



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



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 108 (Substitute S-1)
Sponsor: Senator Gilda Z. Jacobs
Committee: Agriculture, Forestry and Tourism

Date Completed: 11-5-03

CONTENT

The bill would create a new act to require rabies vaccinations for certain animals in petting zoos; require a petting zoo to report when one of its animals had scratched or bitten a person, and to handle the animal according to the Centers for Disease Control and Prevention's published guidelines; and prescribe penalties for violators.

Specifically, the bill would prohibit a petting zoo from owning or harboring an animal for which there was an approved vaccine for rabies, unless the animal had a current vaccination against rabies with an approved vaccine administered by a veterinarian. (This would not apply to an animal under the age at which the National Association of State Public Health Veterinarians, Inc. recommended primary vaccination.)

"Petting zoo" would mean a person who owned or operated a facility whose primary purpose was to allow children and other members of the public to come into direct contact with domesticated animals such as cats, cattle, deer, goats, horses, llamas, rabbits, or sheep. A petting zoo would not include an animal control shelter, animal protection shelter, exhibition or exposition, fair, farm operation, pet shop, or riding stable. "Approved vaccine for rabies" or "approved vaccine" would mean a vaccine for rabies licensed by the United States Department of Agriculture.

A petting zoo that owned or harbored an animal that had potentially exposed a human being or another animal to rabies by biting, scratching, causing abrasions, or contaminating an open wound or mucous membrane with saliva or other infectious material, would have to report the incident within 48 hours to the county public health department. The petting zoo would have to handle the animal causing the potential exposure in accordance with current published guidelines of the Centers for Disease Control and Prevention.

A petting zoo owning or harboring an animal required to be vaccinated would have to produce proof of a valid rabies certificate signed by a veterinarian for the animal upon request of a law enforcement agent or animal control officer, or the Director of the Michigan Department of Agriculture or his or her representative. (A "law enforcement agent" would be an officer of the Department of State Police, or a county, township, city, or village law enforcement agency who was responsible for the prevention and detection of crime and enforcement of the criminal laws of this State, or a conservation officer. "Animal control officer" would mean an individual employed as an animal control officer under the Dog Law of 1919.)

A person who violated the proposed act, or a rule promulgated under it, would be guilty of a misdemeanor and would have to pay the costs of the prosecution. The misdemeanor would be punishable by one or more of the following: a maximum of 90 days' imprisonment; a fine of at least \$500 but not over \$1,000; community service work for a maximum of 120 hours; or permanent relinquishment of the privilege of animal ownership.

For any violation of the proposed act, a law enforcement agent, an animal control officer, or the Director could issue an appearance ticket, as described and authorized by the Code of Criminal Procedure (which defines "appearance ticket" as a written notice issued by a police officer ordering a person to appear in court). Those individuals also could bring an action to obtain a declaratory judgement that a method, act, or practice was a violation of the proposed act; and to obtain an injunction against a person who was engaging, or about to engage, in a method, act, or practice that violated the proposed act.

The Director could promulgate rules for the implementation and enforcement of the proposed act.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government.

There are no data to indicate how many offenders would be convicted of a misdemeanor for violating the proposed act. Local units would incur the costs of misdemeanor probation or incarceration in a local facility, which vary by county. Public libraries would benefit from any additional penal fine revenue raised due to the proposed penalty.

Fiscal Analyst: Craig Thiel
Bethany Wicksall