



HOUSE BILL No. 4654

March 21, 1995, Introduced by Reps. Law, Jamian, Dobronski, Gire, Yokich, Varga, Rocca, Bennane, McNutt, Bullard, Munsell, Willard, Cropsey and DeMars and referred to the Committee on Health Policy.

A bill to amend the title and sections 1, 2, 3, 6, 7, 8, 9, and 10 of Act No. 287 of the Public Acts of 1969, entitled "An act to regulate pet shops, dog pounds and animal shelters," section 1 as amended by Act No. 214 of the Public Acts of 1980, being sections 287.331, 287.332, 287.333, 287.336, 287.337, 287.338, 287.339, and 287.340 of the Michigan Compiled Laws; and to add sections 8a and 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 6, 7, 8, 9, and
2 10 of Act No. 287 of the Public Acts of 1969, section 1 as
3 amended by Act No. 214 of the Public Acts of 1980, being sections
4 287.331, 287.332, 287.333, 287.336, 287.337, 287.338, 287.339,
5 and 287.340 of the Michigan Compiled Laws, are amended and
6 sections 8a and 9a are added to read as follows:

TITLE

1

2 An act to regulate pet shops, ~~dog pounds~~ ANIMAL CONTROL
3 SHELTERS, and ~~animal~~ HUMANE SOCIETY shelters; TO ESTABLISH UNI-
4 FORM PROCEDURES AND MINIMUM REQUIREMENTS FOR ADOPTION OF DOGS,
5 CATS, AND FERRETS; AND TO PRESCRIBE PENALTIES AND PROVIDE
6 REMEDIES.

7 Sec. 1. As used in this act:

8 (a) ~~"Dog pound" means a facility operated by a county,~~
9 ~~city, village, or township to impound and care for animals found~~
10 ~~in streets or otherwise at large contrary to any ordinance of the~~
11 ~~county, city, village, or township or state law. "ALTERATION"~~
12 MEANS A PROFESSIONAL STERILIZATION PROCEDURE PERFORMED BY A VET-
13 ERINARIAN THAT RENDERS A DOG, CAT, OR FERRET INCAPABLE OF
14 REPRODUCING.

15 ~~(b) "Pet shop" means a place where animals are sold or~~
16 ~~offered for sale, exchange, or transfer.~~

17 (B) ~~(c) "Animal" means a mammal except rodents and live~~
18 ~~stock as defined in Act No. 284 of the Public Acts of 1937, as~~
19 ~~amended, being sections 287.121 to 287.131 of the Michigan~~
20 ~~Compiled Laws~~ ANY ANIMAL OTHER THAN A HUMAN BEING.

21 ~~(d) "Animal shelter" means a facility operated by a person,~~
22 ~~humane society, society for the prevention of cruelty to animals,~~
23 ~~or any other nonprofit organization for the care of homeless~~
24 ~~animals.~~

25 (C) "ANIMAL CONTROL SHELTER" MEANS A FACILITY OPERATED BY A
26 MUNICIPALITY FOR THE IMPOUNDMENT AND CARE OF ANIMALS THAT ARE
27 FOUND IN THE STREETS OR AT LARGE, ANIMALS THAT ARE OTHERWISE HELD

1 DUE TO THE VIOLATION OF A MUNICIPAL ORDINANCE OR STATE LAW, OR
2 ANIMALS THAT ARE SURRENDERED TO THE ANIMAL CONTROL SHELTER.

3 (D) "CAT" MEANS A DOMESTIC CAT OF ANY AGE OF THE SPECIES
4 FELIS CATUS.

5 (E) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF AGRICULTURE.

6 (F) "DOG" MEANS A DOMESTIC DOG OF ANY AGE OF THE SPECIES
7 CANIS FAMILIARIS.

8 (G) "FERRET" MEANS AN ANIMAL OF ANY AGE OF THE SPECIES
9 MUSTELA FURO.

10 (H) ~~(e)~~ "Health certificate" means a certificate in a form
11 prescribed by the department ~~of agriculture~~ in which a veteri-
12 narian attests to the age, sex, breed, and description of an
13 animal, and to the fact that at the time of preparation of the
14 certificate, the veterinarian examined the animal and found the
15 animal free from visual evidence of communicable disease.

16 (I) "HUMANE SOCIETY SHELTER" MEANS A FACILITY, OTHER THAN AN
17 ANIMAL CONTROL SHELTER, OPERATED BY A PERSON, OTHER THAN A GOV-
18 ERNMENTAL ENTITY, OR A SOCIETY FOR THE PREVENTION OF CRUELTY TO
19 ANIMALS, FOR THE CARE OF HOMELESS ANIMALS.

20 (J) "MUNICIPALITY" MEANS A COUNTY, CITY, VILLAGE, OR
21 TOWNSHIP.

22 (K) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
23 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

24 (L) "PET SHOP" MEANS A PLACE WHERE ANIMALS ARE SOLD OR
25 OFFERED FOR SALE, EXCHANGE, OR TRANSFER.

26 (M) "VETERINARIAN" MEANS A PERSON LICENSED TO PRACTICE
27 VETERINARY MEDICINE UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,

1 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101
2 TO 333.18838 OF THE MICHIGAN COMPILED LAWS.

3 Sec. 2. ~~The agriculture~~ EXCEPT AS OTHERWISE PROVIDED IN
4 SECTION 8A, THE department shall ~~issue~~ PROMULGATE rules to
5 accomplish the purposes of this act and to establish minimum
6 standards for THE housing, care, and handling of animals to
7 insure the humane care and handling of animals. The rules shall
8 be promulgated ~~in accordance with the provisions of Act No. 88~~
9 ~~of the Public Acts of 1943, as amended, being sections 24.71 to~~
10 ~~24.80 of the Compiled Laws of 1948, and subject to Act No. 197~~
11 ~~of the Public Acts of 1952, as amended, being sections 24.101 to~~
12 ~~24.110 of the Compiled Laws of 1948~~ PURSUANT TO THE ADMINISTRA-
13 TIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF
14 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED
15 LAWS.

16 Sec. 3. ~~No~~ A person shall NOT operate a pet shop unless
17 he OR SHE has first received a license from the department ~~of~~
18 ~~agriculture~~ under ~~the provisions of~~ this act. AS A CONDITION
19 OF MAINTAINING A PET SHOP LICENSE, EACH PET SHOP SHALL DISTRIBUTE
20 WRITTEN INFORMATION TO THE PURCHASERS OF DOGS, CATS, AND FERRETS
21 TO INFORM THEM OF THE PET OVERPOPULATION PROBLEM AND THE HEALTH
22 BENEFITS OF ALTERING ANIMALS.

23 Sec. 6. ~~No county, city, village or township~~ A
24 MUNICIPALITY shall NOT operate ~~a dog pound~~ AN ANIMAL CONTROL
25 SHELTER unless ~~they first register~~ the ~~dog pound~~ ANIMAL CON-
26 TROL SHELTER IS REGISTERED with the department. ~~of agriculture.~~
27 ~~No person, humane society, a~~ A society for the prevention of

1 cruelty to animals, or any other ~~nonprofit organization~~ PERSON,
2 shall NOT operate ~~an animal~~ A HUMANE SOCIETY shelter unless
3 ~~they first register~~ THE SHELTER IS REGISTERED with the
4 department. ~~of agriculture.~~

5 Sec. 7. Application for registration of ~~a dog pound or~~
6 AN animal CONTROL SHELTER OR HUMANE SOCIETY shelter shall be on
7 ~~such~~ forms ~~as~~ approved by the department. ~~of agriculture.~~

8 Sec. 8. The department ~~of agriculture~~ shall not register
9 ~~any dog pound or~~ AN animal CONTROL SHELTER OR HUMANE SOCIETY
10 shelter unless they first inspect it to assure that it complies
11 with ~~the provisions of~~ this act and the rules ~~of the depart-~~
12 ~~ment of agriculture~~ PROMULGATED UNDER THIS ACT.

13 SEC. 8A. (1) EXCEPT AS OTHERWISE PROVIDED IN
14 SUBSECTION (5), AN ANIMAL CONTROL SHELTER OR HUMANE SOCIETY SHEL-
15 TER SHALL NOT PERMIT THE ADOPTION OF A DOG, CAT, OR FERRET BY A
16 PERSON WITHOUT FIRST HAVING AN ALTERATION PERFORMED ON THE DOG,
17 CAT, OR FERRET, OR ENTERING INTO A CONTRACT FOR THE ALTERATION OF
18 THE DOG, CAT, OR FERRET WITH THE PERSON ADOPTING THE DOG, CAT, OR
19 FERRET. THE CONTRACT SHALL STATE THAT THE ADOPTING PERSON AGREES
20 TO HAVE AN ALTERATION PERFORMED ON THE DOG, CAT, OR FERRET AND
21 SHALL OTHERWISE COMPLY WITH THIS SECTION.

22 (2) A CONTRACT WITH AN ANIMAL CONTROL SHELTER OR HUMANE
23 SOCIETY SHELTER ENTERED INTO PURSUANT TO SUBSECTION (1) SHALL
24 REQUIRE THE ADOPTING PERSON TO HAVE AN ALTERATION PERFORMED ON
25 THE DOG, CAT, OR FERRET WITHIN 4 WEEKS AFTER THE ADOPTION DATE IF
26 THE DOG, CAT, OR FERRET IS 6 MONTHS OF AGE OR OLDER. IF THE DOG,
27 CAT, OR FERRET TO BE ADOPTED IS UNDER 6 MONTHS OF AGE, THE

1 CONTRACT SHALL CONTAIN THE DATE UPON WHICH THE DOG, CAT, OR
2 FERRET WILL BE 6 MONTHS OF AGE, AND SHALL REQUIRE THE PERSON
3 ADOPTING THE DOG, CAT, OR FERRET TO HAVE AN ALTERATION PERFORMED
4 ON THE DOG, CAT, OR FERRET WITHIN 4 WEEKS AFTER THAT DATE. THIS
5 SECTION DOES NOT PREVENT A VETERINARIAN FROM ALTERING A DOG, CAT,
6 OR FERRET THAT IS UNDER 6 MONTHS OF AGE.

7 (3) UPON CERTIFICATION BY A VETERINARIAN IN WRITING THAT AN
8 ALTERATION POSES A SERIOUS, PERMANENT MEDICAL OR HEALTH PROBLEM
9 FOR THE DOG, CAT, OR FERRET, A DOG, CAT, OR FERRET ADOPTED PURSU-
10 ANT TO THIS ACT IS NOT REQUIRED TO BE ALTERED. IF A SERIOUS MED-
11 ICAL OR HEALTH PROBLEM IS TEMPORARY, A VETERINARIAN SHALL INDI-
12 CATE IN WRITING THE DATE BY WHICH THE ALTERATION SHALL BE
13 PERFORMED.

14 (4) A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (1) SHALL
15 REQUIRE THE ADOPTING PERSON TO LEAVE WITH THE ANIMAL CONTROL
16 SHELTER OR HUMANE SOCIETY SHELTER A GOOD FAITH DEPOSIT OF AT
17 LEAST \$25.00 THAT INDICATES THE PERSON'S INTENTION TO HAVE THE
18 ADOPTED DOG, CAT, OR FERRET ALTERED WITHIN THE TIME STATED IN
19 SUBSECTION (2). IF THE PERSON FAILS TO COMPLY WITH THE TERMS OF
20 THE CONTRACT, THE \$25.00 DEPOSIT IS FORFEITED. ALL MONEY FOR-
21 FEITED PURSUANT TO THIS SUBSECTION SHALL BE USED BY THE ANIMAL
22 CONTROL SHELTER OR HUMANE SOCIETY SHELTER TO FINANCE ALTERATIONS
23 OR PUBLIC EDUCATION REGARDING THE VALUE OF HAVING DOGS, CATS, AND
24 FERRETS ALTERED.

25 (5) IF THE ADOPTING PERSON COMPLIES WITH THE TERMS OF THE
26 CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (1), THE GOOD FAITH
27 DEPOSIT OF AT LEAST \$25.00 SHALL BE REFUNDED BY THE ANIMAL

1 CONTROL SHELTER OR HUMANE SOCIETY SHELTER UPON SUBMISSION BY THE
2 ADOPTING PERSON OF WRITTEN CERTIFICATION BY A VETERINARIAN THAT
3 THE ADOPTED DOG, CAT, OR FERRET WAS ALTERED. THE CERTIFICATE
4 SHALL INCLUDE THE DATE OF ALTERATION, THE NAME OF THE OWNER OF
5 THE DOG, CAT, OR FERRET, THE DESCRIPTION OF THE DOG, CAT, OR
6 FERRET, AND THE SIGNATURE OF THE VETERINARIAN WHO PERFORMED THE
7 ALTERATION.

8 Sec. 9. This act does not apply to ~~any~~ A person who
9 breeds his OR HER own animals ~~, or to any person subject to the~~
10 ~~provisions of Act No. 282 of the Public Acts of 1966, being sec-~~
11 ~~tions 287.361 to 287.375 of the Compiled Laws of 1948~~ IF THE
12 PERSON SELLS OR OTHERWISE TRANSFERS HIS OR HER OWN ANIMALS AND
13 DOES NOT ACT AS AN ANIMAL CONTROL SHELTER OR HUMANE SOCIETY
14 SHELTER.

15 SEC. 9A. AN ANIMAL CONTROL SHELTER AND A HUMANE SOCIETY
16 SHELTER SHALL MAINTAIN WRITTEN RECORDS ON THE TOTAL NUMBER OF
17 DOGS, CATS, FERRETS, AND OTHER ANIMALS RECEIVED; RETURNED TO
18 OWNERS; ADOPTED TO NEW OWNERS; SOLD OR TRANSFERRED WITH OR WITH-
19 OUT REMUNERATION TO ANY PERSON; AND EUTHANIZED ANNUALLY, AND
20 SHALL ANNUALLY PROVIDE A COPY OF THESE STATISTICS TO THE DEPART-
21 MENT, BY MARCH 31 OF THE YEAR FOLLOWING THE YEAR FOR WHICH THE
22 STATISTICS WERE COMPILED.

23 Sec. 10. (1) ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN
24 SUBSECTIONS (2) AND (3), A person who violates ~~the provisions~~
25 ~~of~~ this act or ~~any~~ A rule of the department ~~of agriculture~~
26 promulgated under ~~the provisions of~~ this act is guilty of a
27 misdemeanor.

1 (2) AN ANIMAL CONTROL SHELTER OR A HUMANE SOCIETY SHELTER
2 THAT VIOLATES SECTION 8A(1) IS SUBJECT TO A CIVIL FINE OF NOT
3 LESS THAN \$500.00 OR MORE THAN \$1,000.00.

4 (3) A PERSON WHO FAILS TO COMPLY WITH A CONTRACT FOR THE
5 ALTERATION OF A DOG, CAT, OR FERRET ENTERED INTO PURSUANT TO
6 SECTION 8A IS SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$100.00
7 AND NOT MORE THAN \$500.00. A PERSON WHO FAILS TO COMPLY WITH A
8 CONTRACT FOR THE ALTERATION OF A DOG, CAT, OR FERRET ENTERED INTO
9 PURSUANT TO SECTION 8A WHO HAS ON A PREVIOUS OCCASION FAILED TO
10 COMPLY WITH A CONTRACT FOR THE ALTERATION OF A DOG, CAT, OR
11 FERRET ENTERED INTO PURSUANT TO SECTION 8A IS SUBJECT TO A CIVIL
12 FINE OF NOT LESS THAN \$300.00 AND NOT MORE THAN \$500.00. IF A
13 PERSON FAILS TO COMPLY WITH A CONTRACT FOR THE ALTERATION OF A
14 DOG, CAT, OR FERRET AS DESCRIBED IN THIS SUBSECTION, A COURT WITH
15 APPROPRIATE JURISDICTION MAY ORDER TRANSFER OF OWNERSHIP OF THE
16 ADOPTED ANIMAL ONLY BACK TO THE FACILITY FROM WHICH THE ANIMAL
17 WAS ADOPTED OR TO A VETERINARIAN, ANIMAL CONTROL SHELTER, OR
18 HUMANE SOCIETY SHELTER WILLING TO ACCEPT THE ANIMAL AND ADOPT THE
19 ANIMAL TO A NEW OWNER WHO AGREES TO HAVE THE ANIMAL ALTERED, OR
20 TO HUMANELY EUTHANIZE THE ANIMAL.