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## PET STERILIZATION

House Bill 5926

Sponsor: Rep. Gerald Law

Committee: Health Policy

Complete to 8-30-96

### A SUMMARY OF HOUSE BILL 5926 AS INTRODUCED 6-5-96

The bill would amend Public Act 287 of 1969, which regulates pet shops, dog pounds, and animal shelters. Among other provisions and new definitions, the bill would require animal control shelters and animal protection shelters to contract with those adopting a non-sterilized dog, cat, or ferret to have the animal sterilized within a specified time. The bill would also provide for penalties for noncompliance with the contract.

Under the bill, animal breeders would be exempt from the act if they sold or otherwise transferred their own animals, or first generation offspring from their animals, and did not act as animal shelters. Further, a person who obtained an animal with the intent to resell the animal or find it a different home provided he or she had no more than two such animals at any one time and limited those transactions to no more than six in a twelve-month period would also be exempted from the act. However, the exemption would not exempt the animals from vaccination, licensing, and handling requirements under provisions in the Dog Law of 1919 and Public Act 358 of 1994 (MCL 287.261 et al. and MCL 287.891 et al.).

Shelters. Currently, the act regulates "dog pounds" (governmental entities) and "animal shelters" (nonprofit entities). The bill would replace the term "dog pound" with the term "animal control shelter". An animal control shelter would be defined as "a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter". The term "animal shelter" would be changed to "animal protection shelter", but would retain the existing definition.

Under the bill, shelters or their designees would be required to contract with any person adopting a non-sterilized animal to have it sterilized. (The rightful owner of a dog, cat, or ferret who reclaimed his or her animal from a shelter would not have to contract to have the animal sterilized.) The sterilization would be required within four weeks of the adoption for animals six months of age or older, or four weeks from the date the animal turns six months old. A deposit of at least \$25 would be collected by the shelter and returned when the person adopting the animal presented a veterinarian's certificate verifying that the animal was sterilized within the prescribed time limit. Failure to comply would result in the loss of the deposit money, which would go to the shelter to finance sterilizations; to educate the public about the benefits of sterilizing dogs, cats and ferrets; and to ensure compliance with the sterilization law. However, an exception to the sterilization requirement would be made for an animal certified by a veterinarian to be at risk of a serious, permanent medical or health problem. In cases where an animal died before it was sterilized, but within the time period specified on the contract for the sterilization procedure, the

deposit would be returned upon verification of the animal's death by a veterinarian. A deposit would not be required for dogs transferred to local, state, or federal law enforcement agencies or to organizations or trainers that train guide, leader, hearing, and service dogs. (In addition, animals transferred to research facilities would not be subject to the required deposit, as those transfers would not fall under the definition of "adoption". "Adoption" would mean "a transfer of ownership, with or without remuneration, of a dog, cat, or ferret from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that individual." A companion animal would include but not be limited to a hunting dog or a guard dog.)

In addition, shelters would be required to keep annual records of the total number of dogs, cats, ferrets, and other animals received; returned to owners; adopted out; sold or transferred; sterilized and not sterilized; and euthanized. Each of these categories would be broken down as to whether the animal was under or above six months of age. A copy of the record would be provided to the Department of Agriculture by March 31 of the following year.

Penalties. In addition to any other remedies provided under the act, shelters violating the animal sterilization provisions of the bill would be subject to revocation of their registration. A person who did not comply with the contract to sterilize a dog, cat, or ferret would be subject to paying liquidated damages of \$150 or actual costs, whichever is greater, for breach of contract. Failure to comply with the contract requirements under the bill would, at a court's discretion, result in having the animal returned to the original shelter or to a veterinarian or other shelter, where the animal would be euthanized or adopted out to a person willing to have it sterilized.

The bill would authorize animal protection shelters to enlist the aid of the local law enforcement agency or animal control agency in enforcing terms of contracts. Under the bill, the director of the Department of Agriculture would be able to issue appearance tickets for misdemeanor violations of the act by a pet shop or shelter or their agents. The director also would be able to obtain injunctions against those violating the act, and obtain declaratory judgments that a particular act, method, or practice was in violation of the act.

The bill would take effect on January 1, 1997.

MCL 287.331 et al.

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.