

This revised analysis replaces the analysis dated 3-23-94.



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## REGULATION OF DOGS AND CATS

House Bill 4846 (Substitute H-1)  
Revised First Analysis (4-12-94)

Sponsor: Rep. Carl F. Gnodtke  
Committee: Agriculture & Forestry

### ***THE APPARENT PROBLEM:***

The Dog Law of 1919 badly needs updating, both because of the changing nature of the relationship between humans and dogs and because of the increased popularity of cats as pets. The current Dog Law deals primarily with the licensing and control of dogs (and only dogs), emphasizing controlling the spread of rabies and protecting the public from damage done by dogs, especially to livestock. Since 1919, however, the role played by dogs in our society has changed from being that primarily of working animals to that of being primarily companion animals. Over the same period of time, cats have become even more popular than dogs as pets, but are not covered under the existing dog law. In recognition of the changing role of pets, legislation has been introduced that would revise and update the existing dog law.

### ***THE CONTENT OF THE BILL:***

The bill would repeal the existing Dog Law of 1919 and replace it with a new act, the Animal Control Act of 1993. In general, the bill would authorize the Department of Agriculture (MDA) to regulate both dogs and cats (as well as other animals that the director of the MDA believed capable of bringing diseases into the state) and to protect livestock and poultry from both dogs and cats. It would require that all dogs six months old (or older) be licensed; that dogs be vaccinated against rabies by the time they were six months old; and that cat owners -- as well as dog owners -- be in control of their animals off of their property. Although the bill would not require cats to be licensed, it would allow local governments to require licensing of cats. The bill also would recognize a class of recreational animal owners ("animal hobbyists") and would replace current kennel licensing requirements with licensing requirements for breeding, boarding, training, grooming, and private kennel facilities.

Regulation of dogs and cats. The bill would expressly give the Department of Agriculture (rather than the state livestock sanitary commission) general supervision over the licensing of dogs, the regulation of dogs and cats (rather than just dogs), and the protection of livestock and poultry from dogs and cats (rather than just dogs). The department could use "all proper means" to enforce the bill, and would put all state, county, or municipal law enforcement officers and all animal control officers at the department's disposal to help it fulfill its obligations under the bill.

Control of dogs and cats. Current law requires that owners of female dogs in heat keep their dogs on leashes when off their property and that dog owners not allow their dogs "to stray unless held properly in leash." Working dogs actively engaged in activities for which they had been trained -- such as leader dogs, guard dogs, farm dogs, and hunting dogs -- are exempt from these leash requirements.

The bill would prohibit owners from allowing their dogs to stray from their owner's property unless the dog (a) was leashed or otherwise under the owner's "direct control," or (b) was lawfully hunting and under the owner's "reasonable control" at all times.

The bill also would make it unlawful for owners to allow their cats to stray from their property unless the cat was under the owner's "direct control" at all times.

(The bill would define "owner" to mean someone who had "a right of property ownership in an animal" or who kept or harbored the animal or had the animal in his or her care or custody. "Direct control" would mean "a situation in which [someone], whether by voice command or physical tether or other means can immediately affect or alter the actions of an animal so as to ensure that the animal [didn't] trespass or otherwise violate" the bill.) And "reasonable control" -- which would apply

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only to dogs -- would mean a situation in which someone, whether by voice command or any other available method, could affect a dog's action.)

**Required rabies vaccinations.** Current law requires that dogs be vaccinated against rabies in order to be licensed. The bill would require that, with certain exceptions, dogs six months old or older be vaccinated against rabies. The first rabies vaccination would expire one year after vaccination.

The bill would exempt from its rabies vaccination requirement (a) "research" dogs that were kept at registered research facilities or licensed dealers under the law regulating research on dogs and cats; and (b) dogs kept for fewer than 30 days at registered dog pounds or dog shelters if a rabies vaccination weren't a condition of a quarantine requirement.

Rabies vaccinations wouldn't be required for cats unless the director of the MDA determined that there was a "substantial threat" of rabies (for example, three or more cases of rabies diagnosed in a 12-month period) to human or other animals in a given county. The director would be required to promulgate rules to establish a rabies vaccination program for cats that would be in effect if he or she determined that a substantial threat of rabies existed. In such cases, anyone owning or "harboring" cats would be required either to kill the cats or to have them vaccinated by a veterinarian with an approved rabies vaccine.

**Dog licenses.** As in current law, the bill generally would require that all dogs six months and older be licensed before March 1 of each year. However, the bill would drop the requirement under current law that all dogs four months old or more after March 1 be licensed; instead, dogs that turned six months old, and dogs obtained, on or after March 1 would have to be licensed within 30 calendar days. The bill wouldn't continue to allow dog owners who obtained dogs at least four months old after March 1 and who applied for dog licenses after July 10 to pay half the annual license fee.

Like current law, the bill would require that all dogs wear collars with their license tags attached, but would expand the list of exemptions to this requirement. Current law exempts only dogs that are legally hunting; the bill would exempt dogs at boarding kennels and dogs permanently identified under Public Act 309 of 1939 (the dog identification

law) that were being shown or used for hunting. Boarding facility owners could remove collars and tags if the dog was securely confined and the owner had been told that the collar and tag might be removed.

The bill would keep most of the current procedures for obtaining dog licenses, while updating and clarifying the language used. Licenses would continue to be required for each dog at a residence, and proof of rabies vaccination would continue to be required for a license. However, instead of requiring that proof be by a valid certificate signed by an "accredited" veterinarian, the bill would require a rabies certificate with certain specific information (the owner's name, address, and telephone number; the manufacturer and serial number of the rabies vaccine; the date the vaccine was administered and the expiration date of the vaccination; and the name, address, telephone number, and license number of the veterinarian administering the vaccine) and would specify that if a dog's rabies vaccination expired during the period of the license, the owner would have to have his or her dog revaccinated.

Instead of requiring that each application state the breed, sex, age, color and markings of the dog, and the name and address of the previous owner, the bill would require that license forms correspond with the license tag number and contain at least the following information:

- \* the owner's name, address, and telephone number;
- \* the name and species of the animal;
- \* a description of the animal including the age or date of birth, estimated weight, sex (male, female, sterilized male, or sterilized female), breed, color, and markings;
- \* any permanent identification under Public Act 309 of 1939 (the so-called dog ID law);
- \* the expiration date of the rabies vaccination;
- \* the date the license was issued; and
- \* the name and telephone number of the county issuing the license.

Counties would continue to establish dog licensing fees, with a statutory minimum fee. However, instead of requiring differential fees for "male dogs and unsexed dogs" and female dogs, the bill would require that license fees for unsterilized dogs be proportionally higher than for sterilized dogs. Thus, instead of a minimum fee of one dollar for male dogs and unsexed dogs, and two dollars for each female dog, the bill would require a three-to-one ratio for unsterilized-to-sterilized dogs to encourage people to sterilize their dogs. Each license for an unsterilized dog could include a \$5 fee to be used by counties to encourage the sterilization of dogs. Counties could apply minimum five-dollar license fees for dogs certified in writing by a veterinarian as medically unsuitable for sterilization; and the bill would establish misdemeanor penalties for anyone who lied about a dog's medical fitness for sterilization in order to avoid the higher license fee.

Current law allows counties to extend the license application time from March 1 to June 1, and to charge double the regular fees (that is, two dollars instead of one dollar for male or unsexed dogs and four dollars instead of two dollars for female dogs) for late license applications (that is, applications on or after March 1). The bill would allow counties to charge license fees up to twice the regular fee for late applications (applications after March 1 or applications after the 30-day period for dogs acquired on or after March 1), and to adopt year-round staggered licensing instead of licensing dogs from January 1 to December 31. Staggered licenses would be valid for one year or the expiration date of the rabies vaccination, whichever came first; people who didn't renew their dogs' licenses within 30 days past its expiration or within 30 days of a rabies vaccination would be delinquent.

The bill would not require license fees other than facility license fees for dogs kept at licensed private kennels or breeding facilities. It also would allow counties to eliminate individual licenses for dogs kept at such facilities, but require that each dog have the required proof of vaccination and be issued individual license tags.

Current language allowing county boards of supervisors to reduce or increase fees to pay for damages caused by dogs would not be reinstated.

Proof of vaccination and licensing. People who owned (or harbored) dogs would have to produce proof of valid licenses and valid rabies vaccination

when asked by anyone who could enforce the bill (that is, by state law officers, local animal control officers, the department), unless the dog was exempted from rabies vaccination under the bill (basically, if it was a research animal or if it was being kept in a dog pound or shelter for less than 30 days). Under the bill, owners of collarless dogs (or dogs without current tags attached to the collar) could be required to show that the dog had a permanent identification (under Public Act 309 of 1939) and that it was being used for hunting or was being shown.

Dog license exemptions. Certain dogs would be exempted either from the bill's license fee requirements or from its licensing requirements. Dogs who helped physically impaired people (including guide or leader dogs used by blind people, "hearing" dogs used by deaf or hearing impaired people, and "service dogs" used by physically limited people) would have to be licensed but their owners would be exempted from having to pay license fees. Dogs kept at licensed pet shops, animal control shelters, and animal protection shelters, and "research" dogs kept at registered research facilities or by dealers licensed under Public Act 224 of 1969 (which regulates research using dogs and cats) would be entirely exempt from the bill's licensing requirements.

Licensing cats. The bill would allow municipalities (cities, townships, and villages) or boards of county commissioners to establish licensing requirements for cats, except for farm cats. The local ordinance would have to provide for proof of rabies vaccination, license tags, forms, and procedures (including the same requirements for fees and incentives for sterilization) as described for dogs by the bill.

"Animal hobbyists." The bill would recognize (and define) a class of "recreational" dog or cat owners called "animal hobbyists." It would define an "animal hobbyist" as anyone who:

- (1) owned either purebred dogs or cats recognized by an national breed organization or "specifically bred" dogs or cats;
- (2) used his or her dogs or cats for personal recreational purposes (such as hunting or for competition in conformation shows, obedience trials, tracking trials, hunting trials, or sled races); and

(3) had ("in residence on the premises") at least one dog or cat that either (a) had received a performance title (such as in conformation, obedience, tracking, hunting) from a national dog or cat club or registry or nationally recognized dog or cat association, or (b) had participated in five or more events in the preceding 12 months.

Animal hobbyists could breed their dogs or cats, but could not sell the puppies or kittens for resale.

**Facility licenses.** Currently, a "kennel" refers to any establishment where three or more dogs are "confined and kept for sale, boarding, breeding or training purposes" for pay. Anyone keeping or operating a kennel can apply for a kennel license instead of individual licenses for the dogs in the kennel, and a kennel can have as many dogs as is specified on the kennel license. Kennel license fees for kennels with ten or fewer dogs are \$10; kennel license fees for kennels with more than ten dogs are \$25. Delinquent kennel license renewals are double the original fee. Proof of rabies vaccination is not required for a kennel license. Applicants for new kennel licenses must provide an inspection certificate signed by the director of the Department of Agriculture (MDA) or his or her designee, saying that the kennel complies with the "reasonable sanitary requirements of the Department of Agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog." Kennels also must be built so as to keep the public and stray dogs from entering the kennel and coming into contact with the kennel dogs. Local governments with animal control officers can adopt kennel license ordinances identical to state law.

The bill would delete existing language and instead distinguish among -- and require licenses for -- five kinds of facilities: breeding, boarding, grooming, training, or private kennel facilities. The MDA would be responsible for issuing rules establishing standards for the housing, care, and handling of animals in facilities. Animal hobbyists who owned private kennel facilities could apply for private kennel licenses, while each separate facility named in the bill would be required to have a facility license. However, only one license would be required if more than one activity occurred at a facility, so long as the activities covered by the license were specified on the license. Facility licenses wouldn't be transferable to other owners or locations.

Counties could adopt year-round licensing schedules or could require that facility licenses be due before June 1. Year-round facility licenses would be considered delinquent 30 days after the license anniversary date, and counties could impose delinquent fees for delinquent licenses. County animal control officers or county treasurers couldn't issue facility licenses for new facilities or renew facility licenses unless the applicant furnished a certificate of inspection (signed either by the director of the MDA or the county animal control officer) saying that the facility complied with the act and departmental rules, including requirements for rabies vaccination. (If the county didn't have an animal control officer, the county board of commissioners could appoint someone knowledgeable about dogs and cats to conduct the inspection.)

Facility licenses would have to contain information specified in the bill, including:

- \* the name of the business, if appropriate;
- \* the facility owner's name, address, and telephone number;
- \* the kind of facility (that is, breeding, boarding, grooming, training, or private kennel);
- \* the number of dogs or cats (or both) that the facility could house; and
- \* any vehicle license plate numbers.

Under the bill, a "facility" would include vehicles, buildings, structures, and premises. "Facility" would not apply to either of the following:

- (a) research facilities already licensed under Public Act 224 of 1969 (namely, schools, hospitals, laboratories, institutions, organizations, or "persons" that use dogs or cats in research and that either buy or transport research animals or receive state or local government funds); or
- (b) animal show or trial sites during or for 24 hours before and after the show or trial.

A "private kennel facility" would refer to a facility separate from a personal residence where an animal hobbyist ("or other person," where "person" would include individuals and legal entities) housed and cared for four or more dogs or cats that were kept

as pets or used for personal recreational purposes. If an animal hobbyist used his or her private kennel to breed more than three litters of dogs or cats (or a combination of dog and cat litters) and kept more than 25 or more puppies and/or kittens in the preceding three months, the private kennel would be a breeding facility.

A "boarding facility" would refer to a facility where three or more dogs or cats (or combination of dogs and cats) not owned by the facility owner were housed for pay and on a temporary basis. (The part of a veterinary hospital that housed animals that weren't under medical care would be a "boarding facility.")

A "breeding facility" would refer to a facility where three or more litters of dogs or cats were born or raised in the preceding 12 months, and would include any vehicles used to transport dogs and cats to and from the facility.

A "training facility" would refer to a facility housing dogs only. It would be a facility where three or more dogs not owned by the facility owner were housed at any one time for the purpose of training (as hunting dogs, guard dogs, seeing-eye dogs, racing dogs, or other special purpose), and would include any vehicles used to transport the dogs to and from the facility.

A "grooming facility" would refer to a facility where one or more dogs or cats not owned by the facility owner were treated cosmetically (brushed, bathed, clipped, trimmed) or for "ectoparasites" (i.e. fleas) for pay, and also would include any vehicles used by the facility to transport dogs or cats for grooming. (The parts of veterinary hospitals where these activities were conducted for non-medical reasons would qualify as "grooming facilities.")

License tags and forms. Currently, the law requires the state livestock sanitary commission to supply county treasurers with license tags and forms. The commission buys the license tags (using state general fund money appropriated for this purchase) and resells them at cost to county treasurers, while providing the forms (obtained from the board of state auditors for free) at no cost. The bill would replace these provisions with provisions allowing the MDA "general supervision" over the license tags and forms, but requiring the counties to obtain -- at county expense -- the necessary license tags and forms as approved by the department. The bill

would specify the procedures for municipal treasurers to obtain license forms and tags and the license records they would have to keep and make available to the public.

As is currently the case, license tags couldn't be more than one and one-half inches long and their shape (or, under the bill, their color, or both) would change from year to year. Currently tags also must bear the calendar year they were issued and the name of the county issuing them, be numbered consecutively, and the number on the tag must correspond to the number on the license form. The bill would retain these requirements, adding only that the tags also carry the telephone number of the issuing county and have "no protrusions."

Dog licenses and tags, as under current law, couldn't be transferred from one dog to another, though licenses could continue to be transferred when a dog was permanently transferred from one owner to another. Temporary transfer of dogs (for hunting, breeding, training, boarding, trial, or show) still wouldn't require a new license or transfer of a license. The bill would allow counties to establish license transfer fees not to exceed the county's current nondelinquent license fee.

Lost tags could be replaced if the owner produced a license and a sworn statement regarding the loss of the tag. Counties could set replacement fees, but the fee couldn't be more than the regular license fee currently being charged by the county.

Animal control programs. The bill would reinstate language enabling counties to establish, by ordinance (subject to the bill), animal control agencies. The board could assign the animal control agency to any existing county department or could establish a new department. The agency would be able to enforce the bill's provisions in municipalities that didn't have their own animal control agencies. The bill also would require county animal control ordinances to provide for animal control programs, facilities, personnel, and expenses incurred in animal control.

County boards would be required to adopt minimum employment standards for recruiting, selecting, and appointing animal control officers. Minimum standards would have to include:

\* requirements for physical and educational standards;

\* absence of previous convictions for cruelty to animals or violations of the animal research act (Public Act 224 of 1969) or the law regulating dog pounds, pet shops, and animal shelters (Public Act 287 of 1969); and

\* a minimum course of study of at least 100 instructional hours and covering a number of specified topics (such as relevant state laws and regulations, law enforcement, investigation techniques, record keeping, design and construction of animal facilities, sanitation of animal facilities, animal diseases, rabies, and other animal diseases that can affect humans, animal identification and first aid, vehicles and animal transportation, capture techniques, and euthanasia techniques).

Law enforcement officers working as animal control officers when the bill took effect, people working for at least three years before 1973, and people who had had 100 instructional hours of approved training between 1973 and the bill's effective date would be exempted from the bill's educational requirements. Law enforcement officers who had not worked as animal control officers for two or more consecutive years would have to meet the bill's educational requirements, but law enforcement officers still could temporarily function as animal control officers in emergency situations when animal control officers were temporarily unavailable.

Municipalities (cities, townships, and villages) also could establish animal control agencies by ordinance, and would be subject to the bill's requirements. A municipal animal control agency would be able to enforce the bill and other municipal animal ordinances.

Dog and cat census. Currently, the supervisor of each township and the assessor of every city are allowed to take a census of dogs in their assessing districts and to report to the county treasurer. The report includes the names of the owners or keepers, the number of dogs and their sex, and whether or not a kennel license was held. The supervisor or assessor is paid, for each dog listed, money from the general fund in an amount determined by the county board of supervisors.

The bill would allow county boards of commissioners, after March 1 of each year, to appoint or hire people (including the animal control officer) to perform a census not just of dogs but of cats as well. The bill would update the existing

language and would require census takers to report on or before December 1.

Lawful killing of dogs and cats. Currently, except in cases of dogs chasing or hurting livestock and poultry, only law enforcement officers may kill or injure (or attempt to kill or injure) a dog wearing a current license. Under existing law, anyone may kill (without liability "in damages or otherwise") dogs (a) who attack people or (b) who chase or hurt livestock or poultry, but only law enforcement officers may kill dogs who molest wildlife. Sheriffs and "members of the state constabulary" are required, as part of their duties, to locate and kill all unlicensed dogs identified under the annual dog census, and are required to kill ("wherever found") dogs that have been found to have damaged livestock or poultry. Finally, after a sworn complaint and a show cause hearing, courts may order a dog killed or confined to the owner's property if the dog:

- \* is six months old or older and runs at large after January 10 and before June 15 without its owner, or if it isn't under its owner's reasonable control while hunting;
- \* destroys property or habitually causes damage by trespassing;
- \* attacks or bites someone;
- \* shows "vicious habits" or "molests" someone "lawfully on the public highway";
- \* is licensed and wearing tags but runs at large contrary to the law.

The bill would continue to allow anyone to kill a dog that he or she saw attacking people. Law enforcement officers or animal control officers also could kill animals found running at large (a) in violation of a quarantine, if an attempt to capture the animal failed, or (b) in violation of rabies confinement, if "reasonable and available" methods for capture failed.

Only owners or leasers of livestock or poultry (and their agents, employees, and household members), animal control officers, or law enforcement officers could kill dogs or cats that they saw pursuing or wounding livestock or poultry. (However, the bill would explicitly say that trespass by a dog or cat without the pursuit or wounding of livestock or

poultry wouldn't constitute a reason for killing the dog or cat.) Finally, after a written sworn complaint and a show cause hearing, a judge could order a dog or cat to be killed or sterilized, confined to its owner's property, or taken from its owner and given to an animal control facility or an animal protection facility to be disposed of by the facility manager, if the dog or cat:

- \* was running at large without its owner;
- \* destroyed property or repeatedly caused damage by trespassing;
- \* attacked or bit someone (unless that person (a) had knowingly trespassed on the animal owner's property, (b) had provoked or tormented the dog or cat, or (c) reasonably seemed to be attacking someone whom the dog or cat was protecting);
- \* showed "vicious habits" or "molested" someone lawfully on the public highway; or
- \* killed (or necessitated the destruction of) livestock or poultry.

People who, acting in good faith, lawfully killed dogs or cats would be immune from civil and criminal liability that they might otherwise incur. The bill would specify that immunity wouldn't extend to negligent acts that caused either personal injury or death, or property damage.

Prohibited killing methods. Currently, animal control officers and other people lawfully killing dogs or other animals cannot use high altitude decompression chambers or electrocution for the killing. The bill would keep these prohibitions and would also prohibit drowning dogs or cats when lawfully killing them.

Livestock damage claims. Currently, any dog who, without its owner, enters a field or enclosure owned or leased by someone who produces livestock or poultry ("outside of a city") is considered to be trespassing and its owner is liable for any damages it causes. The bill would add cats to this provision, and define "damages" to include, but not be limited to, the value of the animals killed or aborted, veterinary bills, court costs, and reasonable attorney fees.

Under current law, anyone whose livestock or poultry is killed or damaged by dogs (including

livestock that must be destroyed because of dog bites) can seek restitution from the county general fund. They can make a written complaint to the township supervisor (or to other township officers or people designated by the township board), who must then examine the scene of the alleged damage and the livestock or poultry (if applicable) and decide whether, and how much, damage was done, and, if possible, identify the dog's owner. If an owner is identified, he or she can be ordered to appear at a show cause hearing before the township investigator to show why the dog(s) shouldn't be killed. The county investigator then reports the case to the county board of commissioners, who then orders payment out of the county general fund for damages plus "all necessary and proper costs incurred" minus any items paid for by the dog's owner. (The county board can investigate any cases that appear illegal or unjust.)

The bill would keep basically the existing procedures, but would specify cows, goats, horses, sheep, swine (except for swine kept as pets), chickens, ducks, geese, and turkeys instead of referring just to "livestock." As in current law, if a claim was unjust, the county board of commissioners would decide how much, if any, payment would be made. The bill would require counties to reimburse "legal and just" damage claims only where there was no insurance to cover the loss and the dog's owner was unknown. Animals lost by damage from dogs would be treated as grade status animals (that is, animals not recognized by a breed registry), with the amount of the award being up to 75 percent of the commercial livestock auction market value of the kind of animal on the date of its loss. Counties wouldn't have to consider claims or pay award amounts if the aggregate fair market value of the animals lost was less than \$75.

Imported dogs and cats. Currently, dogs brought into the state for 30 days or less for show, trial, breeding, or hunting purposes don't have to be licensed under the Dog Law. The bill would considerably expand the provisions on the importation of dogs and cats (and other animals the director of the MDA determined could have diseases that threatened public health, livestock, or other animals in the state). All dogs or cats entering the state would have to have an official interstate health certificate or certificate of veterinary inspection. (The bill would specify what such certificates would have to include and that they be prepared by an accredited veterinarian in the

state of origin.) However, health certificates wouldn't be required for dogs or cats just passing through the state, dogs or cats in the state for less than 30 days for exhibitions or field trials, or for Michigan dogs or cats that were out of the state for not more than 60 days.

Except for animals that were taken directly to (and that stayed at) licensed research facilities, dogs or cats 12 weeks old or older who entered the state would have to be vaccinated against rabies with an approved vaccine administered by a veterinarian, and owners would have to produce proof of vaccination upon request by law enforcement officers, animal control officers, or the director of the MDA.

The bill would prohibit the importation of animals from quarantined areas unless the director of the MDA gave permission. Animals imported into the state from quarantined areas could be quarantined at their destination; if an animal from a quarantined area was imported without the director's permission, it could be returned to its point of origin at its owner's expense.

Any animals imported in violation of these provisions could be returned to their point of origin or quarantined at their owners' expense.

In addition to required health certificates, the director of the MDA could require prior entry permits before certain classes of animals entered the state. The director also could require additional or other testing and vaccination requirements for imported animals if he or she determined that a situation had arisen that threatened the health of animals in the state.

**Reportable diseases.** The bill would require anyone who discovered, suspected, or had reason to believe that an animal was either affected with a reportable disease (a disease that posed a serious threat to the livestock industry, public health, or human food chain and on the current list compiled under the Animal Industry Act) or contaminated with a toxic substance to immediately report this fact to the director of the MDA, who would take appropriate action to investigate the report. People keeping such animals would have to let the director examine the animal or collect diagnostic specimens and couldn't expose other animals to the affected animal or move it without permission from the director. At the request of the director, anyone owning an

animal would have to confine it ("in a safe and humane manner") for examination or testing considered necessary by the director.

The bill also would prohibit people from misrepresenting the health status of animals with reportable diseases, and would prohibit people from removing or altering an animal's identification in order to misrepresent the animal's identity or owner.

**Quarantine.** The director of the MDA could declare a quarantine on animals in the state in order to control or prevent the spread of disease. People couldn't move quarantined animals, or let them have contact with other animals, without permission from the director. The director also could prescribe procedures for identifying, inventorying, housing, separating, handling, treating, feeding, caring, and transporting of quarantined animals in order to prevent the quarantined animals from infecting other animals or posing a threat to public health.

**Potential rabies exposure.** Law enforcement officers or animal control officers would be required to order an animal that had potentially exposed someone (or another animal) to rabies (by biting, scratching, or "otherwise") either to be confined for an appropriate period of time or euthanized in order to examine its brain for rabies infection.

**Penalties.** Currently, if the owner of a dog disobeys a court order issued after a show cause hearing, he or she is subject to the act's existing penalties (a misdemeanor punishable by a fine of \$10 to \$100 and up to three months in jail). Disobeying a court order under the bill would subject the owner to the bill's penalties.

Under existing law, a violation of the act's provisions, failure or refusal to comply with them, or knowingly presenting false claims for damages (or receiving money on a false claim) is a misdemeanor, punishable by a fine of \$10 to \$100 and jail for up to three months. Stealing, "confining," or "secreting" licensed dogs without legal authority is a misdemeanor punishable by a fine of \$50 to \$100 and jail for 60 to 90 days (unless confining a dog could be justified in terms of protecting people, property, or game).

The bill would considerably expand the penalty section, adding felony provisions as well as

additional misdemeanor provisions. A violation of quarantine ("so as to endanger livestock or public health or public safety") would be a felony punishable by imprisonment for up to five years and a fine of \$1,000 to \$50,000 and one thousand hours of community service. The bill also would have three classes of misdemeanors: Failure to license a dog would be punishable by a fine of at least \$35 (and the owner also would have to provide the court with proof that he or she had licensed the dog). The following violations would be punishable by imprisonment for up to 90 days, a fine of \$500 to \$1,000, and 500 hours of community service: falsifying a rabies vaccination certificate (or presenting a false certificate); intentionally killing a dog or cat without legal authorization; and stealing, secreting, or confining a dog or cat without legal authorization, unless the action was justifiable for protecting people, property, game, or the dog or cat. All other violations of the bill's provisions (or rules promulgated under the bill) would be punishable by imprisonment for up to 30 days, a fine of \$50 to \$500, and 250 hours of community service. In addition to the felony and misdemeanor penalties, a judge could order the forfeiture of someone's animal(s) and prohibit him or her from owning such an animal for a period of time ordered by the judge.

**Other provisions.** Currently, the law says that it cannot be construed (a) to prevent owners of licensed dogs from legally recovering the value of any dog illegally killed from the person who killed it, (b) to limit the common law liability of dog owners for damages caused by their dogs, or (c) to require the licensing of dogs imported into the state for not more than 30 days for show, trial, breeding, or hunting purposes.

The bill includes a provision similar to existing law, but would include cats and would specify that owners would be entitled to court costs and reasonable attorney fees if they recovered damages for illegally killed dogs or cats.

**Repealer.** The bill would repeal Public Act 339 of 1919, the Dog Law of 1919, and Public Act 207 of 1970, which exempts seeing eye dogs from licensing requirements.

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

### ***ARGUMENTS:***

#### ***For:***

The revision of Michigan's antiquated dog law is long overdue. The current law, written when dogs primarily were used as working animals rather than pets, focuses on rabies control and reimbursing farmers for damage caused by dogs to livestock. The bill, while also including revised and updated provisions regarding rabies control and protection of livestock from dogs, basically brings the law into the twentieth century and reflects the important changes that have occurred over the course of this century, including the urbanization of a formerly mainly agricultural state and the increased popularity of cats as pets.

The world has changed dramatically since Michigan's dog law was written in 1919, just after World War I, when most Americans still lived on farms or in small towns. Since that time, America - Michigan of course included -- has become increasingly urbanized and "suburbanized," and people's relationship with dogs has shifted to that of dogs as "companion" animals rather than primarily as working -- herding and guard -- animals. During this time, there has been increasing recognition and appreciation of the special bond that exists between people and their pets, including theories that suggest that pet ownership not only provide owners with much pleasure but actually can improve the mental and emotional health of the owners. The proposed revisions to the dog law acknowledge the importance of human relationships with companion animals in a number of ways, including the substitution of fines for failure to license dogs, instead of the current provisions that declare dogs unlicensed after June 15th of each year a "public nuisance" and that allow sheriffs to kill them. The bill also would recognize and protect "animal hobbyists," people who use purebred or specifically bred (such as sled dogs) dogs or cats for show or sport purposes. Animal hobbyists would be exempt from having to have a breeding facility license unless their pets had four or more litters and 25 or more offspring in a year. In addition, the bill would allow owners of private kennels to receive financial discounts on licensing fees. The bill also would better outline licensing requirements for boarding, training, breeding, and grooming facilities to help assure that minimum animal care standards are

kept. Under current law, kennel licensing is voluntary and the system is primarily used for the economic benefit of the multiple dog owner, rather than to promote appropriate animal care. The bill, in contrast, would make licensing of boarding, training, breeding, and grooming facilities mandatory, which will help assure people that their pets are being appropriately cared for when in any of these facilities.

Since enactment of the Dog Law of 1919, moreover, cats have surpassed dogs as the most popular pet in the country. In perhaps one of the most significant changes from current law, the bill would recognize the importance of cats in today's society by regulating them and addressing their care and welfare. Current law doesn't address cats at all, and reportedly some animal control agencies have actually refused to handle cats because cats aren't mentioned in existing law.

The bill also would better outline procedures for handling animals that bite people and pet animals that were bitten by rabid or possibly rabid animals (currently, appropriate guidelines are not widely available and there often is confusion about what to do in these situations), and better protect hunting dogs. Under current law, dogs must hunt within sight and sound of their owners and may be killed for trespassing. Under the bills, hunting dogs need only to be under "reasonable control," and dogs couldn't lawfully be killed only for trespassing. All in all, the bill represents vast improvements in the care of companion animals, and its changes are long overdue.

***Against:***

One major objection to the bill raised by opponents is that the bill treats dogs and cats unequally -- and, some would argue -- unfairly. Only dogs owners are required to license their animals and have them vaccinated against rabies. Thus, not only would dog owners continue to bear all of the financial burden of animal control programs that would regulate both dogs and cats, but cats would continue to be exempted from any kind of mandatory rabies vaccination requirements. Cats are now more popular as pets than dogs, and house cats, especially, are the animals most often reported to be exposed to rabid animals (usually in the form of rabid bats, the number one carrier of rabies in Michigan). Despite this fact, many people with house cats don't bother getting their cats vaccinated against rabies because they (wrongly) believe that

their cats don't need rabies vaccinations. The Department of Agriculture reports that cats cause more potential human rabies exposures than dogs, and says that in the last three years approximately 40 cats have been euthanized because of exposure to rabid bats. Cats -- like dogs -- should be required to be licensed and to have mandatory rabies vaccinations.

***Response:***

Even though the bill doesn't require the licensing of cats, it does allow local units of government to require such licensing, and requires that if they do the requirements be the same as those set forth for dogs under the bill. Given the significant differences between dogs and cats -- for example, it seems foolish to try to impose "leash" laws on cats -- the licensing of cats should be left up to local control.

***Against:***

The bill, while favoring cats, doesn't even go far enough to protect the dogs it regulates from potential harassment by local units of government. In particular, the bill should prohibit so-called breed-specific ordinances. That is, local units of government should be prohibited from declaring certain dogs to be "vicious" on the basis of their ancestors instead of on the basis of the behavior of the individual animal. Local ordinances prohibiting specific breeds of dogs (such as "bull" terriers, for example, or German Shepherds) could create serious personal problems for responsible owners and would condemn many innocent dogs (who should be judged individually and not on characteristics of its breed). What is more, members of specific breeds are difficult to identify, and mixed breeds are virtually impossible to identify. People traveling through the state with dogs of the prohibited breed, moreover, would be subject to harassment and could wind up actually losing their dogs. Breed-specific legislation also could cause economic losses to the state through cancellation of dog shows, and home owners' insurance policies could be adversely affected.

***Response:***

In the first place, neither current law nor the proposed bill would promote the banning of specific breeds of dogs. In fact, neither has anything to do with specific breeds of any animal. If the legislature wanted to take away local decision-making ability, then it certainly could do so, but the bill doesn't address this issue, and rightly so. In fact, an argument even could be made in the opposite direction: What opponents of breed-specific

legislation fail to acknowledge is that breed-specific traits can be identified -- which is the whole point of purebred organizations. The most troublesome aspect of the hobby of "purebreeding" dogs is that, in this country, at least, the emphasis appears most often to be on the dog's external appearance, how it looks, rather than on its behavioral traits. For example, certain dogs were bred to bite and hang on, such as in the case of dogs bred for the "sport" of bull-baiting, and such now-archaic traits can pose serious public health threats.

***Against:***

The bill doesn't go far enough in protecting hunting dogs because it doesn't explicitly allow the use of electronic collars for hunting dogs.

***Response:***

This is a contentious issue that has been raised elsewhere and doesn't belong in a general animal control bill. If hunters are worried that their ability to use electronic collars on their hunting dogs is threatened by proposed legislation (and bills have been introduced to ban these collars), then the appropriate forum to address this concern is with these other bills.

***POSITIONS:***

The Department of Agriculture supports the bill.  
(3-23-94)

The Michigan Farm Bureau does not oppose the bill. (3-23-94)