



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4654 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Representative Gerald Law

House Committee: Health Policy

Senate Committee: Agriculture and Forestry

CONTENT

The bill would amend Public Act 287 of 1969, which regulates pet shops, dog pounds, and animal shelters, to prohibit an animal control shelter or animal protection shelter from permitting the adoption of an unaltered dog, cat, or ferret by a person, unless that person had entered into a contract for the alteration (sterilization) of the dog, cat, or ferret. The person would have to leave a deposit of at least \$25 with the shelter indicating his or her intention to have the animal altered within the time period required by the contract. The deposit would have to be refunded upon the person's compliance, and would be forfeited to the shelter if the person failed to comply.

A shelter that failed to enter into a contract would be subject to revocation of its registration. If a person failed to comply with a contract, a court could order the animal transferred to the facility from which it was adopted or to a veterinarian or shelter for humane euthanization or for adoption to an owner who agreed to have the animal altered. The Director of the Michigan Department of Agriculture could issue an appearance ticket for a misdemeanor violation of the Act to a pet shop or shelter, and could bring an action for a declaratory judgment or an injunction.

The bill would make exceptions to the Act for 1) an individual who bred his or her own animals or the animals' first generation offspring if he or she sold or otherwise transferred the animals and did not act as a shelter; and 2) an individual who legally obtained an animal with the express intention of reselling it or finding the animal another home as long as the person did not have more than two such animals at any time and did not engage in more than six transactions in a 12-month period.

The bill also would require shelters to maintain certain records; and would require that, as a condition licensure, each pet shop distribute written information to the purchasers of dogs, cats, and ferrets to inform them of the pet overpopulation problem and the health benefits of altering animals.

The bill provides that the Department could not promulgate rules under the Act if the Michigan Supreme Court ruled that sections of the Administrative Procedures Act concerning rule-making were unconstitutional, and a statute requiring legislative review of administrative rules were not created within 90 days after the court ruling.

The bill would take effect on January 1, 1996.

MCL 287.331 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-7-95

Fiscal Analyst: A. Rich

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.