

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 12.00: LICENSING AND OPERATION OF PET SHOPS

Section

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12.01: Definitions

As used in 330 CMR 12.00:

Animal. Any bird, mammal or reptile that may be kept without a permit from the Massachusetts Division of Fisheries and Wildlife, as provided in 321 CMR 9.01: *Exemption List* and 321 CMR 9.02: *List of Domestic Animals*.

Applicant. A Person who has applied for a License or renewal of License from the Department.

Clean(ed) and Disinfect(ed). The process by which bacteria, viruses, or 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 in accordance with applicable directions.

Department. The Massachusetts Department of Agricultural Resources.

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

Facility or Facilities. A location or locations owned, operated, or otherwise used by a Licensee for receiving, maintaining, caring for, and transporting Animals for the purpose of Selling or Offering for Sale such Animals.

Health Certificate. A document dated and signed by a Veterinarian certifying that an Animal is free of any symptoms of infectious or contagious disease.

Impervious. A non-porous, impermeable surface through which a liquid will not be allowed to pass but upon which water will bead.

Individual Animal Record. A comprehensive record relating to an individual Animal that includes, where applicable, a history of vaccinations, history of all medical treatment including administered medications, source of animal, name and address of purchaser, Official Identification, date of sale, mortality record, and such other records as may be appropriate.

Isolation Room. A location approved by the Department designed to serve as a receiving and holding station for Animals prior to Sale or Offer for Sale. An Isolation Room may be used as a Quarantine Room for Animals that are potentially affected with or exposed to contagious or infectious illnesses.

License. Revocable permission to operate a Pet Shop in the Commonwealth and to Sell or Offer for Sale Animals from such Pet Shop. Licenses shall be issued as Class A, B, or C. Any use of the term License shall apply to all classes of Licenses issued under 330 CMR 12.00, unless otherwise indicated.

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Licensee. A Person who has received a Class A, B, or C License from the Department.

OCVI. An Official Certificate of Veterinary Inspection form issued by a USDA Accredited Veterinarian in the state of origin and approved by an animal health official of the state of origin listing all Animals (with an accurate description or Official 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 addresses of the consignor and the consignee of the Animals, the vaccinations that the Animals may have received, and the dates that the vaccinations occurred. An OCVI shall include an Interstate Certificate of Veterinary Inspection.

Official Identification. A device or method used as a means of identifying an individual Animal appropriate for that species, including, but not limited to, microchip, labeled collar, or other means of distinction affixed to the Animal. For rabbits, reptiles, rodents and small birds, if no identification is affixed, a detailed description of the animal and the group with which it arrived attached to the enclosure will suffice.

Person. An individual, trust, firm, joint stock company, corporation, partnership, association, cooperative, or other business organization and any officer, employee, representative, or agent thereof.

Pet Shop. A place or premises where Animals are kept for the purpose of either wholesale or retail sale, import, export, barter, exchange, or gift. For the purposes of 330 CMR 12.00, entities licensed by the Department as a Rescue Organization under 330 CMR 30.00: *Animal Rescue and Shelter Organization Regulations* shall not be deemed a Pet Shop. To the extent a Pet Shop engages in import or export activities other than obtaining Animals from a breeder or broker for payment or compensation, or otherwise acts as a Rescue Organization as defined in 330 CMR 30.02: *Definitions*, it shall comply with all applicable provisions of 330 CMR 30.00.

Primary Housing Enclosure. The cage, crate, or any area within a Facility in which a confined Animal is kept.

Quarantine. The confinement of an Animal, whether or not by order of the Department pursuant to M.G.L. c. 129, § 21, to prohibit other animal contact by restricting the Animal to an Isolation or Quarantine Room for the purposes of:

- (a) observing if the Animal displays signs of contagious or infectious illness; and
- (b) minimizing the risk of the Animal spreading such contagious or infectious illness to humans and other animals.

Quarantine Room. A location designed to serve as a receiving and holding station for Animals that are subject to Quarantine.

Sanitary Condition(s). The state of Facilities, Primary Housing Enclosures, and associated equipment having been Cleaned and Disinfected as often as necessary to be free of, at a minimum, urine, feces, and noxious odors.

Sale, Sell, Sold or Offer for Sale. To sell, barter, exchange, give away, or otherwise confer ownership of an Animal to a Person other than the Licensee, or to display or have within view of the public an Animal in a Pet Shop or otherwise make known that an Animal is available for such transactions.

Taxonomic Derivation. The Latin *nomenclature* for the *genus* and species.

Veterinarian. A veterinarian licensed and in good standing in the state where the Veterinarian is doing business.

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

12.02: Licenses

- (1) No Person shall operate a Pet Shop or Sell or Offer for Sale Animals within the Commonwealth without an appropriate License issued by the Department. A License issued under 330 CMR 12.00 shall be:
  - (a) Valid only for the Pet Shop name, location, and ownership specified therein; and
  - (b) Non-transferable.
- (2) Types of License. Each License issued under 330 CMR 12.00 shall be a Class A, B, or C License, depending upon the type(s) of Animal(s) Offered for Sale. No Person may Sell or Offer for Sale any Animal that is not specifically included in the class of License issued to the Licensee. The License classes are as follows:
  - (a) Class A: birds, reptiles, and mammals, including dogs and cats.
  - (b) Class B: birds, reptiles, and mammals, not including dogs or cats.
  - (c) Class C: reptiles and mammals, not including dogs or cats.
- (3) Each complete application for a License or renewal of License shall be submitted to the Department on forms supplied by the Department, shall contain such information as the Department shall require, and shall be accompanied by a fee as determined by the Executive Office for Administration and Finance. No application shall be deemed complete without payment of the required fee.
- (4) If any Pet Shop intends to engage in import or export activities other than obtaining Animals from a breeder or broker for payment or compensation, or otherwise intends to act as a Rescue Organization as defined in 330 CMR 30.02: *Definitions*, it shall so indicate in its application for License or renewal of License. No Pet Shop may engage in such activities, unless specifically authorized in a Department-issued License.
- (5) Upon receipt of a complete application, the Department shall inspect the Applicant's Facility(ies) to ensure compliance with M.G.L. c. 129, and 330 CMR 12.00. All inspections shall be conducted during normal business hours. The Department may conduct additional inspections prior to renewal as it deems necessary in accordance with M.G.L. c. 129.
- (6) If the application is approved, the Department shall issue the appropriate Class A, B, or C License. Each License shall expire on December 31<sup>st</sup> of the year in which it was issued.
- (7) The original of the most recent License issued by the Department to the Licensee shall be promptly posted in the Pet Shop in a place prominently visible to the public.
- (8) The Licensee shall include its most current License number in a way that is easily viewed by the public on its website and any other printed promotional materials or printed advertisements that offer a specific Animal for Sale.
- (9) The Licensee will promptly notify the Department in writing of any material change in the information provided in the License or renewal application.
- (10) No License will be issued to any Applicant whose place of business is used as a residential dwelling.

12.03: Facility Requirements

- (1) General Facilities. For buildings and premises that are utilized as a Facility, each Licensee shall:
  - (a) Maintain all buildings and premises in good repair and in a Sanitary Condition;
  - (b) Maintain and use equipment in a manner which ensures the proper and legal storage and disposal of wastes or disease-contaminated material, including, but not limited to, medical supplies, syringes, needles, and sharps containers;
  - (c) Take and maintain effective control measures to prevent the spread of disease, noxious odors, and the infestation of Animals and premises with external parasites, insects, and vermin; and

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- (d) Provide and maintain artificial illumination in all areas and rooms in which Animals are kept. The artificial illumination shall be well-distributed and adequate to provide efficient inspection and cleaning of Facilities, enclosures, cages and Animals. Each cage and enclosure in use shall be situated in a manner that protects the Animals contained from excessive or stressful illumination.
- (2) Quarantine Room. In addition to complying with 330 CMR 12.03(1), each Licensee shall:
- (a) Provide a room to be used exclusively for the purposes of Quarantining sick or diseased Animals; and
  - (b) Ensure that the room, in addition to complying with the requirements of 330 CMR 12.03(1) and (5), is:
    1. Physically separated from rooms used to maintain other Animals;
    2. Completely enclosed by walls that extend from floor to ceiling;
    3. Constructed with floors and walls made of Impervious surfaces;
    4. Equipped with an exhaust fan that serves to efficiently remove air from the room to an area outside the building and adequately ventilates to allow fresh air to circulate into the room;
    5. Equipped with a sink having hot and cold running water used exclusively for the cleaning and maintenance of the Quarantine Room, all equipment and utensils used therein, and Animals housed within the room;
    6. Not used to house or maintain other Animals, for storage, as an employee restroom, as a public access area, or any other such purpose;
    7. Thoroughly Cleaned and Disinfected immediately after Animals have been removed from the room and prior to the placement of other Animals into the room; and
    8. Maintained in such a manner that all equipment and utensils used within the room are thoroughly Cleaned and Disinfected before being taken out of the room.
- (3) Isolation Room. In addition to providing a Quarantine Room as required by 330 CMR 12.03(2), each Class A Licensee shall:
- (a) Provide an Isolation Room for the exclusive purpose of Isolating newly-acquired dogs and cats;
  - (b) Ensure that the Isolation Room complies with the requirements of 330 CMR 12.03(1), (2)(b), and (5);
  - (c) Ensure that Quarantined sick or diseased Animals and Isolated newly-acquired dogs and cats are not maintained in the same Quarantine, Isolation Room simultaneously.
- (4) Protective Clothing for Quarantine and Isolation Rooms. Each Licensee shall ensure that each person who enters a Quarantine or an Isolation Room or otherwise feeds, waters, cleans, treats or handles Quarantined or Isolated Animals showing signs of infectious or contagious disease or disease-contaminated equipment or material shall wear clean protective outerwear, gloves and shoe covers, or take equivalent biosecurity measures while so doing, and shall remove and adequately clean or dispose of the protective outerwear, gloves, and shoe covers, or equivalent, and thoroughly wash their hands with soap and water immediately upon leaving such room.
- (5) Animal Facilities. Each Animal housing area shall be:
- (a) Cleaned at least daily and more often as necessary to maintain Sanitary Conditions. Enclosures shall be disinfected periodically and as soon as practicable once emptied. Cages and enclosures shall be unoccupied during disinfecting. The use of chemical agents to disinfect shall be in accordance with the chemical manufacturer's label, with particular attention paid to temperatures and contact time;
  - (b) Of adequate size and space to permit:
    1. The Animal(s) therein to stand, sit, lie down, turn around and make other normal postural adjustments without obstruction, interference, or impediment by the presence of food and water bowls, equipment, beds, toys, or other Animals; and
    2. The bird(s) within to fly, hop or otherwise move about and individually spread their wings. Enough perch space must be available for all birds within the enclosure to simultaneously perch in a normal position without obstruction;

## 12.03: continued

- (c) Equipped with heating, cooling, and ventilation to maintain adequate ambient conditions appropriate for the species and necessary to minimize odor, ammonia levels, disease transmission risk, and unnecessary stress on the Animals due to uncomfortable temperatures or environmental conditions. Ambient temperature shall be between 55°F and 85°F, unless other temperatures have been determined to be appropriate based on an information source approved by the Department. To ensure that these conditions are met, the Licensee shall install and maintain a working thermometer in all areas in which Animals are maintained and cared for;
- (d) Constructed and maintained in accordance with the following provisions:
  - 1. Each wall shall be Impervious to moisture from floor to ceiling;
  - 2. Each floor shall be Impervious to moisture and no carpeted flooring may be permitted in Animal areas;
  - 3. Any material used shall be resistant to rusting, and be maintained free of rust;
  - 4. If the cage or enclosure has a wire floor, then the wire used shall be of adequate gauge to prevent sagging or injury to an Animal's feet, and the mesh shall be small enough to prevent an Animal's feet from falling through the bottom;
- (e) Designed to permit the unimpeded access of the Animal(s) to clean, fresh food and water; and
- (f) Maintained at a comfortable noise level. Under normal circumstances, the noise level shall not be at or above 100 dB for a sustained period of 15 minutes or longer.

12.04: Animal Care Requirements

Each Licensee shall ensure that:

- (1) Sufficient fresh food of a type consistent with the dietary requirements and age of the species is offered to each Animal daily, or at intervals commonly appropriate to the species and age of the Animal;
- (2) Sufficient fresh and clean water is available to each Animal at all times;
- (3) Bowls, dishes and other containers used for the feeding and watering of Animals are cleaned daily or more often if necessary to maintain them free from contamination by excrement, urine, or other matter;
- (4) Adequate staffing is present to ensure the general care and maintenance of the Animals on a daily basis;
- (5) Animals are provided with emergency and standard veterinary care in a timely manner by a Veterinarian or as prescribed by a Veterinarian consistent with a valid veterinary-client patient relationship, pursuant to the Board of Registration in Veterinary Medicine regulations at 256 CMR 2.00: *General Provisions*. Emergency care shall be provided immediately. Non-emergency veterinary care shall be sought within 48 hours after discovery of the need;
- (6) If Animals are group housed, they are maintained in compatible groups without overcrowding;
- (7) No female dog, cat or rabbit in season is maintained in a cage, run, pen or other enclosure with a male dog, cat, or rabbit, other than for breeding purposes. Breeding activities for any species may not be within public view.
- (8) Food and water containers for birds are designed to permit easy access to the contents. Each food and water container shall be either designed or located within the cage in a manner that serves to minimize contamination from excrement;
- (9) The Animals are kept clean and dry unless species-specific requirements dictate an aquatic or semiaquatic environment. Each Animal that requires a semiaquatic environment shall be maintained in an environment that contains both aquatic and terrestrial features. Each feature shall be of sufficient size and space to permit the Animal the option of submerging or soaking in clean water or remaining completely dry;

## 12.04: continued

(10) Euthanasia shall be performed in accordance with current American Veterinary Medical Association guidelines and as specified in 330 CMR 12.04(10)(a) and (b):

(a) Euthanasia for Dogs and Cats shall be performed by a Veterinarian or by an individual trained in humane euthanasia and operating under the direction and supervision of a Veterinarian. Other methods of euthanasia may be deemed acceptable for other species in accordance with the American Veterinary Medical Association's Guidelines for the Euthanasia of Animals.

(b) The Pet Shop shall record the date of euthanasia, the methods used, and the reasons for euthanasia, and the name of the individual who performed the procedure. A copy of these records shall be maintained in accordance with 330 CMR 12.09.

(11) All dogs, cats and birds shall have some form of Official Identification which correlates to the Individual Animal Record described in 330 CMR 12.09(2). The identification may be a collar, microchip, leg band, or other unique identification as defined in 330 CMR 12.01.

(12) In addition to the requirements of M.G.L. c. 129, § 28, if an Animal is found to have a Zoonotic Disease, the Licensee shall promptly notify its Veterinarian. The 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 it deems necessary.

12.05: Restriction on Sale

(1) No Licensee may Sell or Offer for Sale any Animal which tests positive for or shows signs of any of the following conditions:

(a) Viral, bacterial, fungal, or parasitic infections, or any contagious disease including, but not limited to, distemper, hepatitis, leptospirosis, kennel cough, *coccidiosis*, *giardiasis*, *parvo virus*, or rabies;

(b) Nutritional diseases including, but not limited to, rickets, emaciation, and hypovitaminosis;

(c) Evidence of parasitism, which is impacting the general health of the Animal;

(d) Fractures, lameness, or congenital abnormalities affecting the general health of the Animal; or

(e) Metabolic disease including, but not limited to, kidney disease and diabetes.

(2) No Licensee may Sell or Offer for Sale a reptile without posting its Taxonomic Derivation.

(3) No Class A Licensee may:

(a) Sell or Offer for Sale any dog younger than six months old without posting, in a place readily visible to the public where dogs are Offered for Sale, a sign which states the following in black lettering not less than 38-point size upon a white background: "THE FOLLOWING INFORMATION IS ALWAYS AVAILABLE ON ALL OF OUR PUPPIES: THE PUPPY'S DATE OF BIRTH, CITY/TOWN AND STATE OF BIRTH, THE DATE [name of pet shop or 'THIS PET SHOP'] RECEIVED THE PUPPY, THE PUPPY'S COMPLETE VACCINATION, WORMING, MEDICATION, AND TREATMENT RECORDS, AND THE PUPPY'S 14-DAY WARRANTY. THIS INFORMATION IS AVAILABLE UPON REQUEST AND WILL BE PROVIDED TO PURCHASER AT THE TIME OF SALE.";

(b) Acquire, Sell, or Offer for Sale a dog or cat younger than eight weeks old;

(c) Acquire, Sell, or Offer for Sale a kitten unless the source of the kittens is known and there is valid documentation that the dam of the kitten is currently vaccinated for rabies and the vaccination was administered at least 30 days prior to the birth of the kitten; or

(d) Sell or Offer for Sale a dog or cat:

1. Unless the Licensee is in possession of a Health Certificate issued by a Veterinarian dated not more than seven calendar days previous to the Sale or Offer for Sale and possesses the Animal's complete Individual Animal Record, in accordance with 330 CMR 12.09(2);

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2. Which has been returned to the Licensee due to its failure to pass a veterinary examination after its Sale, unless the Animal is placed back in Isolation and is subsequently examined by a Veterinarian, in accordance with 330 CMR 12.07;
  3. Which is under a quarantine order, issued under the authority of M.G.L. c. 129, §§ 11, 21 and 22; or
  4. Which is currently receiving medication or showing clinical signs of disease.
- (4) A Licensee shall provide to each customer at the time of Sale of a dog, cat, or bird a copy of such animal's Individual Animal Record, maintained by the Licensee as required pursuant to 330 CMR 12.09(2). In addition, each Class A Licensee shall give to the customer at the time of Sale of a dog or cat a notice of the 14-day warranty as provided for in 330 CMR 12.05(5). Each customer shall sign a statement acknowledging receipt of these materials, to be kept as part of the animal's Individual Animal Record maintained by the Licensee.
- (5) Each Class A Licensee shall provide a full refund of the purchase price of a dog or cat, or if the Licensee and the customer both consent, a substitution Animal, to any customer who:
- (a) Within 14 calendar days of the Sale, has the dog or cat examined by a Veterinarian of the customer's choice, and the examination indicates the dog or cat is diseased or has a congenital disorder; and
  - (b) Presents the dog or cat to the Licensee within three days of the date of the examination, with a Veterinarian's written statement that the dog or cat is diseased or has a congenital disorder, and proof of Sale.
  - (c) Should a dog or cat die while under veterinary care, the customer may present the statement in 330 CMR 12.05(5)(b) from the Veterinarian attending the dog or cat documenting the circumstances of the death in *lieu* of returning the body.
- All refunds shall be provided promptly upon provision of the written statement as described in 330 CMR 12.05(5)(b) and (c). Any euthanasia decisions made following any such refund shall be made in consultation with the Pet Shop.
- (6) Notwithstanding 330 CMR 12.05(1), a Licensee may give away without compensation an Animal affected with a medical condition that is neither infectious or contagious, such as nutritional or metabolic disease, fracture, lameness, or congenital abnormalities, provided that the Animal is treated and stabilized by a Veterinarian prior to Placement. The Licensee shall also:
- (a) Provide the customer with a Disclosure Statement describing the Animal's medical condition, including, but not limited to, a licensed veterinarian's estimate of the cost to treat or maintain the Animal with said condition; and
  - (b) Obtain a signed statement from the customer stating the customer has received a copy of the Disclosure Statement and is aware of the Animal's non-infectious, non-contagious, medical condition and that the customer accepts responsibility to provide the proper medical care for the Animal.

12.06: Quarantine

- (1) The Department may order that a Quarantine be placed on the entire premises operated by a Licensee, on a specific species, on a special group of Animals, or an individual Animal for any of the following:
  - (a) Excessive parasitism;
  - (b) Poor body condition;
  - (c) Presence of, or exposure to, infectious or contagious disease;
  - (d) The importation of a dog or cat into Massachusetts in violation of M.G.L. c. 129, § 39G, or 330 CMR 3.00: *Shipment of Dogs into the Commonwealth*;
- (2) Each Animal which the Department has ordered Quarantined shall be maintained in a Quarantine room meeting the requirements of 330 CMR 12.03(2) until released in writing by the Department.
- (3) If the Licensee discovers that any Animal is affected with any of the conditions of 330 CMR 12.05(1), the Licensee shall place the Animal in a Quarantine Room meeting the requirements of 330 CMR 12.03(2) until a Veterinarian issues a Health Certificate for the Animal.

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(4) If any Animal required under 330 CMR 12.06 (2) or (3) to be maintained in a Quarantine Room meeting the requirements of 330 CMR 12.03(2) is not so maintained, the Department may order that a Quarantine be placed on the entire premises operated by a Licensee.

12.07: Isolation

Each Class A Licensee shall:

- (1) Isolate all dogs and cats received from sources within or outside of the Commonwealth, including those dogs and cats returned to the store by customers, in a room meeting the requirements of 330 CMR 12.03(3) for a minimum period of 48 hours prior to Selling or Offering for Sale of the cat or dog received;
- (2) Introduce no new dogs or cats into this room during the 48-hour isolation period; and
- (3) Have each dog or cat checked by a Veterinarian after the 48-hour isolation period is complete and be certified healthy through issuance of a Health Certificate prior to Selling or Offering for Sale the cat or dog received.
- (4) Any dog or cat showing signs 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 Room or Quarantine Room unless other arrangements have been agreed to by the Department.
- (5) 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.
- (6) The provisions of 330 CMR 12.07(1) and (3) shall not apply to dogs and cats sourced from organizations that hold a license from the Department under 330 CMR 30.00: *Animal Rescue and Shelter Organization Regulations*, and which are in compliance with 330 CMR 30.00.

12.08: Inspection

All Animal records, including but not limited to those required by 330 CMR 12.09, and the Pet Shop shall be open for inspection by duly authorized agents of the Department, the Massachusetts Society for the Prevention of Cruelty to Animals, and the Animal Rescue League of Boston during reasonable business hours. Copies of these records shall be maintained and be available at the Pet Shop where the Animals are Sold or Offered for Sale.

12.09: Records

- (1) Each Licensee shall:
  - (a) Maintain a record of each group of Animals that enters the pet shop on a standard group animal record form produced by and available at the Department. Each record shall include the following:
    1. Number and type of Animal(s) entering the pet shop;
    2. The name and address of Person(s) from whom each group of Animals was obtained and the date the group of Animals was obtained; and
    3. The name and addresses of Person(s) to whom each Animal of the group was Sold and the date of the Sale.
  - (b) Retain each group Animal record for 24 months from the time the last Animal(s) of the group of Animals was Sold.
- (2) Each Class A and B Licensee shall:
  - (a) Maintain an Individual Animal Record for each dog, cat, or bird entering the Pet Shop on a standard animal record form produced by and available at the Department. Each Individual Animal Record shall include the following:

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1. Identity of each Animal;
  2. Name and address of person(s) from whom each Animal was obtained, date obtained, and the city/town and state where each dog younger than six months old was born;
  3. Name and address of Person(s) to whom each Animal was Sold and the date of Sale;
  4. Type and date of any vaccination or treatment given to each Animal;
  5. All prophylactic and therapeutic medications administered to each Animal, identified by name of drug, dates, and duration of administration, and medication dosage.
  6. Veterinarian's diagnosis of conditions for any treatment each Animal received; and
  7. Mortality and cause, if known, including euthanasia and the reason for the euthanasia.
- (b) Retain each Individual Animal Record for a period of 24 months from the date of the Sale; and
- (c) Retain a copy of each kitten's dam's current valid rabies vaccination certificate for 24 months from the time each kitten enters the Pet Shop.

(3) If the Animal was imported into the Commonwealth, each Licensee shall maintain a copy of the Animal's OCVI.

12.10: Enforcement

- (1) The Department may deny, revoke or suspend a License upon finding that:
- (a) The Licensee or Applicant has failed to comply with 330 CMR 12.00;
  - (b) The Licensee or Applicant has:
    1. Violated any provision of M.G.L. c. 272, § 77; M.G.L. c. 129, §§ 7, 9; or any regulation promulgated thereunder, or assisted another Person in any such violation;
    2. Been criminally charged with violating any provision of M.G.L. c. 272, § 77; M.G.L. c. 129, §§ 7, 9, or any regulation promulgated thereunder, regardless of whether the charges have been adjudicated or otherwise resolved by a court of competent jurisdiction;
    3. Made a material misrepresentation or omission in the application for a License or renewal of a License;
    4. Made a material misrepresentation, false promise or omission in connection with the Sale of Animals from a Pet Shop;
    5. Violated a quarantine order issued under M.G.L. c. 129;
    6. Violated an agreement with the Department;
    7. Dispensed prescription medication to accompany an Animal at the time of Sale unless otherwise permitted under the laws of the Commonwealth;
    8. Made substantial structural changes to the Facility without prior approval from the Department after the Facility was inspected for License approval per 330 CMR 12.02(4) or after a License was issued;
    9. Made repeated record keeping violations including, but not limited to, making repeated or consistent errors, falsifying records, or failing to keep or produce required records;
    10. Intentionally prevented a customer from using the 14-day warranty granted under 330 CMR 12.05(4); or
    11. Engaged in any other conduct that poses a serious risk to Animal health, as determined by the Department.
- (2) An immediate suspension may be imposed for any Licensee whose officers, employees or volunteers have been charged with violations of M.G.L. c. 272, §§ 77 through 95.
- (3) No License or renewal of a License may be denied, revoked, suspended, or renewal denied prior to notice of the opportunity for a full and fair hearing. A request for a hearing must be made in writing to the Department within 21 days following notification of the Department's decision.
- (4) All hearings shall be conducted in accordance with M.G.L. c. 30A.
- (5) Any action taken under 330 CMR 12.02 or any other section of 330 CMR 12.00 shall not limit the Department's authority to take additional action as necessary pursuant to M.G.L. c. 129, including assessment of fines pursuant to M.G.L. c. 129, § 37.

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(6) Severability. If any provision of 330 CMR 12.00 shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of 330 CMR 12.00, which shall remain in full force and effect; and to this end the provisions of 330 CMR 12.00 are hereby declared severable.

REGULATORY AUTHORITY

330 CMR 12.00: M.G.L. c. 129, §§ 2, 7, 9, 37 and 39A.