

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 30.00: ANIMAL RESCUE AND SHELTER ORGANIZATION REGULATIONS

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30.01: Scope and Purpose

The purpose of 330 CMR 30.00 is to provide standards relating to the importation, handling, and care of Animals in connection with their Placement within the Commonwealth of Massachusetts by a Rescue Organization.

30.02: Definitions

As used in 330 CMR 30.00:

Adopt or Adoption. Has the same meaning in 330 CMR 30.02 as Place or Placement.

Adopter. An individual with whom an Animal is Placed by a Rescue Organization.

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*, including Dogs and Cats.

Animal Control Officer. A Person appointed under M.G.L c. 140, § 151, who is charged with enforcing state statutes, local ordinances, and bylaws regulating animals.

Applicant. An Organization that has submitted an application for a License or renewal of a License to the Department.

Cat. A mammal of the species *Felis catus*.

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/or 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 and behavioral issues.

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

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 Placing such Animals. A Facility shall include any shelter or kennel, but not a Foster Home.

30.02: continued

Foster Care. An interim or temporary housing arrangement for Animals that are awaiting Placement.

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

Health Certificate. A document dated and signed by a Veterinarian which contains the minimum elements set forth in 330 CMR 30.11(2)(i) and certifies that an Animal is free of any symptoms of infectious or contagious disease.

Impervious. The characteristics of a nonporous, impermeable surface through which a liquid will not be allowed to pass, but upon which water will bead.

Import. To transport into the Commonwealth for the purpose of Foster Care or Placement.

Import License. A License issued by the Department that authorizes the Licensee to operate in the Commonwealth as an Organization and to import Dogs and Cats into the Commonwealth.

Individual Animal Record. The comprehensive record relating to an individual Animal that includes, where applicable, an OCVI, 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 Placement, mortality record, and such other records as may be appropriate.

Isolation Room. A location designed to serve as a receiving and holding station for Animals prior to Placement, including any area approved by the Department to accept Animals for Isolation Upon Import. An Isolation Room may be used as a Quarantine Room for Animals that are potentially affected with or exposed to contagious or infectious illnesses.

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

License. A Revocable permission to operate an Organization in the Commonwealth to Place Animals in the Commonwealth.

Licensee. An Organization that has received a 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 attached to the enclosure will suffice.

Organization or Rescue Organization. An entity that is not otherwise required to be licensed under M.G.L. c. 129, §§ 39, 39A, or 45, or under M.G.L. c. 94, § 152A, and whose primary activity is the placement of abandoned, displaced, unwanted, neglected or abused animals. Such entity does not obtain Dogs or Cats from a breeder or broker for payment or compensation, and is exempt from taxation under § 501(c)(3) of the federal Internal Revenue Code or equivalent nonprofit designation under such Code.

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Owner Surrender. The voluntary act of an Animal owner who has chosen to permanently relinquish care, custody, control, and ownership of the 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 and has chosen to permanently relinquish care, custody, control, and ownership of the Animal to an Organization operating in the Commonwealth, and whose transportation into the Commonwealth is 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 and among Organizations, or the transport of the Animal into the Commonwealth by any rescue, shelter, or third-party commercial transporter. "Another New England State" refers to Connecticut, Maine, New Hampshire, Rhode Island, or Vermont.

Place or Placement. To sell, barter, exchange, give away, or otherwise find a permanent physical placement for an Animal that is abandoned, displaced, unwanted, neglected or abused.

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 pursuant to 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.

Sterilization Clause. A stipulation within an Organization's Placement agreement that requires a Dog or Cat to be deprived of the ability to produce offspring by six months of age.

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 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.

30.03: License Required

No individual or entity shall, without first having obtained a License issued by the Department, operate a Rescue Organization, or Import or Place Animals, in the Commonwealth. A License issued under 330 CMR 30.00 shall be:

- (a) Valid only for the Organization name specified therein; and
- (b) Nontransferable.

30.04: License Application Procedures

(1) A complete application for a License or renewal of License shall be submitted to the Department on a form prescribed by the Department. The application shall state the Applicant's name, name of individual serving as the primary contact for the Applicant, principal place of business, and a detailed operations plan that includes the following information in writing:

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- (a) a complete list of the Organization's directors and managerial personnel;
  - (b) a complete list of the locations of all Facilities, including shelters or kennels, where Animals in the custody of the Organization are or will be housed, and an accounting of the number of Foster Homes being utilized, and the maximum number of Animals that could be appropriately cared for at each location;
  - (c) the location within the Commonwealth where the Organization will maintain its records;
  - (d) methods of acquiring Animals for purposes of Placement;
  - (e) methods of Animal care and maintenance;
  - (f) description of Facility operations 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) methods to ensure 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 Organization holds § 501(c)(3) of the Federal Internal Revenue Code or an equivalent Internal Revenue Service nonprofit designation and is in good standing;
  - (k) evidence that the Organization holds a registration as a Public Charity with the Office of the Massachusetts Attorney General and is in good standing;
  - (l) evidence that the Organization holds a current kennel license from the municipality in which any Facility is operating, if applicable;
  - (m) a policy regarding the method(s) of euthanasia to be employed and the circumstances under which euthanasia will be performed, if applicable;
  - (n) evidence that the Organization holds a current certificate of occupancy from the municipality in which any Facility is operating; and
  - (o) whether the Organization intends to import Dogs or Cats into the Commonwealth; if so, the Department must issue an Import License that clearly authorizes the Import of Dogs and Cats in addition to their Placement within the Commonwealth.
- (2) An application for a License or renewal of License shall be accompanied by a fee as determined by the Executive Office for Administration and Finance. The application 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, and shall issue an approval or denial of the application within 90 days after the date of such notice.
- (4) Prior to the issuance of a License, 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. An Isolation Room, as described in 330 CMR 30.05(3), shall be inspected and approved by the Department prior to the issuance of an Import License.
- (5) An Applicant may enter into a written agreement with the operator of an approved Isolation Room to perform the activities required by 330 CMR 30.08. Such written agreement shall be approved by the Department prior to the issuance of an Import License.
- (6) Licenses shall be issued on an annual basis and shall authorize the Licensee to operate for 12 months from the date of issuance, unless earlier suspended, modified, or revoked by the Department in accordance with 330 CMR 30.13.
- (7) The Licensee shall keep the original of its most recent License at a location within the Commonwealth and shall make a copy available for inspection upon request, including by any individual at the time and location of any Placement. A copy shall be posted at each Facility in a place prominently visible to the public.
- (8) The Licensee shall include its most recent 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 Placement.

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(9) A renewal application shall be submitted not later than 30 days prior to expiration of the License.

(10) The Licensee will promptly notify the Department in writing of any material change in the information provided in the License or renewal application including, but not limited to, changes in managerial personnel; loss of, acquisitions of, or renovations to Facilities; a change in the status of Internal Revenue Service nonprofit designation, Public Charity registration, or municipal kennel licensing.

30.05: 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, or vermin;
- (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;
- (e) To the extent feasible, natural illumination should be utilized during daylight hours in all areas and rooms where Animals are kept. Artificial illumination must be available during non-daylight hours; and
- (f) Make a freezer or other means of mechanical or non-mechanical refrigeration available at the Facility for the temporary storage of deceased Animals, unless an arrangement has been made with another entity capable of appropriately storing and disposing of deceased Animals. Any such arrangement with another entity shall be made in writing and kept as part of the Organization's operations plan.

(2) Quarantine Room. In addition to complying with 330 CMR 30.05(1), each Facility 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 30.05(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 30.05(2), each Licensee holding an Import License shall:

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- (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 30.05(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; and
  - (d) If maintaining the Isolation Room for Isolation Upon Import, provide a separate entrance through which the Imported Dog or Cat can enter without passing through any area where other Animals are housed, handled, or cared for.
- (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 within a Facility 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. Group housing rooms shall be emptied and disinfected periodically. 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;
  - (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. Animal cages or enclosures equipped with a wire floor shall be prohibited for Dogs and Cats. For other species, 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;
    - 5. Primary Housing Enclosures for livestock and poultry may be exempt from 330 CMR 30.05(5)(c) and (d);
  - (e) Designed to permit the unimpeded access of the Animal(s) to clean, fresh food and water;
  - (f) Adequate to provide shelter from the sun and inclement weather when Animals are outside; and
  - (g) 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.

30.06: Animal Care Requirements

(1) General 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:

- (a) be kept clean and dry;
- (b) be provided with emergency and standard veterinary care in a timely manner by a Veterinarian or as prescribed by a Veterinarian consistent with a valid veterinarian-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 the discovery of the need;
- (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 clean bowls, dishes, or other containers for food and water;
- (h) be free from contamination by excrement, urine, or other matter;
- (i) when appropriate for the species, breed, and age, 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;
- (j) when held in group housing, be housed in compatible groups without overcrowding; and
- (k) if a Dog or Cat, be examined by a Veterinarian every 180 days.

(2) Vaccinations and Testing. Vaccination and testing schedules shall apply based on the age of the Dog or Cat as follows, or in accordance with the most recent recommendations of the American Animal Hospital Association and the American Association of Feline Practitioners in effect at the time of vaccination:

- (a) Any Dog four weeks of age or older shall receive a DHPP/DA2PP vaccine upon intake, unless prior veterinary records indicate a current vaccination status.
- (b) Any Cat four weeks of age or older shall receive a FVRCP vaccine upon intake, unless prior veterinary records indicate a current vaccination status.
- (c) Any Dog between four weeks and five months of age shall receive a DHPP/DA2PP vaccine, every two to three weeks from the time of initial administration until it reaches five months of age.
- (d) Any Cat between four weeks and five months of age shall receive a FVRCP vaccine every two to three weeks from the time of initial administration until it reaches five months of age.
- (e) Any Dog five months of age or older shall receive a DHPP/DA2PP vaccine upon intake. Any Cat five months of age or older shall receive a FVRCP vaccine upon intake. Vaccination upon intake is required, unless prior veterinary records indicate the Dog or Cat is currently vaccinated.
- (f) Any Dog, Cat, or ferret six months of age or older shall be vaccinated against rabies by a Veterinarian, as stated in M.G.L. c. 140, § 145B.
- (g) Any Dog six months of age or older shall be tested for heartworm as soon as practicable.

(3) Behavior. The Organization shall document any behavioral information received on intake as well as any behavioral observations made while the animal was in the Organization's possession. The observations and findings shall be documented in the Individual Animal Record, in accordance with 330 CMR 30.11(2)(l). Any Animal with behavioral issues that may pose a safety risk to humans or other animals, such as aggression, will also need to comply with the provisions of 330 CMR 30.09(4).

(4) Euthanasia. Euthanasia shall be performed in accordance with current American Veterinary Medical Association guidelines and as specified in 330 CMR 30.06(4).

- (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.

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(b) The Organization 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 30.11.

(5) Breeding Prohibited. The Organization shall take stringent steps to prevent the intentional or negligent breeding of Animals. Intentional breeding of any Animal may serve as grounds for permanent revocation of an Organization's License or Import License, in accordance with 330 CMR 30.13(2).

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

### 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 of and under the responsibility of the Organization. Such written agreements shall be renewed at least once every two years, and a copy of such agreement shall be kept by both the Organization and Foster Home and made available for inspection by the Department upon request. It is the Organization's responsibility to ensure animals kept in Foster Homes remain in compliance with 330 CMR 30.06.

(2) In addition to the written agreement, a Person providing Foster Care 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 or contagious disease shall be handled in a manner that prevents the spread of disease including, but not limited to, Quarantine in place.

(4) A copy of the current Individual Animal Record shall be kept in the Foster Home where the Animal is housed. In the alternative, the Organization may, if appropriate to protect the identity of the source of the Animal, provide the Foster Home with a partial Animal record consisting of the information required under 330 CMR 30.11(2)(a) through (m), so long as the Organization also maintains a copy of the complete Individual Animal Record at the location it has designated under 330 CMR 30.04(1)(c) to maintain such records.

### 30.08: Imported Animals

(1) Isolation Upon Import. The following requirements shall apply to any Organization holding an Import License:

(a) Any Imported Dog or Cat shall be brought directly upon import to an Isolation Room in accordance with 330 CMR 30.05(2) and be placed in an Isolation Room to be held for observation for a minimum of 48 hours.

(b) No new Dog or Cat may be introduced into an Isolation Room during the 48-hour isolation period without the 48-hour isolation period being restarted.

(c) At the conclusion of the mandatory 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 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.



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- (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.
- (g) If for any reason the Organization's Isolation Room is deemed non-operational, the Organization shall notify the Department in writing within 24 hours.
- (h) Any Dog or Cat that is an Owner Surrender from Another New England State or the State of New York shall be exempt from the requirements of 330 CMR 30.08(1).

(2) Official Certificate of Veterinary Inspection (OCVI). Any Animal entering the Commonwealth under an Import License shall be accompanied by an OCVI prepared and issued no earlier than 30 days prior to import into the Commonwealth by a USDA Accredited Veterinarian in the state of origin.

- (a) The OCVI shall include the following information about the Animal:
  1. breed;
  2. sex;
  3. age;
  4. name, if applicable;
  5. microchip number, tattoo, or other Official 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. required vaccines and testing as applicable; and
  11. a statement that the Animal appears to be free of infectious and contagious disease, including internal or external parasites and heartworm, and exposure thereto.
- (b) An OCVI issued for a Dog or Cat shall further state the name and Import License number of the Organization and the address of the approved Isolation Room accepting the Animal for Isolation Upon Import.
- (c) Should the 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 30 days after issuance.

(3) Vaccinations and Testing. Each Licensee that Imports Dogs or Cats into the Commonwealth for purposes of Placement shall comply with the vaccination and testing schedules as described in 330 CMR 30.06(2). No Dog or Cat shall be imported without having received at least one vaccine prior to shipment. Any Dog six months of age or older shall have a negative test for heartworm within three months prior to shipment.

30.09: Restrictions on Placement

- (1) Unless otherwise specified in 330 CMR 30.09, no Licensee may Place an Animal that 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) Evidence of parasitism which is impacting the general health of the Animal, including heartworm; or
  - (c) Any significant behavioral concern, such as signs of a temperamental or behavioral issue, which may pose a safety risk to humans or other animals.
- (2) No Licensee may Place an Animal, unless:
  - (a) any such Dog or Cat eight weeks of age or older;
  - (b) any such Dog or Cat has, within 180 days before Placement, been examined by a Veterinarian and has received a Health Certificate, in accordance with 330 CMR 30.11(2)(i);
  - (c) the Licensee possesses the Animal's complete Individual Animal Record, in accordance with 330 CMR 30.11; and

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(d) prior to Placement, the Licensee has provided the prospective Adopter with a Disclosure Statement and 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).

(3) Notwithstanding 330 CMR 30.09(1) and (2), any Animal with a chronic infectious, or contagious medical condition may be Placed, provided the Licensee has supplied any prospective Adopter with a Disclosure Statement documenting the specific medical condition and provided the prospective Adopter has signed an acknowledgment of receipt on the Disclosure Statement and an agreement requiring the Adopter to take steps to prevent the spread of disease to any other susceptible animals. Such preventive measures shall remain in effect permanently, or until a Veterinarian has declared that the Animal no longer poses a risk of transmitting disease. The Licensee shall obtain and retain a copy of these documents as part of the Animal's Individual Animal Record.

(4) Notwithstanding 330 CMR 30.09(1), any Animal with behavioral issues that may pose a safety risk to humans or other animals, such as aggression, may only be Placed provided that the Animal:

(a) receives training or behavior modification prior to Placement such that the safety risk is mitigated to the satisfaction of the Department; or

(b) the Licensee supplies any prospective Adopter with a Disclosure Statement documenting the specific behavioral issues, and the prospective Adopter signs an acknowledgment of receipt on the Disclosure Statement and an agreement requiring the Adopter to establish an adequate management plan or employ the services of a professional Animal trainer or behaviorist to provide training or behavior modification that mitigates the safety risk. The Licensee shall obtain and retain a copy of these documents as part of the Animal's Individual Animal Record.

(5) A Licensee may Place any Animal found to be affected by 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 prospective Adopter with a Disclosure Statement describing the Animal's medical condition including, but not limited to, a Veterinarian's good faith estimate of the cost to treat or maintain the Animal with said condition that complies with 330 CMR 30.09(11); and

(b) Obtains a signed statement from the prospective Adopter stating that such Adopter has received a copy of the Disclosure Statement and is aware of the Animal's non-infectious, non-contagious, medical condition and accepts responsibility to provide the proper medical care for the Animal.

(6) No Organization shall dispense medication to an Adopter. Only a Veterinarian may prescribe or dispense medication after establishing a valid veterinarian-client-patient relationship, pursuant to the Board of Registration in Veterinary Medicine regulations at 256 CMR 2.00: *General Provisions*.

(7) Any location where an Animal Placement occurs, including any off-site or outdoor locations, 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 Placed, provided that there is a Sterilization Clause in the Licensee's Adoption agreement. Such clause shall require the Adopter either to have the Dog or Cat deprived of the ability to produce offspring by six months of age or to return the Animal to the care and custody of the Licensee. By the time the Dog or Cat reaches six months of age, the Adopter shall have provided the Licensee with written documentation from a Veterinarian that the Dog or Cat has been spayed or neutered.

## 30.09: continued

The documentation verifying that the Dog or Cat has been spayed or neutered shall be retained by the Licensee as part of the Individual Animal Record. Licensees invoking the Sterilization Clause when Placing Dogs or Cats shall also comply with the provisions of M.G.L. c. 140, § 139A. If a Veterinarian has examined a Dog or Cat and documented that a specific medical condition would cause spay or neuter surgery to be detrimental to the Animal's health, the Licensee shall take stringent steps to prevent the intentional or negligent breeding of the Animal, in accordance with 330 CMR 30.06(5). Such preventive measures shall remain in effect permanently, or until the Dog or Cat becomes healthy enough for surgery.

(9) Within 14 calendar days of Placement, 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 within three days of the veterinary exam for a prompt refund of the entire Adoption fee, or, if the Organization and the Adopter both consent, a replacement Animal.

(10) The provisions in 330 CMR 30.09(1), (2)(a) and (b), and (3) and (5) shall not apply to transfers of Animals between licensed Organizations, so long as the purpose of the transfer is to provide improved care or medical treatment for the Animal.

(11) A Disclosure Statement that includes a good faith estimate under 330 CMR 30.09(5)(a) shall clearly and conspicuously include the following language or substantially similar language: THIS GOOD FAITH ESTIMATE IS NOT AN OFFER TO PERFORM VETERINARY SERVICES. IT IS AN ESTIMATE BASED ON THE VETERINARIAN'S EXAMINATION OF THE ANIMAL AND THE ANIMAL'S MEDICAL RECORDS. THE ACTUAL COST OF TREATING OR MAINTAINING THE ANIMAL, EITHER BY THE VETERINARIAN WHO MADE THE ESTIMATE OR ANOTHER VETERINARIAN, MAY BE HIGHER OR LOWER THAN THE ESTIMATED COST.

30.10: Reclamation of Owned Pets

(1) If the Organization comes into possession of any stray, lost, or other displaced or apparently homeless Animal from anywhere within the Commonwealth, the Organization shall immediately 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 calendar days, or for a different length of time as required by applicable law, in accordance with M.G.L. c. 140, § 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 maintained in accordance with 330 CMR 30.00 and 330 CMR 30.11 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, when available;
- (c) age;
- (d) name, if applicable;
- (e) microchip number, tattoo, or other Official Identification;

## 30.11: continued

- (f) color and distinctive markings;
- (g) health status;
- (h) history of vaccinations administered, including rabies vaccination;
- (i) Health Certificate verifying that any Dog or Cat was examined by a Veterinarian within 180 days prior to Placement. This Health Certificate is valid for 180 days, provided the Dog or Cat remains healthy during that time. Dogs or Cats that become ill and recover need a new Health Certificate prior to Placement. The Health Certificate shall state:
  - 1. the date of examination; and
  - 2. that the Dog or Cat is free of any symptoms of infectious or contagious disease.
- (j) if the Animal was imported into the Commonwealth, a copy of the Animal's OCVI;
- (k) all vaccines, prophylactic, and therapeutic medications, and all other medications administered to the Animal, identified by name of drug, dosage, and dates and duration of administration;
- (l) observations or findings of behavioral concerns or temperament issues that may pose a safety concern for humans or other 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 the Person to whom the Animal was transferred, and the date of Placement; 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 retained for a period of 24 months from the date of Placement or mortality unless otherwise directed by the Department.

30.12: Inspections and Quarantines

(1) In accordance with M.G.L. c. 129, § 7, the Department shall have the right to inspect any 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 such Animals.

(2) Any Facility required to maintain a kennel license in accordance with M.G.L. c. 140, § 137A, is subject to inspection by the Animal Control Officer of the municipality in which the Facility is located.

(3) The Department may order that a Quarantine be placed on the entire premises operated by a Licensee, on a specific species, on a specific 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; or
- (d) The importation of a Dog or Cat into Massachusetts in violation of M.G.L. c. 129, § 39G, or 330 CMR 3.00.

(4) Each Animal which the Department has ordered Quarantined shall be maintained in a Quarantine Room meeting the requirements of 330 CMR 30.05(2), or in such other location that prevents the spread of disease, until released in writing by the Department.

(5) If the Licensee discovers that any Animal is affected with any contagious conditions, the Licensee shall place the Animal in a Quarantine Room meeting the requirements of 330 CMR 30.05(2), or in such other location that prevents the spread of disease, until the Animal can be deemed healthy.

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(6) If any Animal required to be maintained in a Quarantine Room meeting the requirements of 330 CMR 30.05(2) is not so maintained, the Department may order that a Quarantine be placed on the entire premises operated by a Licensee.

30.13: Enforcement

(1) The Department may deny, revoke, or suspend a License upon finding that the Organization has not complied with the provisions of 330 CMR 30.00.

(2) An emergency 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, provided that a hearing is held within 21 days after the date of such suspension.

(3) Except for emergency suspensions under 330 CMR 30.13(2), no License or renewal of 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 30.00 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.

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

(7) Severability. If any provision of 330 CMR 30.00 shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of 330 CMR 30.00, which shall remain in full force and effect; and to this end the provisions of 330 CMR 30.00 are hereby declared severable.

REGULATORY AUTHORITY

330 CMR 30.00: M.G.L. c. 129, §§ 2, 37, 39A and M.G.L. c. 140, § 139A.

NON-TEXT PAGE