

House Bill No. 4903

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 18802 and 18838 (MCL 333.18802 and
333.18838), section 18802 as amended by 1982 PA 353.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18802. (1) ~~"Abandonment" means to forsake entirely,~~
2 ~~neglect, or refuse to provide for payment by installment or oth-~~
3 ~~erwise or perform the lawful obligations for care and support of~~
4 ~~an animal by its owner or agent. An abandonment constitutes the~~
5 ~~relinquishment of all rights of the owner to the animal.~~
6 "ABANDONED BY ITS OWNER" MEANS ANY OF THE FOLLOWING:
7 (A) FAILURE OF AN OWNER TO RETURN TO REGAIN CUSTODY OF AN
8 ANIMAL LEFT IN THE CUSTODY OF A VETERINARIAN BY ITS OWNER FOR
9 TREATMENT, BOARDING, OR OTHER SERVICES AT THE SCHEDULED TIME FOR
10 THE ANIMAL'S RETURN OR AT COMPLETION OF THE SERVICES.

1 (B) REFUSAL OF AN OWNER TO ACCEPT CUSTODY OF AN ANIMAL LEFT
2 IN THE CUSTODY OF A VETERINARIAN BY ITS OWNER FOR TREATMENT,
3 BOARDING, OR OTHER SERVICES AT THE SCHEDULED TIME FOR THE
4 ANIMAL'S RETURN OR AT COMPLETION OF THE SERVICES.

5 (C) FAILURE OF AN OWNER TO PROVIDE PAYMENT FOR TREATMENT,
6 BOARDING, OR OTHER SERVICES ON AN ANIMAL LEFT IN THE CUSTODY OF A
7 VETERINARIAN BY ITS OWNER AS AGREED UPON BY THE OWNER AND THE
8 VETERINARIAN.

9 (2) "Animal" means an animal other than a human being and
10 includes all fowl, birds, fish, and reptiles, wild or domestic,
11 living or dead, which may be carriers of infectious diseases.

12 (3) "OWNER" MEANS THE ACTUAL OWNER OF AN ANIMAL, AN AGENT OF
13 THE OWNER OF THE ANIMAL, OR A PERSON WITH THE APPARENT AUTHORITY
14 TO ACT AS THE OWNER OR AS THE AGENT OF THE OWNER OF AN ANIMAL.

15 (4) ~~-(3)-~~ "Supervision" includes that degree of close physi-
16 cal proximity necessary for the supervising veterinarian to
17 observe and monitor the performance of a veterinary technician.

18 Sec. 18838. (1) A veterinarian may dispose of an animal
19 placed in the veterinarian's custody for treatment, boarding, or
20 other care and abandoned ~~for more than 10 days~~ by its owner ~~or~~
21 ~~agent~~ by sending the notices required by this section. The vet-
22 erinarian shall send a first written notice of an intent to dis-
23 pose of the animal by certified mail to the owner, ~~or agent,~~ at
24 his or her last known address and a second written notice not
25 less than ~~10~~ 5 days after sending the first notice. Upon the
26 expiration of 5 days after sending the second written notice to
27 the owner, ~~or agent,~~ a veterinarian may dispose of the animal.

1 (2) The disposal OF AN ANIMAL does not release the owner ~~or~~
2 ~~agent~~ from payment of costs incurred, including the disposal.

3 (3) This section does not prevent the owner or agent from
4 mitigating additional costs by removing the animal from custody
5 of the veterinarian.

6 (4) IN THE CASE OF AN ANIMAL ABANDONED BY ITS OWNER, THE
7 OWNER IS CONSIDERED TO HAVE RELINQUISHED ALL RIGHTS TO THE
8 ANIMAL.