

# SENATE BILL No. 543

June 4, 2003, Introduced by Senators GARCIA, TOY and STAMAS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding sections 8b and 8c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Adoption" means a transfer of ownership, with or without  
3 remuneration, of a dog, cat, or ferret from an animal control  
4 shelter or animal protection shelter to an individual for the  
5 purpose of being a companion animal for that individual. As used  
6 in this subdivision, a companion animal includes but is not  
7 limited to a dog that is used for hunting or as a guard dog.

8       (b) "Alteration" means a professional sterilization procedure  
9 performed by a veterinarian that renders a dog, cat, or ferret

1 incapable of reproducing.

2 (c) "Altered", in reference to a dog, cat, or ferret, means  
3 having undergone alteration.

4 (d) "Animal" means a mammal except livestock as defined in  
5 1937 PA 284, MCL 287.121 to 287.131, and rodents.

6 (e) "Animal control shelter" means a facility operated by a  
7 municipality for the impoundment and care of animals that are  
8 found in the streets or at large, animals that are otherwise held  
9 due to the violation of a municipal ordinance or state law, or  
10 animals that are surrendered to the animal control shelter.

11 (f) "Animal protection shelter" means a facility operated by  
12 a person, humane society, society for the prevention of cruelty  
13 to animals, or any other nonprofit organization for the care of  
14 homeless animals.

15 (g) "Cat" means a domestic cat of any age of the species  
16 felis catus.

17 (h) "Department" means the state department of agriculture.

18 (i) "Director" means the director of the department or his or  
19 her authorized representative.

20 (j) "Dog" means a domestic dog of any age of the species  
21 canis familiaris.

22 (k) "Ferret" means an animal of any age of the species  
23 mustela furo.

24 (l) "Health certificate" means a certificate in a form  
25 prescribed by the department in which a veterinarian attests to  
26 the age, sex, breed, and description of an animal, and to the  
27 fact that at the time of preparation of the certificate, the

1 veterinarian examined the animal and found the animal free from  
2 visual evidence of communicable disease.

3       **(m) "Municipal shelter" means an animal control shelter or an**  
4 **animal protection shelter operated by a municipality.**

5       **(n) ~~-(m)-~~ "Municipality" means a county, city, village, or**  
6 **township.**

7       **(o) ~~-(n)-~~ "Person" means an individual, partnership,**  
8 **corporation, association, governmental entity, or other legal**  
9 **entity.**

10       **(p) ~~-(o)-~~ "Pet shop" means a place where animals are sold or**  
11 **offered for sale, exchange, or transfer.**

12       **(q) ~~-(p)-~~ "Veterinarian" means a person licensed to practice**  
13 **veterinary medicine under article 15 of the public health code,**  
14 **1978 PA 368, MCL 333.16101 to 333.18838.**

15       **Sec. 8b. (1) Subject to subsection (2), a municipal shelter**  
16 **shall not transfer, for adoption or otherwise, or euthanize a dog**  
17 **or cat within 7 days after it is received.**

18       **(2) If an animal is transferred to a shelter by a person**  
19 **other than the owner and the owner of the animal can be**  
20 **identified by a collar, license, or other evidence on the animal**  
21 **or provided by the transferor, both of the following apply:**

22       **(a) The operator of the municipal shelter shall notify the**  
23 **owner by first-class mail.**

24       **(b) The operator of the municipal shelter shall not transfer**  
25 **or euthanize the animal within 7 days from the date of mailing**  
26 **the notice.**

27       **(3) Subsections (1) and (2) do not apply under either of the**

1 following circumstances:

2 (a) The holding period would cause undue suffering because  
3 the animal is sick or injured.

4 (b) The owner requests that the animal be immediately  
5 transferred or euthanized.

6 (4) In addition to the requirements of section 9a, the  
7 operator of a municipal shelter shall maintain a record of each  
8 dog or cat received. The record shall include all of the  
9 following:

10 (a) A basic description of the animal.

11 (b) The date on which and circumstances under which the  
12 animal was transferred to the municipal shelter.

13 (c) If the animal was transferred to the municipal shelter  
14 by a person other than the owner, whether the owner was  
15 identified and, if so, the date the notice under subsection (2)  
16 was mailed to the owner.

17 (d) Whether the animal was transferred by the municipal  
18 shelter or euthanized and the date of transfer or euthanization.

19 (e) If subsection (3)(a) applies, a description of the  
20 condition of the animal.

21 (f) If subsection (3)(b) applies, a record of the owner's  
22 request.

23 Sec. 8c. A municipal shelter shall not dispose of a dog or  
24 cat except by 1 of the following means:

25 (a) Returning the animal to its owner.

26 (b) Adoption.

27 (c) Transfer to a law enforcement agency.

1       (d) Transfer to an organization or trainer that trains guide  
2 or leader dogs for blind persons, hearing dogs for deaf or  
3 audibly impaired persons, or service dogs for physically limited  
4 persons.

5       (e) Humane euthanasia.

6       Enacting section 1. This amendatory act does not take  
7 effect unless Senate Bill No. 542  
8                               of the 92nd Legislature is enacted into  
9 law.