

REVISE LAW ON THE PROCUREMENT OF DOGS & CATS FOR RESEARCH

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4663

Sponsor: Rep. John Espinoza

Committee: Agriculture

Complete to 4-21-10

A SUMMARY OF HOUSE BILL 4663 AS INTRODUCED 3-19-09

Under current state law, a publicly-operated dog pound or shelter may sell dogs or cats to a Michigan research facility for up to \$10 per animal (or give them away) after complying with certain requirements, including a minimum holding period. Generally speaking, under House Bill 4663, this would no longer be allowed.

The bill would amend Public Act 224 of 1969 (MCL 287.381-287.395), the state law that governs the buying or selling of dogs and cats to be used for experimentation. (A related federal law is the Animal Welfare Act, 7 USC 2131-2159.) Among other things, the bill would do the following:

- Specify that certain holding period and record-keeping requirements found in the act apply to both "animal control shelters" and "animal protection shelters."
- Prohibit persons — including dealers with class "B" licenses from the U.S. Department of Agriculture or USDA under the Animal Welfare Act — from buying or otherwise acquiring so-called "random source" dogs and cats for resale for experimentation. (Generally speaking, "random source" dogs or cats are stray and lost dogs and cats, and those obtained from auction sales, animal shelters, or from anyone who did not breed and raise the dog or cat on his or her own premises.)
- Prohibit persons — including class "B" dealers — from selling or otherwise making available "random source" dogs and cats for use in experimentation.
- Provide exceptions for (1) research facilities that obtain dogs and cats from animal control or animal protection shelters for the sole purpose of performing procedures to correct preexisting medical conditions; (2) research facilities that conduct no-cost or subsidized sterilization programs for shelter cats and dogs as long as the program was part of university veterinary training and other conditions were met; and (3) facilities that obtain random source animals to collect blood for animal blood banking under specified conditions.
- Prohibit research facilities from purchasing any dogs or cats except from licensed dealers or from persons who breed or raise dogs or cats for sale.
- Allow research facilities to obtain dogs or cats from animal control shelters or animal protection shelters only in one of the circumstances specified above

(i.e., to correct a preexisting medical condition, for sterilization, or for collecting blood for animal blood banking under specified conditions).

FISCAL IMPACT:

A fiscal analysis is in process.

DETAILED SUMMARY:

Holding period. [§8(1)] Section 8(1) of the act prohibits dog pounds and animal shelters operated by counties, cities, villages, or townships or dealers from selling or otherwise disposing of a dog or cat within *four* days of acquiring it. (If a dog or cat has a collar, license, or other evidence of ownership, the operator of a pound or a shelter must notify the owner in writing and must not dispose of the animal within *seven* days of mailing the notice.) Every pound or shelter operator must also maintain a record of each identifiable dog or cat it acquires that includes specified information. The bill would specify that these provisions apply to both "*animal control shelters*" and "*animal protection shelters*," as defined in the bill. [See definition section below.]

Currently, sick and injured animals do not have to be kept for the entire holding period if doing so "would" cause undue suffering. The bill would change "would" to "is likely to" cause undue suffering.

Random source animals. [§8(2)] Under the bill, regardless of whether a person was licensed by the U.S. Department of Agriculture to purchase, obtain, or resell "random source animals,"¹ the person would be prohibited from doing either of the following things:

- Purchasing or otherwise acquiring a random source animal for the purpose of resale *for experimentation*.
- Selling or otherwise making available a random source animal *for experimentation*.

The term "***experimentation***" is not defined. The term "***random source animal***" means "a dog or cat obtained from a person who did not breed and raise the dog or cat on his or her premises, an auction sale, or an animal shelter, or a stray or lost animal."

The prohibition on buying, otherwise acquiring, selling, or otherwise making available "random source" animals for experimentation (or for resale for experimentation) would not apply the following:

- A research facility that received shelter cats or dogs for the sole purpose of performing a procedure to correct a preexisting medical condition.

¹ This apparently refers to persons with a class "B" dealer license from the USDA. Under federal law, only class "B" dealers are allowed to acquire random source dogs and cats for resale.

- A research facility that conducted a no-cost or subsidized sterilization program for shelter cats and dogs under the following conditions:
 - The program was part of a university veterinary training program supervised by a licensed veterinarian.
 - After sterilization, the cats and dogs were returned to the animal control shelter or the animal protection shelter for adoption or placement in a suitable home (unless the animal was found to be suffering from a preexisting medical condition that required humane euthanasia to avoid imminent pain and suffering).
 - Cats and dogs in need of other veterinary care for a preexisting medical condition were given treatment by a licensed veterinarian.
 - Cats and dogs were accepted into the sterilization training program solely for the purpose of training students in spay/neuter surgery techniques.
- A facility (not "research facility" as in the other provisions) engaged in animal blood banking (meaning the provision of veterinary transfusion products through species-specific donation that did not result in harm to the donor) that obtained a random source animal solely for the purpose of the donation of blood for veterinary use so long as the procedure was performed or supervised by a licensed veterinarian and the cat or dog was thereafter placed in a suitable home, unless it suffered from a preexisting medical condition requiring euthanasia in order to avoid imminent pain or suffering.

[Note: The bill's requirements as to what happens to the dog or cat after it has been treated, sterilized, or had its blood drawn vary: (1) there is no rule about the subsequent placement of a dog or cat after its preexisting medical condition was corrected at a research facility; (2) after a dog or cat was spayed or neutered, it would have to be returned to the shelter it came from for adoption or placement in a suitable home; and (3) after an animal had blood drawn for blood banking by a "facility" it would have to be "thereafter placed in a suitable home," but not necessarily returned to the place from which it was obtained.]

Auction sales; sales by the pound. The bill would retain (but slightly reword) the existing ban on selling or offering to sell a dog or cat to a research facility at public auction or by weight. The current provision prohibiting a research facility from purchasing a dog or cat at public auction or by weight would be deleted.

Purchase of dogs or cats by research facilities. Currently, a research facility is not allowed to purchase any dogs or cats except from a licensed dealer, a public dog pound, a humane society or from a person who breeds or raises dogs or cats for sale. Public dog pounds or animal shelters are currently allowed to sell (for not more than \$10 per animal) or otherwise dispose of unclaimed or unwanted dogs and cats to Michigan research facilities. ***The bill would prohibit research facilities from purchasing any dogs or cats except from licensed dealers or from persons who breed or raise dogs or cats for sale.***

Further, a research facility or dealer would only be allowed to obtain a dog or cat from an animal control shelter or animal protection shelter under the circumstance described in Section 8(3): (correction of preexisting medical condition, sterilization, or animal blood banking).

Repealer. An obsolete reference to a repealed provision of law would be deleted.

Definitions. [§1] The bill would revise the meaning of existing terms or define additional terms as follows:

"Animal blood banking" (new) would mean "the provision of veterinary transfusion products through species-specific donation that does not result in harm to the donor."

"Animal control shelter" (new) would mean "that term as defined in Section 1 of 1969 of 1969 PA 287, MCL 287.331, and that is licensed under that act." Under MCL 287.331, "animal control shelter" means "a facility operated by a municipality [meaning county, city, village, or township] for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter."

"Animal protection shelter" (new) would mean "that term as defined in Section 1 of 1969 PA 287, MCL 287.331, and that is licensed under that act." Under MCL 287.331, "animal protection shelter" means "a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals."

"Cat" would mean "any live domestic cat of the species felis catus." (Under current law, the term "cat" refers to live domestic cats used or intended to be used for research, tests, or experiments at research facilities.)

The current definition of the term ***"dealer"*** would be retained but placed in alphabetical order. (A ***"dealer"*** is a person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats for research purposes, not including a person who breeds or raises dogs or cats on his or her premises for sale to a research facility.)

"Director" would mean the director of the Department of Agriculture.

"Dog" would mean "any live dog of the species canis familiaris." (Under current law, the term "dog" refers to live dogs used or intended to be used for research, tests or experiments at research facilities.)

"Person" would mean "any individual, limited liability company, partnership, association or corporation."

"Preexisting medical condition" (new) would mean "an illness, disease, or other condition that requires immediate medical attention in order to prevent further physical harm or death."

"Random source animal" (new) would mean "a dog or cat obtained from a person who did not breed and raise the dog or cat on his or her premises, an auction sale, or an animal shelter, or a stray or lost animal."

"Research facility" would mean "any school, hospital, laboratory, institution, organization, or person that uses or intends to use dogs or cats in research, testing, or experiments, and that does one or more of the following: (1) purchases, receives, or transports dogs or cats; or (2) Receives any funds from this state or any agency or instrumentality thereof to finance its operations by means of grants, loans, or otherwise."

Legislative Analyst: Shannan Kane
Fiscal Analyst: William E. Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.