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SECTION 174D

GENERAL LAWS

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Section 174D: Research institutions; license to use dogs or cats; rules and regulations

Section 174D. (a) No research institution shall employ dogs or cats in scientific investigation, experiment or instruction or for the testing of drugs or medicines without having first been issued a license therefor under this section by the commissioner of public health. A research institution desiring to obtain a license shall make application to the commissioner of public health. On receipt of such application the commissioner of public health shall make or cause to be made such investigation as he may deem necessary to determine whether the public interest would be served by the issue of such license. The commissioner of public health shall issue such license unless, after notice and hearing, he finds that the research institution, by reason of its standards, facilities, practices or activities, is not a fit and proper institution to receive such license, and that the issue thereof is not in the public interest. Each research institution licensed under this chapter shall before such license issues pay to the commissioner of public health a license fee of fifty dollars. Each license shall expire on June thirtieth next following the date of issue. The commissioner of public health shall annually renew each license upon the application of the licensee unless, after notice and hearing, he finds that by reason of the standards, facilities, practices or activities of the licensee such renewal is not in the public interest. The commissioner of public health may, after notice and hearing, cancel, suspend or revoke any license if he finds that by reason of the standards, facilities, practices or activities of the licensee the continuation of such license is not in the public interest.

Whoever knowingly violates any of the provisions of this section shall be liable for a civil penalty of not more than one hundred dollars for each offense. The superior court department of the trial court shall have authority to enjoin any violation of this section or to take such other actions as equity or justice may require.

(b) The commissioner of public health may make such rules and regulations, not inconsistent with this section, necessary to carry out its purposes, and may alter, rescind or add to any rules or regulations previously made. The commissioner of public health or an agent designated by him may, in connection with the granting, continuance or renewal of a license, visit and inspect the animal research and care facilities of any licensee or of any research institution which has applied for a license. The Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston may be designated as agents of the commissioner of public health. For purposes of this paragraph the term "animal" shall refer to the dog and cat specifically and all other sentient creatures except humans.

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