

**SUBSTITUTE FOR
HOUSE BILL NO. 4898**

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending sections 1, 2, 5a, 6, 7, and 9 (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, and 287.339), sections 1, 6, 7, and 9 as amended by 1997 PA 7 and section 5a as added by 1980 PA 214, and by adding sections 9c and 9d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Adoption" means a transfer of ownership, with or without
3 remuneration, of a dog, cat, or ferret from an animal control
4 shelter or animal protection shelter to an individual for the

1 purpose of being a companion animal for that individual. As used in
2 this subdivision, a companion animal includes, but is not limited
3 to, a dog that is used for hunting or as a guard dog.

4 (b) "Alteration" means a professional sterilization procedure
5 performed by a veterinarian that renders a dog, cat, or ferret
6 incapable of reproducing.

7 (c) "Altered", in reference to a dog, cat, or ferret, means
8 having undergone alteration.

9 (d) "Animal" means a mammal except livestock as **THAT TERM IS**
10 defined in **SECTION 1 OF** 1937 PA 284, MCL 287.121, ~~to 287.131,~~ and
11 rodents.

12 (e) "Animal control shelter" means a facility operated by a
13 municipality for the impoundment and care of animals that are found
14 in the streets or at large, animals that are otherwise held due to
15 the violation of a municipal ordinance or state law, or animals
16 that are surrendered to the animal control shelter.

17 (f) "Animal protection shelter" means a facility operated by a
18 person, humane society, society for the prevention of cruelty to
19 animals, or any other nonprofit organization for the care of
20 homeless animals.

21 (g) "Cat" means a domestic cat of any age of the species ~~felis~~
22 **FELIS** catus.

23 (h) "Department" means the state department of agriculture **AND**
24 **RURAL DEVELOPMENT**.

25 (i) "Director" means the director of the department or his or
26 her authorized representative.

27 (j) "Dog" means a domestic dog of any age of the species ~~canis~~

1 **CANIS** familiaris.

2 (k) "Ferret" means an animal of any age of the species ~~mustela~~
3 **MUSTELA** furo.

4 ~~—— (l) "Health certificate" means a certificate in a form~~
5 ~~prescribed by the department in which a veterinarian attests to the~~
6 ~~age, sex, breed, and description of an animal, and to the fact that~~
7 ~~at the time of preparation of the certificate, the veterinarian~~
8 ~~examined the animal and found the animal free from visual evidence~~
9 ~~of communicable disease.~~

10 (l) "INTACT DOG" MEANS A DOG THAT HAS NOT BEEN ALTERED.

11 (M) "LARGE-SCALE DOG BREEDING KENNEL" MEANS A FACILITY WHERE
12 MORE THAN 15 FEMALE INTACT DOGS OVER THE AGE OF 4 MONTHS ARE HOUSED
13 OR KEPT FOR THE PRIMARY PURPOSE OF BREEDING. AS USED IN THIS
14 SUBDIVISION, "HOUSED OR KEPT FOR THE PRIMARY PURPOSE OF BREEDING"
15 MEANS THAT THE FEMALE DOG HAS PREVIOUSLY BEEN BRED AND WHELPED. A
16 FEMALE DOG THAT HAS NOT PREVIOUSLY PRODUCED OFFSPRING SHALL NOT BE
17 CONSIDERED TO HAVE BEEN HOUSED OR KEPT FOR THE PRIMARY PURPOSE OF
18 BREEDING.

19 (N) ~~(m)~~ "Municipality" means a county, city, village, or
20 township.

21 (O) ~~(n)~~ "Person" means an individual, partnership,
22 corporation, association, governmental entity, or other legal
23 entity.

24 (P) "PET HEALTH CERTIFICATE" MEANS A CERTIFICATE IN A FORM
25 PRESCRIBED BY THE DIRECTOR IN WHICH A VETERINARIAN ATTESTS TO THE
26 SPECIES, AGE, SEX, BREED, AND DESCRIPTION OF AN ANIMAL; ANY MEDICAL
27 CONDITIONS OF THE ANIMAL; ANY MEDICAL TREATMENT AND VACCINATIONS

1 THAT THE ANIMAL RECEIVED WHILE UNDER THE CONTROL OF A PET SHOP OR
 2 LARGE-SCALE DOG BREEDING KENNEL; AND TO THE FACT THAT AT THE TIME
 3 OF THE PREPARATION OF THE CERTIFICATE THE VETERINARIAN EXAMINED THE
 4 ANIMAL AND FOUND THE ANIMAL FREE FROM VISUAL EVIDENCE OF
 5 COMMUNICABLE DISEASE.

6 (Q) ~~(e)~~—"Pet shop" means a place where animals are sold or
 7 offered for sale, exchange, or transfer.

8 (R) ~~(p)~~—"Veterinarian" means a person licensed to practice
 9 veterinary medicine under ~~article 15~~ **PART 188** of the public health
 10 code, 1978 PA 368, MCL ~~333.16101~~ **333.18801** to 333.18838.

11 Sec. 2. (1) The ~~agriculture department shall issue~~ **MAY**
 12 **PROMULGATE** rules to accomplish the purposes of this act and to
 13 establish minimum standards for **THE** housing, care, and handling of
 14 animals to insure the humane care and handling of animals. **THE**
 15 **DEPARTMENT MAY ALSO PROMULGATE RULES TO ESTABLISH MINIMUM STANDARDS**
 16 **FOR LARGE-SCALE DOG BREEDING KENNELS.** The rules shall be
 17 promulgated in accordance with ~~the provisions of Act No. 88 of the~~
 18 ~~Public Acts of 1943, as amended, being sections 24.71 to 24.80 of~~
 19 ~~the Compiled Laws of 1948, and subject to Act No. 197 of the Public~~
 20 ~~Acts of 1952, as amended, being sections 24.101 to 24.110 of the~~
 21 ~~Compiled Laws of 1948.~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
 22 **1969 PA 306, MCL 24.201 TO 24.328.**

23 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, UNTIL THE
 24 DEPARTMENT PROMULGATES RULES UNDER SUBSECTION (1), A LARGE-SCALE
 25 DOG BREEDING KENNEL IS SUBJECT TO R 285.151.1 TO R 285.151.41 OF
 26 THE MICHIGAN ADMINISTRATIVE CODE. NOTWITHSTANDING R 285.151.25 OF
 27 THE MICHIGAN ADMINISTRATIVE CODE, IN A LARGE-SCALE DOG BREEDING

1 KENNEL, A FEMALE DOG IN ESTRUS MAY BE HOUSED WITH INTACT MALE DOGS
2 FOR THE PURPOSE OF BREEDING.

3 Sec. 5a. (1) A person who operates a pet shop shall not ~~do any~~
4 ~~of the following:~~

5 ~~—— (a) Import~~ **IMPORT** or cause to be imported into this state ~~, or~~
6 ~~offer for sale or resale,~~ a dog or cat **THAT IS** less than 8 weeks
7 old. **A PERSON WHO OPERATES AN ANIMAL CONTROL SHELTER OR AN ANIMAL**
8 **PROTECTION SHELTER SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO**
9 **THIS STATE A DOG OR CAT THAT IS LESS THAN 8 WEEKS OLD UNLESS THE**
10 **DOG OR CAT IS IMPORTED WITH ITS DAM. A LARGE-SCALE DOG BREEDING**
11 **KENNEL SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS STATE A**
12 **DOG THAT IS LESS THAN 8 WEEKS OLD UNLESS THE DOG IS IMPORTED WITH**
13 **ITS DAM.**

14 ~~—— (b) Import or cause to be imported into this state, or offer~~
15 ~~for sale or resale, a dog or cat unless the dog or cat has~~
16 ~~deciduous (baby) teeth visibly present.~~

17 (2) ~~(c) Sell or offer for sale~~ **A PERSON WHO OPERATES A PET**
18 **SHOP SHALL NOT SELL, EXCHANGE, TRANSFER, OR OFFER FOR SALE,**
19 **EXCHANGE, OR TRANSFER A DOG OR CAT THAT IS LESS THAN 8 WEEKS OLD. A**
20 **LARGE-SCALE DOG BREEDING KENNEL SHALL NOT SELL, EXCHANGE, OR**
21 **TRANSFER A DOG THAT IS LESS THAN 8 WEEKS OLD.**

22 (3) **A PERSON THAT OPERATES A PET SHOP, AN ANIMAL CONTROL**
23 **SHELTER, AN ANIMAL PROTECTION SHELTER, OR A LARGE-SCALE DOG**
24 **BREEDING KENNEL SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS**
25 **STATE, OR SELL, ADOPT, EXCHANGE, OR TRANSFER, OR OFFER FOR SALE,**
26 **ADOPTION, EXCHANGE, OR TRANSFER a dog, unless the** ~~ALL OF THE~~
27 **FOLLOWING ARE SATISFIED BEFORE THE DOG'S ENTRY INTO THIS STATE:**

1 (A) THE dog has been ~~inoculated~~ VACCINATED against distemper,
2 ~~hepatitis, and leptospirosis, para-influenza and, if~~ PARVOVIRUS,
3 AND CANINE ADENOVIRUS-2. THE DOG SHALL ALSO BE VACCINATED AGAINST
4 RABIES AND LEPTOSPIROSIS IF THE DOG IS 12 WEEKS OF AGE OR OLDER. IF
5 A RABIES VACCINE IS REQUIRED UNDER THIS SUBDIVISION, THE VACCINE
6 SHALL BE ADMINISTERED BY AN ACCREDITED VETERINARIAN. A PERSON
7 OPERATING A PET SHOP OR A LARGE-SCALE DOG BREEDING KENNEL SHALL
8 ENSURE THAT VACCINATIONS OTHER THAN THE RABIES VACCINATION ARE
9 ADMINISTERED NOT LESS THAN 7 DAYS BEFORE THE DOG'S ENTRY INTO THIS
10 STATE. THE DIRECTOR MAY REQUIRE VACCINATIONS AGAINST OTHER DISEASES
11 NOT SPECIFIED IN THIS SUBDIVISION.

12 (B) IF indicated, THE DOG has been treated for external and
13 internal parasites ~~, not less than 7 days before the dog's entry~~
14 ~~into this state.~~ SO THAT THE DOG IS NOT CAPABLE OF SPREADING
15 EXTERNAL OR INTERNAL PARASITES TO ANOTHER ANIMAL AT THE TIME IT IS
16 IMPORTED INTO THIS STATE.

17 (C) The dog ~~shall be~~ IS accompanied by a ~~a~~ AN INTERSTATE health
18 certificate OR CERTIFICATE OF VETERINARY INSPECTION signed by a ~~a~~ AN
19 ACCREDITED veterinarian LICENSED TO PRACTICE VETERINARY MEDICINE IN
20 THE DOG'S STATE OF ORIGIN, including records of the dog's
21 medication and immunization.

22 (4) ~~(d) Sell or offer for sale~~ A PERSON WHO OPERATES A PET
23 SHOP, AN ANIMAL CONTROL SHELTER, OR AN ANIMAL PROTECTION SHELTER
24 SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS STATE, OR SELL,
25 ADOPT, EXCHANGE, OR TRANSFER, OR OFFER FOR SALE, ADOPTION,
26 EXCHANGE, OR TRANSFER a cat, unless ~~the~~ ALL OF THE FOLLOWING ARE
27 SATISFIED BEFORE THE CAT'S ENTRY INTO THIS STATE:

1 (A) THE cat has been ~~inoculated~~ **VACCINATED** against feline
2 panleukopenia, ~~(cat distemper), rinotraacheitis and calici viruses,~~
3 ~~and, if~~ **AND FELINE HERPES VIRUS-1. THE CAT SHALL ALSO BE VACCINATED**
4 **AGAINST RABIES IF THE CAT IS 12 WEEKS OF AGE OR OLDER. IF A RABIES**
5 **VACCINE IS REQUIRED UNDER THIS SUBDIVISION, THE VACCINE SHALL BE**
6 **ADMINISTERED BY AN ACCREDITED VETERINARIAN. A PERSON OPERATING A**
7 **PET SHOP SHALL ENSURE THAT VACCINATIONS OTHER THAN THE RABIES**
8 **VACCINATION ARE ADMINISTERED TO THE CAT AS REQUIRED BY THIS**
9 **SUBDIVISION NOT LESS THAN 7 DAYS BEFORE THE CAT'S ENTRY INTO THIS**
10 **STATE. THE DIRECTOR MAY REQUIRE VACCINATIONS AGAINST OTHER DISEASES**
11 **NOT SPECIFIED IN THIS SUBDIVISION.**

12 (B) IF indicated, THE CAT has been treated for external and
13 internal parasites ~~, not less than 7 days prior to the cat's entry~~
14 ~~into this state.~~ **SO THAT THE CAT IS NOT CAPABLE OF SPREADING**
15 **EXTERNAL OR INTERNAL PARASITES TO ANOTHER ANIMAL AT THE TIME IT IS**
16 **IMPORTED INTO THIS STATE.**

17 (C) The cat ~~shall be~~ **IS** accompanied by a ~~a~~ **AN INTERSTATE** health
18 certificate **OR CERTIFICATE OF VETERINARY INSPECTION FILLED OUT AND**
19 signed by a ~~a~~ **AN ACCREDITED** veterinarian **LICENSED TO PRACTICE**
20 **VETERINARY MEDICINE IN THE CAT'S STATE OF ORIGIN, including records**
21 **of the cat's medication and immunization.**

22 (5) ~~(e) Sell~~ **A PERSON WHO OPERATES A PET SHOP OR A LARGE-SCALE**
23 **DOG BREEDING KENNEL SHALL NOT SELL, EXCHANGE, TRANSFER, or deliver**
24 **a dog, ~~or~~ cat, OR FERRET without providing to the purchaser a VALID**
25 **PET health certificate. ~~signed by a veterinarian licensed by this~~**
26 **~~state, for the dog or cat. The certificate shall include a health~~**
27 **~~record indicating the date and type of vaccinations which have been~~**

~~given to the dog or cat.~~ FOR PURPOSES OF THIS SUBSECTION, A PET HEALTH CERTIFICATE IS ONLY VALID FOR 30 DAYS AFTER THE DATE THE ANIMAL WAS EXAMINED BY THE VETERINARIAN WHO SIGNED THE CERTIFICATE.

Sec. 6. (1) A municipality shall not operate an animal control shelter unless the animal control shelter is registered with the department.

(2) A society for the prevention of cruelty to animals ~~—~~or any other person ~~—~~shall not operate an animal protection shelter unless the shelter is registered with the department.

(3) A PERSON SHALL NOT OPERATE A LARGE-SCALE DOG BREEDING KENNEL UNLESS THE LARGE-SCALE DOG BREEDING KENNEL IS REGISTERED WITH THE DEPARTMENT. THE DEPARTMENT SHALL CHARGE AN ANNUAL FEE OF \$500.00 PER REGISTRATION OF A LARGE-SCALE DOG BREEDING KENNEL.

(4) THIS ACT IS NOT INTENDED TO APPLY TO A DOG OWNER OR BREEDER OTHER THAN A PERSON THAT OPERATES A LARGE-SCALE DOG BREEDING KENNEL.

Sec. 7. Application for registration of an animal control shelter, ~~or~~ ~~AN~~ animal protection shelter, ~~OR A LARGE-SCALE DOG BREEDING KENNEL~~ shall be on ~~forms approved~~ ~~A FORM PRESCRIBED~~ by the ~~department.~~ ~~DIRECTOR.~~

Sec. 9. (1) ~~The~~ ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE~~ licensing and registration requirements of this act do not apply to a person who breeds his or her own animals or to a person subject to 1969 PA 224, MCL 287.381 to 287.395. ~~THE LICENSING AND REGISTRATION REQUIREMENTS OF THIS ACT APPLY TO A LARGE-SCALE DOG BREEDING KENNEL.~~

(2) Subsection (1) does not create an exemption from

1 vaccination and licensing requirements under the dog law of 1919,
2 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and
3 handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

4 (3) This act does not require the alteration of a dog, cat, or
5 ferret being reclaimed from an animal control shelter or animal
6 protection shelter by its owner unless a local ~~governmental~~
7 **GOVERNMENT** ordinance requires the alteration.

8 **SEC. 9C. (1) A LARGE-SCALE DOG BREEDING KENNEL SHALL MAINTAIN**
9 **CURRENT VERIFIABLE RECORDS FOR A PERIOD OF AT LEAST 2 YEARS. THE**
10 **RECORDS SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:**

11 (A) THE VERIFIED NAME AND ADDRESS OF THE PERSON FROM WHOM THE
12 DOG WAS ACQUIRED, WHERE THE DOG WAS ACQUIRED, AND THE DATE THAT THE
13 DOG WAS ACQUIRED.

14 (B) A DESCRIPTION AND IDENTIFICATION OF THE DOG, INCLUDING THE
15 DOG'S IDENTIFICATION INFORMATION, COLOR, BREED, SEX, ALTERATION
16 STATUS, AND APPROXIMATE WEIGHT AND AGE.

17 (C) THE DATE AND METHOD OF DISPOSITION OF THE DOG. IF THE DOG
18 IS ADOPTED, TRANSFERRED, OR SOLD, THE RECORDS SHALL ALSO INCLUDE
19 THE VERIFIED NAME AND ADDRESS OF THE PERSON TO WHOM THE DOG IS
20 ADOPTED, TRANSFERRED, OR SOLD.

21 (D) THE NUMBER OF DOGS ON SITE DAILY AT EACH PHYSICAL
22 LOCATION.

23 (E) THE NUMBER OF INTACT BREEDING ADULT FEMALE DOGS ON SITE
24 DAILY AT THE PHYSICAL LOCATION.

25 (F) BREEDING RECORDS FOR EACH FEMALE INTACT DOG THAT INCLUDE
26 THE APPROXIMATE DATE THE DOG WAS BRED AND THE BIRTH DATE AND SIZE
27 OF EACH LITTER DURING THE TIME THAT THE DOG WAS AT THE PHYSICAL

1 LOCATION.

2 (2) A LARGE-SCALE DOG BREEDING KENNEL SHALL MAKE THE RECORDS
3 REQUIRED UNDER SUBSECTION (1) AVAILABLE TO THE DIRECTOR OR HIS OR
4 HER REPRESENTATIVE ON REQUEST.

5 SEC. 9D. NO LATER THAN 18 MONTHS AFTER THE EFFECTIVE DATE OF
6 THE AMENDATORY ACT THAT ADDED THIS SECTION AND ANNUALLY THEREAFTER
7 UNTIL SEPTEMBER 30, 2019, THE DEPARTMENT SHALL PREPARE AND SUBMIT A
8 REPORT TO THE SENATE AND HOUSE STANDING COMMITTEES ON
9 APPROPRIATIONS. THE REPORT REQUIRED UNDER THIS SECTION SHALL
10 INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING INFORMATION:

11 (A) THE NUMBER OF REGISTRATIONS ISSUED TO LARGE-SCALE DOG
12 BREEDING KENNELS UNDER SECTION 6(3).

13 (B) THE APPROXIMATE NUMBER OF BREEDING ANIMALS HOUSED AT EACH
14 LARGE-SCALE DOG BREEDING KENNEL DESCRIBED IN SUBDIVISION (A).

15 (C) THE NUMBER OF INSPECTIONS OF LARGE-SCALE DOG BREEDING
16 KENNELS PERFORMED BY THE DEPARTMENT OR A PARTNER OF THE DEPARTMENT.

17 (D) THE NUMBER OF COMPLAINTS RECEIVED REGARDING LARGE-SCALE
18 DOG BREEDING KENNELS.

19 (E) THE NUMBER OF PENDING OR ASSESSED PENALTIES ARISING FROM
20 THE COMPLAINTS DESCRIBED IN SUBDIVISION (D).

21 (F) RECOMMENDATIONS REGARDING ALL OF THE FOLLOWING:

22 (i) DEPARTMENT STAFFING LEVELS.

23 (ii) ANNUAL REGISTRATION FEES FOR LARGE-SCALE DOG BREEDING
24 KENNELS.

25 (iii) BEST PRACTICES FOR WORKING WITH PARTNERS TO ASSIST IN
26 IDENTIFYING AND RESOLVING NONCOMPLIANT LARGE-SCALE DOG BREEDING
27 KENNELS.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.