

# SENATE BILL No. 108

January 29, 2003, Introduced by Senators JACOBS and CHERRY and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to require rabies vaccinations for certain animals in petting zoos; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Animal control officer" means an individual employed as  
3 an animal control officer under section 29a or 29c of the dog law  
4 of 1919, 1919 PA 339, MCL 287.289a and 287.289c.

5       (b) "Animal control shelter" and "animal protection shelter"  
6 mean those terms as defined in section 1 of 1969 PA 287,  
7 MCL 287.331.

8       (c) "Approved vaccine for rabies" or "approved vaccine" means  
9 a vaccine for rabies licensed on the effective date of this act  
10 by the United States department of agriculture.

1 (d) "Director" means the director of the department of  
2 agriculture or his or her authorized representative.

3 (e) "Exhibition or exposition" and "fair" mean those terms as  
4 defined in section 3 of the animal industry act, 1988 PA 466,  
5 MCL 287.703.

6 (f) "Farm operation" means that term as defined in section 2  
7 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

8 (g) "Law enforcement agent" means an officer of the  
9 department of state police or a law enforcement agency of a  
10 county, township, city, or village who is responsible for the  
11 prevention and detection of crime and enforcement of the criminal  
12 laws of this state, or a conservation officer.

13 (h) "Person" means an individual, partnership, corporation,  
14 association, governmental entity, or other legal entity.

15 (i) "Pet shop" means that term as defined in section 1 of  
16 1969 PA 287, MCL 287.331.

17 (j) "Petting zoo" means a person who owns or operates a  
18 facility whose primary purpose is to allow children and other  
19 members of the public to come into direct contact with  
20 domesticated animals such as cats, cattle, deer, goats, horses,  
21 llamas, rabbits, or sheep. Petting zoo does not include an  
22 animal control shelter, animal protection shelter, exhibition or  
23 exposition, fair, farm operation, pet shop, or riding stable.

24 (k) "Riding stable" means that term as defined in section 1  
25 of 1974 PA 93, MCL 287.111.

26 (l) "Veterinarian" means a person licensed to practice  
27 veterinary medicine under part 188 of the public health code,

1 1978 PA 368, MCL 333.18801 to 333.18838, or under the law of  
2 another state or federal authority that is applicable to that  
3 person.

4       Sec. 2. (1) Subject to subsection (2), a petting zoo shall  
5 not own or harbor an animal for which there is an approved  
6 vaccine for rabies unless the animal has a current vaccination  
7 against rabies with an approved vaccine administered by a  
8 veterinarian.

9       (2) Subsection (1) does not apply to an animal whose age is  
10 less than the age at which primary vaccination of that animal is  
11 recommended, on the effective date of this act, by the national  
12 association of state public health veterinarians, incorporated.

13       (3) A petting zoo that owns or harbors an animal that has  
14 bitten, scratched, caused abrasions, or contaminated with saliva  
15 or other infectious material an open wound or mucous membrane of  
16 a human being shall report the incident within 48 hours to the  
17 county public health department.

18       (4) A petting zoo that owns or harbors an animal that has  
19 potentially exposed a human being or other animal to rabies by  
20 biting, scratching, causing abrasions, or contaminating open  
21 wounds or mucous membranes with saliva or other infectious  
22 material shall handle the animal causing the potential exposure  
23 in accordance with current published guidelines of the centers of  
24 disease control and prevention.

25       (5) A petting zoo that owns or harbors an animal required to  
26 be vaccinated under subsection (1) shall produce proof of a valid  
27 rabies certificate signed by a veterinarian for the animal upon

1 request of a law enforcement agent or animal control officer or  
2 the director.

3       Sec. 3. (1) A person who violates this act or a rule  
4 promulgated under this act is guilty of a misdemeanor and shall  
5 pay the costs of the prosecution. The misdemeanor is punishable  
6 by 1 or more of the following:

7       (a) Imprisonment for not more than 90 days.

8       (b) A fine of not less than \$500.00 or more than \$1,000.00.

9       (c) Community service work of not more than 120 hours.

10       (d) Permanent relinquishment of the privilege of animal  
11 ownership.

12       (2) A law enforcement agent, an animal control officer, or  
13 the director may issue an appearance ticket, as described and  
14 authorized by sections 9c to 9g of chapter IV of the code of  
15 criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g, for any  
16 violation of this act.

17       (3) In addition to any other action authorized by this act, a  
18 law enforcement agent, an animal control officer, or the director  
19 may bring an action to do 1 or more of the following:

20       (a) Obtain a declaratory judgment that a method, act, or  
21 practice is a violation of this act.

22       (b) Obtain an injunction against a person who is engaging, or  
23 about to engage, in a method, act, or practice that violates this  
24 act.

25       Sec. 4. The director may promulgate rules for the  
26 implementation and enforcement of this act pursuant to the  
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.