

HOUSE BILL No. 5738

February 14, 2008, Introduced by Reps. Bieda, Moss, Condino, Ebli, Pastor, Wojno, Meisner, Rocca, Kathleen Law, Corriveau, Hansen, Schuitmaker, Meadows and Vagnozzi and referred to the Committee on Regulatory Reform.

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 the title and section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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; **TO REGULATE THE SALE OF DOGS AND CATS BY CERTAIN PERSONS; TO PROVIDE CERTAIN PROTECTIONS FOR PURCHASERS OF DOGS AND CATS;** and to

1 prescribe penalties and civil fines and to provide remedies.

2 Sec. 1. As used in this act:

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

9 (b) "Alteration" means a professional sterilization procedure
10 performed by a veterinarian that renders a dog, cat, or ferret
11 incapable of reproducing.

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

14 (d) "Animal" means a mammal except livestock as defined in
15 1937 PA 284, MCL 287.121 to 287.131, and rodents.

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

21 (f) "Animal protection shelter" means a facility operated by a
22 person, humane society, society for the prevention of cruelty to
23 animals, or any other nonprofit organization for the care of
24 homeless animals.

25 **(G) "BREEDER" MEANS A PERSON WHO BREEDS OR RAISES DOGS OR CATS**
26 **FOR SALE TO THE PUBLIC.**

27 **(H) ~~(g)~~"Cat"** means a domestic cat of any age of the species

1 felis catus.

2 (I) ~~(h)~~—"Department" means the state department of
3 agriculture.

4 (J) ~~(i)~~—"Director" means the director of the department or his
5 or her authorized representative.

6 (K) ~~(j)~~—"Dog" means a domestic dog of any age of the species
7 canis familiaris.

8 (L) ~~(k)~~—"Ferret" means an animal of any age of the species
9 mustela furo.

10 (M) ~~(l)~~—"Health certificate" means a certificate in a form
11 prescribed by the department in which a veterinarian attests to the
12 age, sex, breed, and description of an animal, and to the fact that
13 at the time of preparation of the certificate, the veterinarian
14 examined the animal and found the animal free from visual evidence
15 of communicable disease.

16 (N) ~~(m)~~—"Municipality" means a county, city, village, or
17 township.

18 (O) ~~(n)~~—"Person" means an individual, partnership,
19 corporation, association, governmental entity, or other legal
20 entity.

21 (P) "PET DEALER" MEANS A PERSON WHO FOR COMPENSATION BUYS OR
22 SELLS DOGS OR CATS. PET DEALER DOES NOT INCLUDE AN ANIMAL
23 PROTECTION SHELTER.

24 (Q) ~~(o)~~—"Pet shop" means a place where animals are sold or
25 offered for sale, exchange, or transfer.

26 (R) ~~(p)~~—"Veterinarian" means a person licensed to practice
27 veterinary medicine under article 15 of the public health code,

1 1978 PA 368, MCL 333.16101 to 333.18838.

2 SEC. 5B. (1) THIS SECTION APPLIES TO ALL OF THE FOLLOWING WHO
3 SELL DOGS OR CATS:

4 (A) PET SHOPS.

5 (B) PET DEALERS.

6 (C) BREEDERS.

7 (D) A PERSON WHO ENGAGES IN THE SALE OF DOGS OR CATS TO THE
8 PUBLIC FOR PROFIT.

9 (E) A PERSON WHO SELLS MORE THAN 1 LITTER OR 2 DOGS OR CATS
10 OVER 6 MONTHS OF AGE PER YEAR.

11 (2) A DOG OR CAT IS CONSIDERED TO HAVE BEEN UNFIT FOR SALE AT
12 THE TIME OF THE PURCHASE IF ANY OF THE FOLLOWING OCCUR:

13 (A) WITHIN 30 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT
14 FROM A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1), A VETERINARIAN
15 STATES, IN WRITING, THAT THE DOG OR CAT HAS THE PRESENCE OF
16 SYMPTOMS OF A CONTAGIOUS OR INFECTIOUS DISEASE OR ILLNESS THAT
17 EXISTED IN THE DOG OR CAT AT THE TIME OF PURCHASE.

18 (B) WITHIN 90 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT
19 FROM A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1), A VETERINARIAN
20 STATES, IN WRITING, THAT THE DOG OR CAT DIED OR IS ILL DUE TO A
21 HEREDITARY OR CONGENITAL DEFECT.

22 (3) IF A DOG OR CAT IS CONSIDERED TO HAVE BEEN UNFIT FOR SALE
23 AT THE TIME OF PURCHASE AS DESCRIBED IN SUBSECTION (2), THE PERSON
24 OR ENTITY DESCRIBED IN SUBSECTION (1) THAT SOLD THE DOG OR CAT
25 SHALL PROVIDE THE PURCHASER OF THE DOG OR CAT WITH THE RIGHT TO DO
26 ANY OF THE FOLLOWING:

27 (A) RETURN THE DOG OR CAT FOR A REFUND OF THE FULL PURCHASE

1 PRICE.

2 (B) IF A REPLACEMENT DOG OR CAT IS AVAILABLE, EXCHANGE THE DOG
3 OR CAT FOR ANOTHER DOG OR CAT OF THE PURCHASER'S CHOICE THAT IS OF
4 EQUAL VALUE.

5 (C) RETAIN THE DOG OR CAT AND RECEIVE REIMBURSEMENT FOR
6 REASONABLE VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE
7 VETERINARY FEES SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE
8 DOG OR CAT.

9 (D) IF THE DOG OR CAT DIES, RECEIVE ANOTHER DOG OR CAT OF
10 EQUAL VALUE, IF AVAILABLE, AND RECEIVE REIMBURSEMENT FOR REASONABLE
11 VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE VETERINARY FEES
12 SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE DOG OR CAT.

13 (E) IF THE DOG OR CAT DIES, RECEIVE A REFUND OF THE FULL
14 PURCHASE PRICE.

15 (4) NOTHING IN THIS SECTION LIMITS THE RIGHTS OR REMEDIES THAT
16 ARE OTHERWISE AVAILABLE TO THE PURCHASER OF A DOG OR CAT UNDER ANY
17 OTHER LAW.