



**House
Legislative
Analysis
Section**

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REGULATE PET FERRETS

House Bill 4495 as enrolled
Public Act 358 of 1994
Second Analysis (12-28-94)

Sponsor: Rep. Lynn Owen
House Committee: Conservation,
Environment, and Great Lakes
Senate Committee: Agriculture and
Forestry

THE APPARENT PROBLEM:

According to the Pet Industry Joint Advisory Council, millions of Americans own one or more "domestic ferrets" (*Mustela furo*) as pets, making this animal the third most popular pet (not including fish) in America after cats and dogs. Owners of domestic ferrets say this animal makes a good pet for a number of reasons: it adapts well to its owner's schedule, remains sociable and playful throughout its life, shows more intelligence than dogs or cats, interacts well with other animals and people, and is easy to maintain in good health. However, as an effective rabies vaccination for domestic ferrets was not readily available in the past, and because the animal is said by some to have aggressive tendencies, the keeping of ferrets as pets has been outlawed in Michigan. But now that an effective rabies vaccination exists for the ferret and because most states in the U.S. currently allow them to be kept as pets, some people argue that Michigan should follow suit and legalize the keeping of ferrets as household pets as long as an owner shows proof that his or her ferrets have been properly vaccinated against rabies. Under this proposal, local governments could choose to license and regulate these pets themselves, just as they may currently choose to regulate and license cats and dogs kept as pets.

THE CONTENT OF THE BILL:

The bill would create a new act to regulate the possession, breeding and importing of domestic ferrets and to permit local governments to require owners of these animals to have them licensed. Under the bill, a person could not own or harbor a ferret over 12 weeks old unless the ferret was currently vaccinated against rabies with an approved vaccine administered by an accredited veterinarian. (This would not apply to ferrets used for research

purposes, as allowed under the Public Health Code.) A domestic ferret owner would have to show proof of a valid rabies certificate for the pet upon request of a law enforcement agent, animal control officer, or the director of the Department of Agriculture. Also, a local unit of government could enact ordinances to establish licensing requirements for ferrets, which would have to provide for proof of rabies vaccination, license tags, forms and procedures as described for dogs in the Dog Law Act.

Requirements for Ferret Owners. The agriculture department director could require that a ferret be identified pursuant to Public Act 309 of 1939 (which allows dog owners to have their pets tattooed for identification purposes) at the owner's expense. A person who owned or harbored a ferret that may have exposed a person or another animal to rabies by biting, scratching or similar activity would have to report the incident within 48 hours to the county public health department and to the agriculture department, and would be required to handle the ferret in accordance with the current published guidelines of the Centers of Disease Control and Prevention.

A ferret owner could not allow a ferret to leave the owner's property unless it was confined or held and under the direct control of the owner or a "responsible" person designated by the owner. A person would be prohibited from abandoning a ferret or releasing one into the wild.

Requirements for Ferret Breeders. A "breeder" would be defined under the bill as a person who met the federal Animal Welfare Act's definition of a "dealer," and who was regulated by the U. S. Department of Agriculture as a Class A licensee,

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breeder, or a Class B licensee who met the definition of "dealer" under Title 9 of subchapter A, part 1, section 1.1 and subpart F, sections 3.125 through 3.142 of the federal Code of Regulations. A "hobby breeder" would be defined under the bill to mean a person who owned four or fewer ferrets of six months of age or older, or a litter up to five months of age on a temporary basis, for personal recreational purposes such as competitions in shows or improving the breed, and who registered a ferret with a national ferret registry organization. The bill would also permit a breeder to engage in ferret breeding under the provisions of Title 9 of subchapter A, part 1, section 1.1 and subpart F, sections 3.125 through 3.142 of the federal Code of Regulations.

Under the bill, a hobby breeder could engage in breeding ferrets without a license or permit if he or she met all the following criteria:

****The ferrets were housed indoors, and the temperature was regulated to protect them from extremes of temperature.**

****Each ferret had a minimum of two square feet of floor space in a well-ventilated, fully equipped cage.**

****The ferrets' food was wholesome and of sufficient quantity and nutritive value to maintain them in good health; they were fed at least once a day; and food and water receptacles were accessible, clean, and sanitary, and placed so as to minimize contamination.**

****Excreta was removed from a cage and the litter box was disinfected as often as necessary to maintain ferrets in a state of good health and to minimize odors.**

****Ferrets with congenital or developmental defects were not used in a breeding program or offered for stud or hire.**

****Ferrets were not sold by a hobby breeder without a contract of sale specifying that the breeder would take the ferrets back without question or condition if the buyer could no longer keep them, and that the buyer could not sell or transfer the ferrets to anyone else.**

****A ferret kit was not sold or offered for sale before the kit was at least ten weeks old.**

****The hobby breeder established a program of veterinary care and regularly scheduled visits with a licensed veterinarian. The bill would also require that the department review a program of veterinary care annually.**

A person who violated the above provisions would be guilty of a misdemeanor.

Importing Ferrets. A person who sold or transferred a ferret would be required to furnish a ferret health information sheet, provided by the department. Ferrets could not be imported into the state without an official interstate health certificate or official certificate of veterinarian inspection (defined under the bill to mean a printed form used by any state that documented such information, and issued by an accredited veterinarian at least 30 days before an animal is imported or exported from Michigan, that contained, among other items, the names and addresses of the consignor and consignee and a description of the ferret), that included information on a current vaccine for rabies, if the ferret was over 12 weeks of age, and a current distemper vaccination, if the ferret was over six weeks of age. A copy of the certificate would be forwarded to the state veterinarian within ten days after the date of issuance. A ferret under six weeks of age could not be imported into the state without its natural mother.

Quarantined Ferrets. The agriculture department director could declare a quarantine on ferrets in any district or region of the state in order to control or prevent the spread of an infectious, contagious or toxicological disease. Ferrets could not be moved to other premises while under quarantine unless authorized by the director. A person could not allow quarantined ferrets to mingle or have contact with non-quarantined ferrets without the director's permission. The director could prescribe procedures for the identification, inventory, separation, mode of handling, treatment, feeding and caring for quarantined ferrets to prevent these from infecting other ferrets. A person could not import into the state a ferret from another state or jurisdiction if it was under quarantine by that state or jurisdiction unless the person obtained prior permission from the director.

A ferret found running free in violation of a quarantine could be killed by a law enforcement agent or animal control officer, and the director could ask for cooperation of a law enforcement

agency or animal control agency to enforce a quarantine. A law enforcement agent or animal control officer who killed a quarantined ferret as provided in the bill would not be subject to liability for the ferret.

The director could promulgate rules for implementing and enforcing the bill's provisions pursuant to the Administrative Procedures Act.

Penalties. A person who intentionally violated a condition of quarantine established in the bill would be guilty of a misdemeanor and would pay the costs of quarantine and prosecution, and -- in addition -- would be subject to one or more of the following: imprisonment for up to one year, a fine of up to \$5,000, at least 500 hours of community service work, or permanent relinquishment of animal ownership privileges. Allowing a ferret that was not confined or leashed and under the direct control of the owner or another "responsible" person to leave one's property would be considered a misdemeanor, punishable by a fine of up to \$100 and the costs of the prosecution. For other violations under the bill or a rule promulgated under the bill, a person would be guilty of a misdemeanor, punishable by one or more of the following: imprisonment for no less than 90 days; a fine of \$500 to \$1,000; community service work of not more than 120 hours; or a permanent relinquishment of animal ownership privileges.

A law enforcement agent, animal control officer, or the director of the Department of Agriculture could issue an appearance ticket for any violation described in the bill, as authorized by the Code of Criminal Procedure. In addition to any other action authorized under the bill, the department could bring an action to 1) obtain a declaratory judgment that a method, act or practice was a violation of the bill and 2) obtain an injunction against a person who was engaging, or about to engage, in a method, act or practice that violated the bill.

Repealer. The bill would repeal Public Act 277 of 1927, which currently regulates the possession, handling and sale of ferrets.

FISCAL IMPLICATIONS:

According to the Department of Public Health, the provisions of the bill would result in an indeterminate increase in the department's workload and corresponding costs. Local health departments

would have to immediately perform a rabies test on each ferret who had bitten a person, and then ship the ferret's brain to the state virology laboratory for testing. In addition, some post-exposure treatment costs for rabies, which -- according to department estimates -- range from \$300 to \$1,300, would be borne by the state. (12-22-94)

ARGUMENTS:

For:

Keeping ferrets as household pets reportedly has grown in popularity in the U.S. to the point that today, Michigan is one of only three states that prohibits these animals from being kept as pets. The domestic ferret is said to make an ideal pet as it is an outgoing, playful, intelligent animal that adapts well to human environs and gets along easily with other pets. In fact, even though they are outlawed as pets in Michigan, some estimate that as many as 50,000 ferrets are kept as pets in this state currently. Michigan has resisted permitting ferrets to be kept legally as pets primarily because in the past no effective rabies vaccination was available for ferrets. But now that an effective rabies vaccination exists, and because most other states in the country now allow them to be kept as pets, there seems to be no good reason for the state to continue to prohibit the keeping of ferrets as pets. Under the bill, an owner of one of these animals would have to show proof that the ferret was vaccinated for rabies in order to keep the animal as a pet. Rather than having the state regulate the animals, however, the bill would give local governmental units the ability to provide for their licensing and regulation if a local community so desired. The bill also provides for other safeguards by penalizing those who allow their ferrets to leave their property unattended, and by specifying that, if a pet ferret is found to harbor a disease, the director of the agriculture department could immediately quarantine the animal.

Against:

There are good reasons for continuing the ban on owning domestic ferrets as pets in this state. Public health officials have indicated that they still do not know the latency period of rabies in ferrets, despite the availability of a new rabies vaccine. Although some of these same arguments also apply to dogs, which the state does not ban as pets, it should be pointed out that ferrets have been shown to be aggressive animals. According to a California Department of Health Services study, quoted in the

New Hampshire Division of Public Health Services' March-April, 1993, Epidemiology Bulletin, there have been 452 documented cases of ferret attacks in 18 states and London, England, since 1978, including 63 unprovoked attacks on young children. In fact, because of their inquisitive nature, some ferrets have climbed into cribs and attacked infants and small children who were sleeping or lying down, inflicting disfiguring bites. Dogs, on the other hand, attack rarely, and then only when their territory is invaded.