

Legislative Analysis



REVISE LAW ON THE PROCUREMENT OF DOGS AND CATS FOR RESEARCH

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House Bill 4663 (Substitute H-1)

Sponsor: Rep. John Espinoza

Committee: Agriculture

Complete to 7-28-10

A SUMMARY OF HOUSE BILL 4663 AS REPORTED FROM COMMITTEE 7-1-10

The bill would amend Public Act 287 of 1969 to phase in certain restrictions on the sale or transfer of dogs or cats from animal control shelters and animal protection shelters to dealers and research facilities. Some of the new regulations would take effect immediately, replaced by more restrictive rules after 12 months. None of the new restrictions would apply to federal dealers that are engaged in animal blood banking, as defined in the bill. Such dealers could continue to obtain cats and dogs solely for the purpose of blood donation.

Restrictions that would apply immediately:

- A person surrendering a dog or cat to an animal control shelter or an animal protection shelter could designate in writing whether the dog or cat could be sold or transferred to a research facility or to a dealer for the purpose of resale for experimentation.
- Neither an animal control shelter nor an animal protection shelter could sell or transfer a surrendered dog or cat to a research facility or to a dealer unless the dog or cat's owner had signed a designation permitting this.
- An animal control shelter could not sell or transfer a dog or cat found in the street or running at large to a dealer.

Restrictions that would take effect after 12 months:

- A person surrendering a dog or cat to an animal control shelter or an animal protection shelter could designate in writing whether it could be sold or transferred to a research facility.
- Neither an animal control shelter nor an animal protection shelter could sell or transfer a dog or cat surrendered by its owner to a research facility unless the owner had executed a designation permitting this.
- A dealer could not acquire or purchase a cat or dog from an animal control shelter or an animal protection shelter.
- Neither an animal control shelter nor an animal protection shelter could sell, provide, or otherwise transfer a cat or dog to a dealer.

FISCAL IMPACT:

Public Act 224 of 1969 is an act to license and regulate dealers in and research facilities using dogs and cats for research purposes. The Michigan Department of Agriculture currently has authority to inspect, license, and regulate dealers and research facilities under the act. The department would also have the authority to enforce the amendatory provisions of HB 4663 if enacted. However, the department indicates that it does not currently regulate "Class B" animal dealers or research facilities as these are currently licensed by the United States Department of Agriculture, Animal and Plant Health Inspection Service under the federal Animal Welfare Act. In addition, the department indicates that it does not currently have the resources to enforce provisions of the act. The proposed Agriculture budget for FY 2010-2011 would also eliminate support for certain department animal health and welfare activities including Animal Control Shelter inspection programs under the Dog Law of 1919 and Animal Protection Shelter regulatory programs under PA 287 of 1969 (Pet Shops).

DETAILED SUMMARY:

Holding period & recordkeeping. [§8(1)] Section 8(1) of the act currently prohibits dealers, as defined in the act, and dog pounds and animal shelters operated by counties, cities, villages, or townships 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 (a basic description of the animal and the date and the circumstances of its acquisition). These requirements would be retained but references to dog pounds and animal shelters would be changed to animal control shelters and animal protection shelters, as defined in the bill.

Currently, a dog pound or animal shelter is not required to keep sick and injured animals for the entire required holding period if doing so "would" cause undue suffering or if an owner has requested immediate disposal. The bill would change "would" to "is likely to" cause undue suffering.

Restrictions; exception for blood banking. As amended in committee, the bill would phase in restrictions on the sale or transfer of dogs and cats from animal control shelters and animal protection shelters to dealers and research facilities. These provisions do not apply to a person regulated as a dealer under federal law and engaged in animal blood banking. Such a dealer could obtain a cat or dog solely for the purpose of the donation of blood. (Unlike the bill as introduced, the H-1 Substitute is silent as to what happens to the dog or cat after blood has been taken from it.)

Restrictions that would apply immediately. The following rules would apply for the first twelve months after the bill took effect:

- A person surrendering a dog or cat to an animal control shelter or an animal protection shelter would have the option of designating, in writing, whether it could be sold or transferred to a research facility or dealer for the purpose of resale for experimentation.
- An animal control shelter or animal protection shelter would be prohibited from selling or transferring a dog or cat surrendered by its owner to a research facility or dealer unless the owner had executed a designation permitting this.
- An animal control shelter would be prohibited from selling or transferring to a dealer a dog or cat found in the street or running at large.

Restrictions that would apply 12 months after bill took effect. After the first twelve months, the following rules would apply:

- A person surrendering a dog or cat to an animal control shelter or an animal protection shelter would have the option of designating, in writing, whether the dog or cat could be sold or transferred to a research facility for the purpose of resale for experimentation. (Note that after the first 12 months, a designation would no longer allow a sale or transfer to a dealer, only to a research facility.)
- An animal control shelter or an animal protection shelter would be prohibited from selling or transferring a dog or cat surrendered by its owner to a research facility unless the owner had executed a designation permitting this.
- A dealer would be prohibited from acquiring or purchasing a cat or dog from an animal control shelter or an animal protection shelter.
- An animal control shelter or an animal protection shelter would be prohibited from selling, providing, or otherwise transferring a cat or dog to a dealer.

Auction sales; sales by the pound. [§9(1)] An existing ban on selling or offering to sell a dog or cat to a research facility at public auction or by weight would be retained with a slight revision of the provision's wording. An existing ban on a research facility purchasing a dog or cat at public auction or by weight would be deleted.

Purchase of dogs or cats by research facilities. [§9(2)] 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. Under the bill, a research facility would not be allowed to purchase any dogs or cats except from a licensed dealer, an animal control shelter, an animal protection shelter, or a person who breeds 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 eliminate this provision. (Certain sales would still be allowed, as previously described, i.e., when the dog or cat's owner had designated that it could be sold for animal research, but there would no longer be a cap on the amount that could be charged for the animal.)

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

Definitions. [§1] Terms would have the following meanings in the bill:

"Animal blood banking" would mean "the provision of veterinary transfusion products through species-specific donation."

"Animal control shelter" would mean "that term as defined in Section 1 of 1969 PA 287, MCL 287.331, and that is registered 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" would mean "that term as defined in Section 1 of 1969 PA 287, MCL 287.331, and that is registered 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."

"Dealer" would mean "a person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats for research purposes and does not include 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."

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

"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 both of the following: (i) Purchases, receives, or transports dogs or cats. (ii) Receives any funds from this state or a local government or any agency or instrumentality thereof to finance its operations by means of grants, loans, or otherwise."

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■ 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.