who resides in a New England state or the state of New York who has voluntarily chosen to permanently relinquish care, custody, control, and ownership of an animal to an Animal Rescue Organization or Animal Shelter operating in Massachusetts, and whose transportation into the Commonwealth was provided by said owner. Owner Surrender from Another New England State or the State of New York shall not include the Transfer of ownership of animals between Animal Rescue Organizations or Animal Shelters, or transport of animals by any entity other than the owner. New England states include Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Person – An individual, entity, corporation, firm, private or public organization, partnership association, or other legal entity, however organized.

Quarantine – An order of the Department pursuant to M.G.L. c. 129, Section 21, for the confinement of a Domestic Animal to prohibit other animal contact by restricting the animal to an Isolation or Quarantine Room for the purposes of: (1) observing if the Domestic Animal displays signs of transmissible illness, and (2) minimizing the risk of the quarantined Domestic Animal spreading its contagious illness to humans and other animals.

Quarantine Room – A location designed to serve as a receiving station for animals affected with or exposed to infectious disease.

Registrant – A person that has received a Registration or Import Registration from the Department as an Animal Rescue Organization.

Registration – An annual registration issued by the Department that authorizes the Registrant to operate as an Animal Rescue Organization in the Commonwealth.

Sterilization Clause – A stipulation within an Animal Rescue Organization’s transfer agreement that requires a Domestic Animal to be deprived of the ability to produce offspring by the age of six (6) months.

Transfer – To barter, exchange, adopt out, gift, give away, or otherwise transfer ownership of a Domestic Animal to a person other than the Registrant.

USDA Accredited Veterinarian – A veterinarian accredited by the United States Department of Agriculture’s Animal and Plant Health Inspection Service and approved by the Animal Health Official of the state where the Veterinarian is doing business.

Veterinarian – A veterinarian licensed in the state of operation and in good standing.

Zoonotic Disease – An infectious disease that can be transmitted from animals to humans or from humans to animals.

30.03: Registration Required

No person shall, without first having obtained a registration or import registration issued by the Department, operate an Organization or import animals into the Commonwealth for the purpose of transferring ownership.

30.04: Registration Application; Fee; Inspection; Issuance; Renewal

(1) A complete application for registration, import registration, or renewal shall be submitted to the Department on a form prescribed. The application shall state applicant’s name, name of Organization, principal place of business, and a detailed operations plan that includes, at a minimum, the following information:

- (a) a complete list of the Organization’s owners and managerial personnel;
- (b) a complete list of the locations where animals in the custody of the Organization are to be housed, including shelters, facilities, foster homes, and boarding facilities, and the maximum number of animals that could be appropriately cared for at each such location;
- (c) the location within the Commonwealth where the Organization designates it will maintain its records;
- (d) methods of acquiring animals;
- (e) animal care and maintenance;
- (f) shelter facility operation and maintenance;
- (g) the handling and segregation of animals in the custody of the Organization that are found to be suffering from illness or injury;
- (h) the handling and disposing of deceased animals in a sanitary manner;
- (i) such other detailed information that fully describes the Organization’s proposed activities;
- (j) evidence that the applicant holds a current kennel license from the municipality in which any facility is operating, if applicable; and
- (k) whether the Organization intends to import animals into the Commonwealth.

(2) An application for registration, import registration, or renewal shall be accompanied by a fee as determined or approved by the Executive Office of Administration and Finance. The application for

registration, import registration, or renewal shall not be deemed complete until such time as the applicant has paid the fee.

- (3) The Department will send a confirmation notice to the applicant indicating that the application was received, which will supply a date by which the applicant will receive an approval or denial of any registration, import registration, or renewal.
- (4) Prior to the issuance of a registration or import registration, the Department shall be granted access to all of the applicant's facilities to ensure compliance with M.G.L. c. 129 and 330 CMR 30.00. All inspections shall be conducted during normal business hours. The Department may conduct additional inspections prior to renewal and as it deems necessary in accordance with M.G.L. c. 129.
- (5) Registrations and import registrations shall be issued on an annual basis and shall authorize the registrant to operate for twelve (12) months from the date of issuances, unless earlier suspended, modified, or revoked by the Department in accordance with 330 CMR 30.13.
- (6) The registrant shall keep its registration or import registration at a location within the Commonwealth and shall have a copy available for inspection by any individual at the time of transfer.
- (7) The Organization shall include its most current registration or import registration certificate number in all advertisements, promotional materials and offers of animals to the public which appear in print, online, or in other media.
- (8) A renewal application shall be submitted not later than thirty (30) days prior to expiration.
- (9) The registrant will promptly notify the Department of any substantial change in the information provided in the application, renewal application, registration, or import registration.

30.05: Animal Shelter and Facility Requirements

- (1) Buildings and premises shall meet or exceed the following minimum standards:
 - (a) all buildings and premises shall be in good repair and in sanitary condition;
 - (b) the walls and floors where animals are housed or treated shall be constructed of impervious surfaces (such as tile, sealed cement or concrete block treated with epoxy paint) that can be hosed, scrubbed, or sponged. Walls and floors shall be fully impervious from floor to ceiling, and all equipment used shall be free of rust;
 - (c) carpeted flooring shall be prohibited in areas where animals are housed, treated, or fed;
 - (d) a washing area with hot and cold running water dedicated to cleaning animals, and all of the equipment related to their care, shall be provided. The washing area shall be large enough to accommodate cleaning of all items associated with the care of animals, including enclosures, food, water bowls, and toys;
 - (e) natural or artificial illumination shall be maintained during daylight hours in all areas and rooms in which animals are kept. Natural or artificial illumination shall be well distributed and adequate to provide thorough observation of the facility and its enclosures, cages, and animals. Artificial illumination must be available for non-daylight hours. Cages and enclosures in use shall be situated in a manner as to protect animals from excessive, constant, or stressful illumination;

- (f) equipment shall be maintained and used in a way that ensures the proper and legal storage or disposal of wastes and disease-contaminated material including, but not limited to, medical supplies, syringes, and needles;
- (g) effective control measures to prevent the infestation of animals and premises by external parasites, insects, or vermin shall be maintained at all times;
- (h) animal cages or enclosures equipped with a wire floor shall be of an adequate gauge to prevent sagging or injury to the animal's feet, and the mesh shall be small enough to prevent the animal's feet from falling through; and
- (i) a freezer or other means of mechanical or non-mechanical refrigeration shall be available for the temporary storage of deceased animals unless an arrangement has been made with another facility capable of appropriately storing and disposing of deceased animals. Any such arrangement with another facility shall be made in writing and kept as part of the Organization's detailed operations plan.

(2) Ventilation and Temperature

- (a) The Organization shall provide proper ventilation to maintain adequate ambient conditions necessary to minimize odor, ammonia levels, disease transmission risk, and unnecessary stress on the animals due to uncomfortable temperatures or environmental conditions.
- (b) The Organization shall provide heating and cooling systems of appropriate design and capacity to maintain room temperatures comfortable for breed, age, and health requirements. To ensure that these conditions are met, the Organization shall install and maintain a working thermometer in all areas in which animals are maintained and cared for.

(3) Isolation Rooms and Quarantine Rooms shall also meet or exceed the following additional minimum standards. They shall:

- (a) be physically separated from rooms used for other animals, domestic or otherwise;
- (b) be completely enclosed by walls that extend from floor to ceiling;
- (c) have floors and walls constructed of impervious surfaces;
- (d) be equipped with an exhaust fan that serves to efficiently remove air directly from the room to an area outside of the building where no other animals are located and to provide the delivery of fresh air into the room;
- (e) be equipped with a washing area with hot and cold running water exclusively devoted to the cleaning and maintenance of the room, all equipment and utensils used therein, and the animals therein;
- (f) not be used to house or maintain other animals, domestic or otherwise, nor for storage, employee restroom, public access area, or any purpose other than isolation;
- (g) be thoroughly cleaned and disinfected after isolated or sick animals have been removed and prior to the placement of new animals in the room;
- (h) be maintained so as to ensure that all equipment and utensils used in the room have been thoroughly cleaned and disinfected before being removed from the room; and
- (i) shall, when used for isolation upon import, have a separate entrance through which the imported animal can enter without passing through any area where other animals, domestic or otherwise, are housed, handled, or cared for.

(4) In addition to providing an isolation room as required by 330 CMR 30.08, the Organization may also provide a quarantine room for the exclusive purpose of quarantining sick or diseased animals.

(5) Protective Clothing for Isolation Rooms and Quarantine Rooms.

- (a) The Organization shall ensure that each person who enters an isolation room or quarantine room, or otherwise feeds, waters, cleans, treats, or handles quarantined or isolated animals or disease-contaminated equipment or material, shall wear clean protective outerwear, gloves, and shoe covers while so doing, and shall remove protective outerwear, gloves, and shoe covers and shall thoroughly wash hands with a disinfectant detergent immediately upon leaving such room or area where affected materials were located.
- (b) In addition to the requirements of M.G.L. Chapter 129, Section 28, if an animal is found to have a zoonotic disease, the Organization shall promptly notify their veterinarian. The Organization's veterinarian may notify the Department and request recommendations relative to protective clothing, equipment, and procedures necessary to protect human and animal health. The Department will consult with the Massachusetts Department of Public Health or other appropriate resources as necessary.

30.06: Minimum Standards of Animal Care

(1) All facilities, foster homes, enclosures, and other places where animals are kept by the Organization shall meet or exceed the following minimum standards, and shall:

- (a) be of sufficient size and design as to allow the animal to stand, sit, lie down, turn around, and make other normal postural adjustments without obstruction, interference, or impediment by the presence of food, water bowls, equipment, or other animals;
- (b) be cleaned at least daily and more often as necessary to maintain sanitary conditions and free of urine and feces. Enclosures shall be disinfected periodically and always before introducing a new animal. Cages and enclosures shall be unoccupied during disinfecting. The use of chemical agents to disinfect places, facilities, and enclosures shall be in accordance with the chemical manufacturer's label, with particular attention paid to temperatures and contact time;
- (c) have unimpeded access to fresh food and clean water at appropriate intervals for the age and species;
- (d) have an ambient temperature of between sixty-five (65) and eighty-five (85) degrees Fahrenheit, unless other temperatures have been determined to be more appropriate based on an information source approved by the Department; and
- (e) provide adequate shelter from the sun and inclement weather when animals are outside;

(2) Animal Care – The Organization shall provide staffing adequate to ensure the general care and maintenance of the animals on a daily basis. With due regard to the differences in species, breed, age, and condition, the Organization shall ensure that every animal shall:

- (a) be kept clean and dry;
- (b) be provided with emergency and standard veterinary care in a timely manner;
- (c) be provided with sufficient fresh food;
- (d) be provided at all times, or at regular intervals, with access to clean drinking water;
- (e) be housed in an area having appropriate temperature and ventilation;
- (f) be protected from weather and the elements;
- (g) be provided with bowls, dishes, or other containers for food and water that are clean;
- (h) be free from contamination by excrement, urine, or other matter;
- (i) be given the opportunity to exercise outside of its enclosure regularly in order to maintain the animal in good health and reduce the stress of confinement; and

(j) be housed in compatible groups without overcrowding.

(3) Euthanasia - Euthanasia shall be performed in accordance with accepted American Veterinary Medical Association standards and as specified in this subsection.

(a) An Organization utilizing euthanasia shall include in its detailed operations plan the Organization's policy regarding the method(s) of euthanasia to be employed and the circumstances under which euthanasia will be performed.

(b) Euthanasia shall be performed by a veterinarian or by an individual trained in humane euthanasia and operating under the direction of a veterinarian.

(c) The Organization shall record the date of euthanasia, the methods used, and the reasons for euthanasia, and the name of the person who performed the procedure. A copy of these records shall be maintained in accordance with 330 CMR 30.11.

(4) Breeding Prohibited – No female animal in season shall be kept in a run, pen, cage, or other enclosure with an unneutered male animal of the same species. The Organization shall take stringent steps to prevent the intentional or negligent breeding of animals. Intentional or negligent breeding of any animal may serve as grounds for permanent revocation of an Organization's registration or import registration, in accordance with 330 CMR 30.13(2).

30.07: Foster Care

(1) No person may operate a foster home without first having signed a written agreement with an Organization stating that the person may operate the foster home with the approval and under the responsibility of the Organization. Such written agreements shall be up for renewal at least once every two years, and shall be kept by the Organization and foster home and available for inspection upon request.

(2) In addition to the written agreement, foster care givers must sign an acknowledgement of having received and read the document entitled "Best Practices for Providing Foster Care" that shall be provided by the Department. The Organization shall keep the signed acknowledgement at the location within the Commonwealth it has designated to maintain its records.

(3) An animal maintained in foster care affected by an infectious disease shall be quarantined in place, or at premises designated in its affiliated Organization's detailed operations plan, or at another Department-approved isolation or quarantine room, or at a veterinary hospital.

(4) A copy of the complete individual animal record shall be kept in the foster home where the animal is housed, or in the alternative, the Organization may choose to keep only a partial animal record, consisting of at least the information required under 330 CMR 30.11(2)(a) through (2)(h) and (2)(k) through (2)(o), as applicable, provided the Organization maintains a copy of the complete individual animal record at its principal place of business.

(5) Foster homes shall be subject to inspection by the Department in accordance with the regulations and M.G.L. c. 129, Section 7..

30.08: Imported Animals

(1) Isolation Upon Import; Registration – Any Organization transferring imported animals shall hold an import registration from the Department in accordance with 330 CMR 30.04 and shall maintain an isolation room in accordance with 330 CMR 30.05(3). The following minimum requirements shall apply:

- (a) Any imported dog or cat shall be brought directly upon import to an isolation facility approved by the Department in accordance with 30.05(3) and be placed in an isolation room to be held for observation for a minimum of forty-eight (48) hours.
- (b) No new animal may be introduced into an isolation room during the forty-eight (48) hour isolation period without the forty-eight (48) hour isolation period being restarted.
- (c) At the conclusion of the mandatory forty-eight (48) hour isolation period, the isolated dog or cat shall be examined by a veterinarian.
- (d) Dogs or cats deemed healthy shall be issued a health certificate by a veterinarian prior to being removed from the isolation room.
- (e) Any dog or cat showing evidence of having an infectious or contagious disease shall be placed under quarantine. Quarantined animals shall remain in the isolation room or be held in a separate quarantine room within the same facility until deemed healthy by a veterinarian and shall be issued a valid health certificate prior to being removed from the isolation or quarantine room.
- (f) No animal presumed to be healthy shall be placed in an isolation room or quarantine room that is being used to hold sick or quarantined animals, domestic or otherwise.
- (g) Any animal that is an owner surrender from a New England State or the State of New York, as defined in 330 CMR 30.02, shall be exempt from the requirements of isolation upon import.
- (h) If for any reason the Organization's on-site isolation room or approved off-site isolation room is deemed non-operational, the Organization shall immediately notify the Department.

(2) Official Certificate of Veterinary Inspection (OCVI) - Any animal entering the Commonwealth under an import registration shall be accompanied by an OCVI prepared and issued no earlier than thirty (30) days prior to import into the Commonwealth by a USDA accredited veterinarian in the state of origin.

(a) The OCVI shall include, at a minimum, the following information about the animal:

- 1. breed;
- 2. sex;
- 3. age;
- 4. name, if applicable;
- 5. microchip number, tattoo, or other unique identification;
- 6. color and distinctive markings;
- 7. health status;
- 8. the place from which the animal was shipped into the Commonwealth, including the name and address of the shipper;
- 9. name and address of person(s) to whom each animal was shipped;
- 10. rabies, parvovirus, and distemper vaccination status; and
- 11. a statement that the animal appears to be free of infectious and contagious disease, including internal or external parasites, and exposure thereto.

(b) The OCVI shall state the name and import registration number of the Organization and the name and address of the approved isolation room accepting the animal for isolation upon import.

(c) Should any animal listed on the OCVI become ill subsequent to the issuance of the OCVI but prior to import, the OCVI shall be void and the animal may not be imported.

(d) The OCVI shall be void thirty (30) days after issuance.

(3) Vaccinations

- (a) Any dog or cat imported into the Commonwealth for the purpose of transfer shall have a minimum of one (1) vaccine for Canine or Feline Parvovirus and Distemper administered between seven (7) to thirty (30) days prior to import into the Commonwealth.
- (b) Any dog or cat older than six (6) months of age shall be vaccinated against rabies by a licensed veterinarian as stated in M.G.L. c. 140, Section 145B.

30.09: Animal Transfer; Spaying and Neutering of Dogs and Cats

(1) No Organization may offer for sale, advertise, or transfer an animal unless:

- (a) the animal is eight (8) weeks of age or older;
- (b) has, within thirty (30) days before transfer, been examined by a veterinarian and has received a health certificate which states that the animal appears to be free of any signs of infectious or contagious disease, in accordance with 330 CMR 30.11(2)(i);
- (c) the Organization possesses the animal's complete individual animal record, in accordance with 330 CMR 30.11; and
- (d) the animal appears to be healthy at the time of transfer.

(2) No Organization may offer for sale, advertise, or transfer an animal which tests positive for or shows signs of any of the following conditions:

- (a) an infectious or contagious disease, including distemper, hepatitis, leptospirosis, coccidiosis, giardiasis, parvo virus, or rabies;
- (b) any internal or external parasites, including heartworm; or
- (c) any significant behavioral concern, including signs of a temperamental or behavioral issue that may pose a safety risk to humans or other domestic animals.

(3) Any animal with serious behavioral issues, including but not limited to aggression, that constitute a safety risk to humans or other domestic animals shall not be transferred without first receiving training or behavior modification that mitigates the safety risk to the satisfaction of the Department, or in the alternative, the Organization may supply any prospective adopter with a written disclosure statement documenting the specific behavioral issues, provided the Organization has the prospective adopter sign an acknowledgment of receipt on the disclosure statement and an agreement requiring the adopter to employ the services of a professional dog trainer to provide training or behavior modification that mitigates the safety risk.

(4) Prior to transfer, the Organization shall provide the prospective adopter with a written disclosure statement identifying all known medical and behavioral issues and concerns pertaining to the animal; and at time of transfer, the Organization shall provide the prospective adopter with a partial animal record, consisting of at least the information required under 330 CMR 30.11(2)(a) through (m), as applicable. The partial animal record provided to a prospective adopter for an animal that was an owner surrender from another New England state or the State of New York does not need to include the OCVI, as described in 330 CMR 30.11(2)(j).

(5) An animal acquired by an Organization found to be affected by any non-contagious medical condition, such as nutritional or metabolic disease, fracture, lameness, or congenital abnormalities, shall be treated and stabilized by a veterinarian prior to being offered for sale or transfer.

(6) No Organization may transfer an animal with a non-contagious medical condition unless accompanied by a disclosure statement that includes the diagnosis, prognosis, and veterinarian's estimate of the potential cost

to correct or maintain the animal with any such condition. The Organization shall obtain and retain a copy of this disclosure statement on which the prospective adopter has signed an acknowledgment of receipt.

(7) Any location where animal transfer occurs, including any off-site adoptions, shall meet all standards set forth in 330 CMR 30.06(1).

(8) Dogs and cats shall be spayed or neutered prior to adoption. Any dog or cat not of sufficient age to be a good candidate for spay or neuter surgery may be adopted out provided there is a sterilization clause in the Organization's adoption agreement. Such clause shall require the adopter either to have the animal deprived of the ability to produce offspring by the age of six (6) months or to return the animal to the care and custody of the Organization. By the time the dog or cat reaches six (6) months of age, the adopter shall have provided the Organization with written documentation from a veterinarian that the dog or cat has been spayed or neutered. The documentation verifying that the dog or cat has been spayed or neutered shall be retained by the Organization as part of the individual animal record. Organizations invoking the sterilization clause while transferring animals shall also comply with the provisions of M.G.L. c. 140, Section 139A.

(9) Failed Placement - Within fourteen (14) days of transfer, the adopter may have the animal examined by any veterinarian. If the veterinarian determines that the animal is affected by any medical or behavioral issue not included in the disclosure statement, the adopter may return the animal to the Organization for a refund of the entire adoption fee, or, if the Organization and the adopter both consent, a replacement animal.

30.10: Reclamation of Owned Pets

(1) If the Organization comes into possession of any stray, lost, displaced, or apparently homeless animal from anywhere within the Commonwealth, the Organization shall report this to the local Animal Control Officer in the Municipality where the animal was found. Any such dog shall remain in the custody and control of the Animal Control Officer for a minimum of seven (7) days, or for a different length of time as required by applicable law, in accordance with M.G.L. Chapter 140, Section 151A.

(2) The Organization, upon acquisition of such animal, shall immediately check for microchips, identification tags, or any other form of identification, and shall document the findings in the animal's individual animal record.

(3) The Organization shall make every reasonable effort to locate and notify the owner of an identified animal and to facilitate its return.

30.11: Records

(1) Records shall be kept in accordance with these regulations and this section and shall be made available for review by the Department during any inspection or upon request.

(2) Individual Animal Records – The Organization shall keep a complete copy of the record of each animal in its custody. The record of each animal shall, at a minimum, include the following information:

- (a) breed;
- (b) sex, and reproductive status, and, if spayed or neutered, the date and name of the veterinarian performing the surgery;
- (c) age;
- (d) name, if applicable;

- (e) microchip number, tattoo, or other unique identification;
- (f) color and distinctive markings;
- (g) health status;
- (h) history of vaccinations administered, including rabies vaccination;
- (i) health certificate verifying that the animal was examined by a veterinarian within thirty (30) days prior to transfer. The health certificate shall state:
 - 1. the date of inspection;
 - 2. that the animal appears free of any signs of infectious or contagious disease;
 - 3. type and date of vaccinations and medical treatment given;
 - 4. the animal's current health status; and
 - 5. the veterinarian's diagnosis of medical condition and treatment prescribed.
- (j) if the animal was imported into the Commonwealth, a copy of the animal's Official Certificate of Veterinary Inspection;
- (k) all prophylactic, therapeutic medications, and all other medications administered to the animal, identified by name of drug, dosage, and dates and duration of administration;
- (l) for all dogs, a behavioral assessment of the animal completed by the Organization or provided professionally documenting behavioral concerns or temperament issues that may pose a safety concern for humans or other domestic animals;
- (m) disclosure statement with a signed acknowledgment of receipt;
- (n) the name and address of the Organization or individual from whom the animal was obtained, and the date of receipt;
- (o) the name and address of person to whom the animal was transferred, and the date of transfer; and
- (p) the mortality of any animal and the cause, if known, including euthanasia.

(3) The Organization shall provide information from the individual animal record in a format requested by the Department, or they may choose to use the standard animal record form provided by and available from the Department.

(4) Records Retention – Records must be maintained for a period of thirty-six (36) months from the date created unless otherwise directed by the Department.

30.12: Inspections and Quarantines

(1) In accordance with M.G.L. Chapter 129, Section 7, the Department shall have the right to inspect any shelter or facility, and the animals therein, during normal operating hours. Additionally, the Department shall be given access to and the right to inspect and copy any and all records pertaining to the animals that are the subject of these regulations.

(2) Any Shelter, facility, or foster home required to maintain a kennel license in accordance with M.G.L. Chapter 140, Section 137A, is subject to inspection by the Animal Control Officer of the Municipality in which the shelter, facility, or foster home is located.

(3) The Department may, in accordance with M.G.L. c. 129, issue an order of quarantine to restrict movement of any or all of the following:

- (a) all animals;
- (b) a particular species of animal;
- (c) a particular group of animals;

(d) dogs and cats imported into the Commonwealth in violation of M.G.L. c. 140, Section 138A, 330 CMR 3.00, or 330 CMR 30.00; or
(e) an individual animal, to or from any location used by an Organization, based on health concerns including:

1. excessive parasitism;
2. poor body condition; or
3. presence of, or exposure to, infectious or contagious disease.

30.13: Registration Denial, Suspension, or Revocation; Penalties; Relinquishment of Ownership

(1) Enforcement Orders - The Department may issue an order to any person not in compliance with 330 CMR 30.00.

(2) Suspension or Revocation - The Department shall have the authority to suspend or revoke an Organization's registration or import registration after a full and fair hearing, and upon finding that the Organization has not complied with the provisions of 330 CMR 30.00.

(3) Administrative Fines - The Department may assess administrative fines in accordance with M.G.L. c. 129, Section 37.

(4) The Department may order the transfer of any animal in the custody of any person or Organization found in violation of any provisions of M.G.L. c. 129 or 330 CMR 30.00 to a compliant Organization.

Authority

M.G.L. c. 129, §§2, 37, and G.L. c. 140, § 139A.