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House Bill 4903 (as reported without amendment)  
Sponsor: Representative Gerald Law  
House Committee: Health Policy  
Senate Committee: Farming, Agribusiness and Food Systems

Date Completed: 2-28-00

### **RATIONALE**

Apparently, there are instances when animals are taken to a veterinarian clinic for treatment or boarding and the owners or persons who brought in the animals fail to retrieve them after they have been treated or housed. Part 188 (Veterinary Medicine) of the Public Health Code provides a procedure for veterinarians to follow when dealing with an animal left in a veterinarian's custody for treatment, boarding, or care and abandoned by its owner for at least 10 days. After that time, the veterinarian must send the owner a written notice of intent to dispose of the animal. A second notice then must be sent at least 10 days later. Only after five more days elapse may the veterinarian dispose of the animal. Thus, a veterinarian must wait 25 days, after concluding that an animal has been abandoned, before he or she is allowed to place the animal in a home, transfer it to a shelter, or euthanize it, if the animal is seriously ill. Housing abandoned animals for 25 days can be a hardship on veterinarians, who may not have the financial resources or the facilities to care for these animals, and a hardship on the animals, who may be in poor physical condition. It has been suggested that the period of time a veterinarian must wait before disposing of an animal be shortened.

### **CONTENT**

**The bill would amend the Public Health Code to revise the procedures for disposing of an animal placed in the care of a veterinarian, by deleting the 10-day period a veterinarian must wait before beginning the process of disposing of an animal, and changing the timetable for notifying an animal's owner. The bill also would add a definition of "abandoned by its owner", and delete the current definition of "abandonment".** Currently, a veterinarian may dispose of an animal placed in his or her custody for treatment, boarding, or other care and abandoned for more than 10 days by its owner or agent, by sending required notices. The veterinarian must send a first written notice of an intent to dispose of the animal by certified mail to the owner, or agent, at his or her last known address, and a second written notice at least 10 days after

sending the first notice. The bill would delete the 10-day abandonment period; require a second notice to be sent five days, instead of 10, after the first notice had been sent; and, delete references to an agent. The bill would retain the current requirement that a veterinarian wait five days after sending the second notice before disposing of an animal.

The bill would define "abandoned by its owner" as any of the following:

- Failure of an owner to return to regain custody of an animal left in the custody of a veterinarian by its owner for treatment, boarding, or other services at the scheduled time for the animal's return or at completion of services.
- Refusal of an owner to accept custody of an animal left in the custody of a veterinarian by its owner for treatment, boarding, or other services at the scheduled time for the animal's return or at completion of the services.
- Failure of an owner to provide payment for treatment, boarding, or other services on an animal left in the custody of a veterinarian by its owner as agreed upon by the owner and veterinarian.

"Owner" would mean the actual owner of an animal, an agent of the owner of the animal, or a person with the apparent authority to act as the owner or as the agent of the owner of the animal.

The bill would delete the current definition of "abandonment", which is to forsake entirely, neglect, or refuse to provide for payment by installment or otherwise or perform the lawful obligations for care and support of an animal by its owner or agent.

Currently, the Code states that an abandonment constitutes the relinquishment of all rights of the owner to the animal. The bill specifies, instead, that in the case of an animal abandoned by its owner, the owner would be considered to have relinquished all rights to the animal.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

At times it is apparent almost immediately that an animal brought to a veterinarian for care has been abandoned. For example, a person may bring an injured dog to a veterinary clinic or hospital for treatment, claim that he or she does not have a wallet, and leave the facility promising to return with money to cover the deposit. That person, however, never returns and does not leave a telephone number or address where he or she can be reached. In other cases, a pet owner may leave a false address or a phone number that has been disconnected. Sometimes, a pet owner drops off the pet for treatment and simply never returns after the agreed upon date to retrieve the animal. Having to wait at least 25 days before disposing of an abandoned animal can be a hardship on a veterinarian. For some veterinarians, their facilities may lack sufficient space to house the animal. For others, the animal may be overly aggressive and pose a danger to the veterinary staff. If the animal is seriously ill and requires costly treatment to be kept alive, a veterinarian may incur large expenses for which he or she will not be reimbursed.

The bill still would require a veterinarian to send two notices of intent to dispose of an animal but would eliminate the initial 10-day waiting period and would shorten the time required between the first and second notices. By removing the initial waiting period, the bill would allow a veterinarian to send out the first notice as soon as it became apparent that an animal had been abandoned. Under the bill, a veterinarian still would have to wait a total of 10 days before disposing of an animal. This would give pet owners sufficient time to claim their animals, while easing veterinarians' burden for long-term care of an abandoned animal.

Legislative Analyst: L. Arasim

## **FISCAL IMPACT**

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

Fiscal Analyst: P. Graham

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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.