



HOUSE BILL No. 5926

June 5, 1996, Introduced by Reps. Law, Hill, Bush, Ryan, Bodem, Jersevic, Gire, Freeman, DeHart, Dobronski, Rocca, Gubow, DeMars and Jamian and referred to the Committee on Health Policy.

A bill to amend the title and sections 1, 6, 7, 8, and 9 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, 287.336, 287.337, 287.338, and 287.339 of the Michigan Compiled Laws; and to add sections 8a, 9a, and 9b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 TITLE

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

6 Sec. 1. As used in this act:

7 (A) "ADOPTION" MEANS A TRANSFER OF OWNERSHIP, WITH OR WITH-
8 OUT REMUNERATION, OF A DOG, CAT, OR FERRET FROM AN ANIMAL CONTROL
9 SHELTER OR ANIMAL PROTECTION SHELTER TO AN INDIVIDUAL FOR THE
10 PURPOSE OF BEING A COMPANION ANIMAL FOR THAT INDIVIDUAL. AS USED
11 IN THIS SUBDIVISION, A COMPANION ANIMAL INCLUDES BUT IS NOT
12 LIMITED TO A DOG THAT IS USED FOR HUNTING OR AS A GUARD DOG.

13 (B) ~~(a) "Dog pound" means a facility operated by a county,~~
14 ~~city, village, or township to impound and care for animals found~~
15 ~~in streets or otherwise at large contrary to any ordinance of the~~
16 ~~county, city, village, or township or state law.~~ "ALTERATION" OR
17 "ALTERED" MEANS A PROFESSIONAL STERILIZATION PROCEDURE PERFORMED
18 BY A VETERINARIAN THAT RENDERS A DOG, CAT, OR FERRET INCAPABLE OF
19 REPRODUCING.

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

22 (c) "Animal" means a mammal except rodents and livestock as
23 defined in Act No. 284 of the Public Acts of 1937, ~~as amended,~~
24 being sections 287.121 to 287.131 of the Michigan Compiled Laws.

25 (D) "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 (E) ~~(d)~~ "Animal PROTECTION shelter" means a facility oper-
4 ated by a person, humane society, society for the prevention of
5 cruelty to animals, or any other nonprofit organization for the
6 care of homeless animals.

7 (F) "CAT" MEANS A DOMESTIC CAT OF ANY AGE OF THE SPECIES
8 FELIS CATUS.

9 (G) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF AGRICULTURE.

10 (H) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS
11 OR HER AUTHORIZED REPRESENTATIVE.

12 (I) "DOG" MEANS A DOMESTIC DOG OF ANY AGE OF THE SPECIES
13 CANIS FAMILIARIS.

14 (J) "FERRET" MEANS AN ANIMAL OF ANY AGE OF THE SPECIES
15 MUSTELA FURO.

16 (K) ~~(e)~~ "Health certificate" means a certificate in a form
17 prescribed by the department ~~of agriculture~~ in which a veteri-
18 narian attests to the age, sex, breed, and description of an
19 animal, and to the fact that at the time of preparation of the
20 certificate, the veterinarian examined the animal and found the
21 animal free from visual evidence of communicable disease.

22 (L) "MUNICIPALITY" MEANS A COUNTY, CITY, VILLAGE, OR
23 TOWNSHIP.

24 (M) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
25 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

26 (N) "PET SHOP" MEANS A PLACE WHERE ANIMALS ARE SOLD OR
27 OFFERED FOR SALE, EXCHANGE, OR TRANSFER.

1 (O) "VETERINARIAN" MEANS A PERSON LICENSED TO PRACTICE
2 VETERINARY MEDICINE UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,
3 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101
4 TO 333.18838 OF THE MICHIGAN COMPILED LAWS.

5 Sec. 6. ~~No county, city, village or township~~ A
6 MUNICIPALITY shall NOT operate ~~a dog pound~~ AN ANIMAL CONTROL
7 SHELTER unless ~~they first register~~ the ~~dog pound~~ ANIMAL CON-
8 TROL SHELTER IS REGISTERED with the department. ~~of agriculture.~~
9 ~~No person, humane society, a~~ A society for the prevention of
10 cruelty to animals, or any other ~~nonprofit organization~~ PERSON,
11 shall NOT operate an animal PROTECTION shelter unless ~~they first~~
12 ~~register~~ THE SHELTER IS REGISTERED with the department. ~~of~~
13 ~~agriculture.~~

14 Sec. 7. Application for registration of ~~a dog pound or~~ AN
15 animal CONTROL SHELTER OR ANIMAL PROTECTION shelter shall be on
16 ~~such~~ forms ~~as~~ approved by the department. ~~of agriculture.~~

17 Sec. 8. The department ~~of agriculture~~ shall not register
18 ~~any dog pound or~~ AN animal CONTROL SHELTER OR ANIMAL PROTECTION
19 shelter unless ~~they~~ THE DEPARTMENT first ~~inspect~~ INSPECTS it
20 to assure that it complies with ~~the provisions of~~ this act and
21 the rules ~~of the department of agriculture~~ PROMULGATED UNDER
22 THIS ACT.

23 SEC. 8A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
24 AN ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER SHALL NOT
25 PERMIT THE ADOPTION OF AN UNALTERED DOG, CAT, OR FERRET BY A
26 PERSON, UNLESS THAT PERSON HAS ENTERED INTO A CONTRACT FOR THE
27 ALTERATION OF THE DOG, CAT, OR FERRET WITH THE ANIMAL CONTROL

1 SHELTER OR ANIMAL PROTECTION SHELTER. THE CONTRACT SHALL STATE
2 THAT THE ADOPTING PERSON AGREES TO HAVE AN ALTERATION PERFORMED
3 ON THE DOG, CAT, OR FERRET AND SHALL OTHERWISE COMPLY WITH THIS
4 SECTION. THE RIGHTFUL OWNER OF A DOG, CAT, OR FERRET WHO
5 RECLAIMS HIS OR HER ANIMAL FROM THE ANIMAL CONTROL SHELTER OR
6 ANIMAL PROTECTION SHELTER IS NOT OBLIGATED TO ENTER INTO A CON-
7 TRACT REQUIRING THE ALTERATION OF THE ANIMAL.

8 (2) A CONTRACT WITH AN ANIMAL CONTROL SHELTER OR ANIMAL PRO-
9 TECTION SHELTER ENTERED INTO PURSUANT TO SUBSECTION (1) SHALL
10 REQUIRE THE ADOPTING PERSON TO HAVE AN ALTERATION PERFORMED ON
11 THE DOG, CAT, OR FERRET WITHIN 4 WEEKS AFTER THE ADOPTION DATE IF
12 AT THE TIME OF ADOPTION THE DOG, CAT, OR FERRET IS 6 MONTHS OF
13 AGE OR OLDER. IF THE DOG, CAT, OR FERRET TO BE ADOPTED IS UNDER
14 6 MONTHS OF AGE AT THE TIME OF ADOPTION, THE CONTRACT SHALL CON-
15 TAIN THE DATE UPON WHICH THE DOG, CAT, OR FERRET WILL BE 6 MONTHS
16 OF AGE, AND SHALL REQUIRE THE PERSON ADOPTING THE DOG, CAT, OR
17 FERRET TO HAVE AN ALTERATION PERFORMED ON THE DOG, CAT, OR FERRET
18 WITHIN 4 WEEKS AFTER THAT DATE. THIS SECTION DOES NOT PREVENT A
19 VETERINARIAN FROM ALTERING A DOG, CAT, OR FERRET THAT IS UNDER
20 6 MONTHS OF AGE.

21 (3) UPON CERTIFICATION BY A VETERINARIAN IN WRITING THAT AN
22 ALTERATION POSES A SERIOUS, PERMANENT MEDICAL OR HEALTH PROBLEM
23 FOR THE DOG, CAT, OR FERRET, A DOG, CAT, OR FERRET ADOPTED IS NOT
24 REQUIRED TO BE ALTERED. IF A SERIOUS MEDICAL OR HEALTH PROBLEM
25 IS TEMPORARY, THE ALTERATION MAY BE POSTPONED UNTIL THE TIME THAT
26 THE PROBLEM IS NO LONGER PRESENT AS DETERMINED BY A VETERINARIAN

1 THROUGH PERIODIC REEVALUATION OF THE ANIMAL AT INTERVALS THAT DO
2 NOT EXCEED 14 DAYS.

3 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A CON-
4 TRACT ENTERED INTO PURSUANT TO SUBSECTION (1) SHALL REQUIRE THE
5 ADOPTING PERSON TO LEAVE WITH THE ANIMAL CONTROL SHELTER OR
6 ANIMAL PROTECTION SHELTER, OR A DESIGNEE OF THE ANIMAL CONTROL
7 SHELTER OR ANIMAL PROTECTION SHELTER, A GOOD FAITH DEPOSIT OF AT
8 LEAST \$25.00 THAT INDICATES THE PERSON'S INTENTION TO HAVE THE
9 ADOPTED DOG, CAT, OR FERRET ALTERED WITHIN THE TIME STATED IN
10 SUBSECTION (2). IF THE PERSON FAILS TO COMPLY WITH THE TERMS OF
11 THE CONTRACT, THE DEPOSIT IS FORFEITED. IF THE ADOPTING PERSON
12 SUBMITS WRITTEN PROOF FROM A VETERINARIAN THAT THE ANIMAL THAT
13 WAS THE SUBJECT OF A CONTRACT ENTERED INTO UNDER SUBSECTION (1)
14 DIED WITHIN THE TIME PERIOD IN WHICH THE ALTERATION WAS REQUIRED
15 UNDER SUBSECTION (2), THE GOOD FAITH DEPOSIT SHALL BE RETURNED TO
16 THE PERSON. MONEY FORFEITED UNDER THIS SUBSECTION SHALL BE USED
17 BY THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER TO
18 FINANCE ALTERATIONS, FOR PUBLIC EDUCATION REGARDING THE VALUE OF
19 HAVING DOGS, CATS, AND FERRETS ALTERED, OR TO OTHERWISE ENSURE
20 COMPLIANCE WITH THIS SECTION.

21 (5) IF THE ADOPTING PERSON COMPLIES WITH THE TERMS OF A CON-
22 TRACT ENTERED INTO UNDER SUBSECTION (1), THE GOOD FAITH DEPOSIT
23 OF AT LEAST \$25.00 SHALL BE REFUNDED BY THE ANIMAL CONTROL SHEL-
24 TER, ANIMAL PROTECTION SHELTER, OR A DESIGNEE OF THE ANIMAL CON-
25 TROL SHELTER OR ANIMAL PROTECTION SHELTER, UPON SUBMISSION BY THE
26 ADOPTING PERSON OF WRITTEN CERTIFICATION BY A VETERINARIAN THAT
27 THE ADOPTED DOG, CAT, OR FERRET WAS ALTERED. THE CERTIFICATE

1 SHALL INCLUDE THE DATE OF ALTERATION, THE NAME OF THE OWNER OF
2 THE DOG, CAT, OR FERRET, THE DESCRIPTION OF THE DOG, CAT, OR
3 FERRET, AND THE SIGNATURE OF THE VETERINARIAN WHO PERFORMED THE
4 ALTERATION.

5 (6) THE GOOD FAITH DEPOSIT REQUIRED UNDER SUBSECTION (4) IS
6 NOT REQUIRED IN EITHER OF THE FOLLOWING CIRCUMSTANCES:

7 (A) A DOG IS TRANSFERRED TO A LOCAL, STATE, OR FEDERAL LAW
8 ENFORCEMENT AGENCY.

9 (B) A DOG IS TRANSFERRED TO AN ORGANIZATION OR TRAINER
10 INCLUDED ON THE DEPARTMENT OF LABOR'S LIST OF ORGANIZATIONS OR
11 TRAINERS THAT TRAIN GUIDE OR LEADER DOGS, HEARING DOGS, OR SERV-
12 ICE DOGS FOR PERSONS WHO ARE AUDIBLY IMPAIRED, BLIND, DEAF, OR
13 OTHERWISE PHYSICALLY LIMITED.

14 (7) A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (1) SHALL
15 INCLUDE A STATEMENT THAT IF THE TERMS OF THE CONTRACT ARE
16 BREACHED BECAUSE A PERSON ADOPTING A DOG, CAT, OR FERRET FAILS TO
17 HAVE THE ANIMAL ALTERED AS REQUIRED IN THE CONTRACT, THEN THE
18 PERSON AGREES TO PAY LIQUIDATED DAMAGES OF \$150.00 OR THE ACTUAL
19 COSTS, WHICHEVER IS GREATER, INCURRED BY THE ANIMAL CONTROL SHEL-
20 TER OR ANIMAL PROTECTION SHELTER IN ATTEMPTING TO ENFORCE THE
21 CONTRACT.

22 Sec. 9. (1) This act does not apply to ~~any person who~~
23 ~~breeds his own animals, or to any person subject to the provi-~~
24 ~~sions of Act No. 282 of the Public Acts of 1966, being sections~~
25 ~~287.361 to 287.375 of the Compiled Laws of 1948.~~ EITHER OF THE
26 FOLLOWING:

1 (A) AN INDIVIDUAL WHO BREEDS HIS OR HER OWN MALE OR FEMALE
2 ANIMALS IF THE PERSON SELLS OR OTHERWISE TRANSFERS HIS OR HER OWN
3 ANIMALS OR FIRST GENERATION OFFSPRING FROM HIS OR HER OWN ANIMALS
4 AND DOES NOT ACT AS AN ANIMAL CONTROL SHELTER OR ANIMAL PROTEC-
5 TION SHELTER.

6 (B) AN INDIVIDUAL WHO LEGALLY OBTAINS AN ANIMAL WITH THE
7 EXPRESS INTENTION OF RESELLING THE ANIMAL OR FINDING THE ANIMAL
8 ANOTHER HOME AS LONG AS THE PERSON HAS NO MORE THAN 2 SUCH ANI-
9 MALS AT 1 TIME AND DOES NOT ENGAGE IN MORE THAN 6 TRANSACTIONS IN
10 A 12-MONTH PERIOD.

11 (2) SUBSECTION (1) SHALL NOT BE CONSTRUED TO MEAN THAT ANI-
12 MALS PROVIDED FOR IN SUBSECTION (1) ARE EXEMPT FROM VACCINATION
13 AND LICENSING REQUIREMENTS PURSUANT TO THE DOG LAW OF 1919, ACT
14 NO. 339 OF THE PUBLIC ACTS OF 1919, BEING SECTIONS 287.261 TO
15 287.290 OF THE MICHIGAN COMPILED LAWS, OR FROM VACCINATION AND
16 HANDLING REQUIREMENTS PURSUANT TO ACT NO. 358 OF THE PUBLIC ACTS
17 OF 1994, BEING SECTIONS 287.891 TO 287.901 OF THE MICHIGAN
18 COMPILED LAWS.

19 SEC. 9A. AN ANIMAL CONTROL SHELTER AND AN ANIMAL PROTECTION
20 SHELTER SHALL MAINTAIN WRITTEN RECORDS ON THE TOTAL NUMBER OF
21 DOGS, CATS, AND FERRETS UNDER 6 MONTHS OF AGE, THE TOTAL NUMBER
22 OF DOGS, CATS, AND FERRETS 6 MONTHS OF AGE AND OLDER, AND ALL
23 OTHER ANIMALS RECEIVED, RETURNED TO OWNERS, ADOPTED TO NEW
24 OWNERS, SOLD, OR TRANSFERRED WITH OR WITHOUT REMUNERATION TO ANY
25 PERSON, THE NUMBER OF ADOPTED DOGS, CATS, AND FERRETS THAT WERE
26 ALTERED, THE NUMBER OF ADOPTED DOGS, CATS, AND FERRETS THAT WERE
27 NOT ALTERED, AND THE NUMBER OF DOGS, CATS, AND FERRETS EUTHANIZED

1 ANNUALLY, AND SHALL ANNUALLY PROVIDE A COPY OF THESE STATISTICS
2 TO THE DEPARTMENT, BY MARCH 31 OF THE YEAR FOLLOWING THE YEAR FOR
3 WHICH THE STATISTICS WERE COMPILED.

4 SEC. 9B. (1) IN ADDITION TO ANY OTHER REMEDY UNDER THIS
5 ACT, AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER
6 THAT VIOLATES SECTION 8A(1) BY NOT ENTERING INTO A CONTRACT
7 REQUIRED UNDER SECTION 8A IS SUBJECT TO REVOCATION OF THE
8 SHELTER'S REGISTRATION UNDER SECTION 6.

9 (2) IF A PERSON FAILS TO COMPLY WITH A CONTRACT FOR THE
10 ALTERATION OF A DOG, CAT, OR FERRET AS REQUIRED IN THIS SECTION,
11 A COURT WITH APPROPRIATE JURISDICTION MAY ORDER TRANSFER OF
12 OWNERSHIP OF THE ADOPTED ANIMAL ONLY TO 1 OF THE FOLLOWING:

13 (A) TO THE FACILITY FROM WHICH THE ANIMAL WAS ADOPTED.

14 (B) TO A VETERINARIAN, ANIMAL CONTROL SHELTER, OR ANIMAL
15 PROTECTION SHELTER WILLING TO ACCEPT THE ANIMAL AND EITHER
16 HUMANELY EUTHANIZE THE ANIMAL OR ADOPT THE ANIMAL TO AN OWNER WHO
17 AGREES TO HAVE THE ANIMAL ALTERED.

18 (3) THE DIRECTOR MAY ISSUE AN APPEARANCE TICKET, AS
19 DESCRIBED AND AUTHORIZED BY SECTIONS 9A TO 9G OF CHAPTER IV OF
20 THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF
21 1927, BEING SECTIONS 764.9A TO 764.9G OF THE MICHIGAN COMPILED
22 LAWS, FOR ANY MISDEMEANOR VIOLATION OF THIS ACT BY A PET SHOP,
23 ANIMAL CONTROL SHELTER, OR ANIMAL PROTECTION SHELTER OR AN AGENT
24 OF 1 OF THESE ENTITIES.

25 (4) IN ADDITION TO ANY OTHER ACTION AUTHORIZED BY THIS ACT,
26 THE DIRECTOR MAY BRING AN ACTION TO DO 1 OR MORE OF THE
27 FOLLOWING:

1 (A) OBTAIN A DECLARATORY JUDGMENT THAT A METHOD, ACT, OR
2 PRACTICE IS IN VIOLATION OF THIS ACT.

3 (B) OBTAIN AN INJUNCTION AGAINST A PERSON WHO IS ENGAGING,
4 OR ABOUT TO ENGAGE, IN A METHOD, ACT, OR PRACTICE THAT VIOLATES
5 THIS ACT.

6 Section 2. This amendatory act shall take effect January 1,
7 1997.