



## **OPPOSE HD653 – An Act Prohibiting Devocalization of Dog & Cats (Rep. Harkins)**

### **PROBLEM:**

Animal Rights Activists have deemed debarking, devocalization or bark softening as "torture".

### **HISTORY:**

This debarking bill is not what it seems. It looks like a straightforward, be-kind-to-animals law, but it is actually part of a nationally coordinated campaign by animal rights organizations that don't believe people should own pets. Laws should be based on knowledge and fact, but this proposal relies on emotion for its support.

No dog owner makes the decision lightly. It is not cruel, it is minor surgery done under anesthesia. It only takes a few minutes and doesn't remove vocal cords. After this minor surgery the dogs are not silent, just much quieter. They resume their normal activities the same day and don't seem to realize they are debarked. They bark just as much, but now they are happier because they are not constantly punished for it. Devocalizing is never done on cats.

### **WHAT THIS BILL DOES:**

This bill makes it illegal to debark a dog in Massachusetts and contains provisions for excessive and unreasonable penalties.

### **WHY YOU SHOULD OPPOSE:**

1. Bark softening saves lives! Many dogs cannot be trained to stop barking, not because they are bored or lonely, but because of genetic predisposition to bark. If passed, this proposal would force the killing of many happy, healthy pets.
2. These habitual barkers become public nuisances, a source of complaints by angry neighbors and would end up in shelters or with breed rescues and would most likely have to be euthanized.
3. Excessive barking can result in friction between otherwise amicable neighbors. Many knowledgeable and responsible dog owners consider debarking for the welfare and happiness of their dogs. This procedure allows the owner to avoid harsh measures such as shock collars to control excessive barking, or being forced to get rid of their dog.
4. The penalty, as prescribed in the bill, is outrageous. Up to five year imprisonment and \$2500 fine – which is the usual penalty for felony assault with a dangerous weapon. A mental health exam and evaluation must also be submitted – this is not required in any other criminal statute.

### **FOR MORE INFORMATION:**

**Massachusetts Federation of Dog Clubs and Responsible Dog Owners**

John Kenney, Board Member; musherjohn@verizon.net

Julie Rembrandt Seeley, Corresponding Secretary; jrembrandtseeley@aol.com

MassFed: 02/09/09

**HOUSE . . . . . No.****The Commonwealth of Massachusetts**

PRESENTED BY:  
**Lida E. Harkins**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
**An Act prohibiting devocalization of dogs and cats.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	Worcester and Middlesex
Patricia D. Jehlen	Second Middlesex
Matthew C. Patrick	3rd Barnstable
Jennifer M. Callahan	18th Worcester
David P. Linsky	5th Middlesex
James B. Eldridge	Middlesex and Worcester
Robert L. Rice, Jr.	2nd Worcester
Ellen Story	3rd Hampshire
Ruth B. Balser	12th Middlesex
William N. Brownsberger	24th Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Sean Garballey	23rd Middlesex
Patricia A. Haddad	5th Bristol
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Scott P. Brown	Norfolk, Bristol and Middlesex
Daniel E. Bosley	1st Berkshire
Christine E. Canavan	10th Plymouth
Viriato Manuel deMacedo	1st Plymouth
Louis L. Kafka	8th Norfolk
John D. Keenan	7th Essex
Kay Khan	11th Middlesex
Barbara A. L'Italien	18th Essex
David M. Nangle	17th Middlesex
Pam Richardson	6th Middlesex
Michael F. Rush	10th Suffolk
Cynthia Stone Creem	First Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
John A. Hart, Jr.	First Suffolk
Geraldo Alicea	6th Worcester

Willie Mae Allen	6th Suffolk
James Arciero	2nd Middlesex
Bill Bowles	2nd Bristol
Garrett J. Bradley	3rd Plymouth
Stephen R. Canessa	12th Bristol
Steven J. D'Amico	4th Bristol
Paul J. Donato	35th Middlesex
John P. Fresolo	16th Worcester
Peter J. Koutoujian	10th Middlesex
Stephen Kulik	1st Franklin
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex
John W. Scibak	2nd Hampshire
Carl M. Sciortino, Jr.	34th Middlesex
Martin J. Walsh	13th Suffolk
Jonathan Hecht	29th Middlesex
James T. Welch	6th Hampden
John F. Quinn	9th Bristol
Jeffrey Sánchez	15th Suffolk
Anthony W. Petruccelli	First Suffolk and Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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## AN ACT PROHIBITING DEVOCALIZATION OF DOGS AND CATS.

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

SECTION 1. Said Chapter 272 is amended by inserting the following section:

Section 80. (a) No person shall surgically debark or silence a dog or cat, or cause the surgical debarking or silencing of a dog or cat, unless a veterinarian licensed in this state has filed a written certification with the town clerk or in Boston, the police commissioner, stating that the surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat medical harm or pain.

(b) The written certification described in (a) shall contain the date and description of the veterinarian's examination and evaluation of the dog or cat, statement certifying that surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any supporting diagnosis and findings, the name and current address and telephone number of the dog or cat's owner or keeper, and the name and current address and telephone number, state license number, and signature of the veterinarian.

(c) No person except a veterinarian licensed in this state, using anesthesia, may surgically debark or silence a dog or cat.

(d) Any person in violation of this section shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment. A court may also order any person convicted under this section to submit to a mental health evaluation as determined by the court and undergo any recommended counseling or treatment. In addition to any other penalty provided by law, a person convicted under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and required to take humane education, pet ownership and dog training classes as ordered by the court.

SECTION 2. Said Chapter 140 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following section:

Section \_\_\_\_\_. Any person or business selling a dog or cat for profit shall disclose whether the dog or cat has been surgically debarked or silenced and provide the purchaser with a copy of the veterinarian certification required by Chapter 272, Sec. 80.

SECTION 3. Said Section 137D of chapter 140 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting "eighty" between "seventy seven" and "eighty A".