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House Bill 4663 (Substitute H-1 as passed by the House)

Sponsor: Representative John Espinoza

House Committee: Agriculture

Senate Committee: Economic Development and Regulatory Reform

Date Completed: 9-14-10

## **CONTENT**

The bill would amend Public Act 224 of 1969, which regulates dealers in and research facilities using dogs and cats for research purposes, to do all of the following:

- -- Give a person surrendering a dog or cat to an animal shelter the option of designating whether it could be sold or transferred to a research facility or dealer.
- -- Prohibit a shelter from selling or transferring a dog or cat unless the written designation were executed.
- -- Prohibit a dealer from acquiring or purchasing a cat or dog from a shelter, beginning 12 months after the bill's effective date.
- -- Specify that the provisions described above would not apply to a person regulated under Federal law who was engaged in animal blood banking.
- -- Delete a provision that allows a municipality operating a dog pound or animal shelter to sell or dispose of dogs and cats to a Michigan research facility.

# Written Designation

Under the Act, a dealer or a county, city, village, or township operating a dog pound or animal shelter may not sell or otherwise dispose of a dog or cat within four days after its acquisition. If the animal has a collar, license, or other evidence of ownership, the operator of the pound or shelter must notify the owner in writing and the dog or cat may not be disposed of within seven days from the date of the notice is mailed. The bill would refer to a dog pound or "animal control shelter" or "animal protection shelter".

In addition, until 12 months after the bill's effective date, 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 animal 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 could not sell or transfer to a research facility or dealer a dog or cat surrendered by its owner, unless the written designation were executed. In the case of an animal control shelter receiving a dog or cat found on the streets or running at large, the shelter could not sell or transfer the dog or cat to a dealer.

Beginning 12 months after the bill's effective date, a person surrendering a dog or cat to an animal control shelter or an animal protection shelter would have the option of designating,

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in writing, whether the surrendered animal could be sold or transferred to a research facility. A shelter could not sell or transfer to a research facility a dog or cat surrendered by its owner unless the written designation were executed.

The Act defines "dealer" as a person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats for research purposes; the term does not include a person who breeds or raises dogs or cats on his or her premises for sale to a research facility. "Research facility" means any school, hospital, laboratory, institution, organization, or person that uses or intends to use dogs or cats in research, testing, or experiments, and that purchases or transports those animals or receives State or local government funds to finance its operations.

Under the bill, "animal control shelter" and "animal protection shelter" would mean those terms as defined under Public Act 287 of 1969, which regulates pet shops, animal control shelters, and animal protection shelters. (Under that Act, "animal control shelter" means a facility operated by a municipality 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" 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.)

# Acquisition/Disposition of Dogs & Cats

Beginning 12 months after the bill's effective date, a dealer could not acquire or purchase a cat or dog from an animal control shelter or animal protection shelter, and a shelter could not sell, provide, or otherwise transfer a cat or dog to a dealer.

Currently, a research facility may not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or a person who breeds or raises dogs or cats for sale. Under the bill, the purchases would have to be from a licensed dealer, an animal control shelter, an animal protection shelter, or a person who breeds or raises dogs or cats for sale.

The bill would delete a provision that allows a county, city, village, or township operating a dog pound or animal shelter to sell for up to \$10 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility.

## Blood-Banking Exception

The provisions described above would not apply to a person regulated as a dealer under Federal law and engaged in animal blood banking. Such a person could obtain a cat or dog solely for the purpose of the donation of blood. "Animal blood banking" would mean the provision of veterinary transfusion products through species-specific donation.

### Repealer

The bill would repeal Section 15 of the Act (MCL 287.395). That section repealed Public Act 282 of 1966, which previously provided for the regulation of dealers in, and research facilities using, dogs and cats for research purposes.

MCL 287.381 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State government. The Michigan Department of Agriculture, under Public Act 224 of 1969, would be required to enforce the provisions of the bill if enacted. According to the Department, it is not possible to determine what the costs of enforcing the legislation would be, but it is likely that without additional resources, not calculable precisely at this time, the Department would lack the ability to properly perform the regulatory duties required in the bill.

Local units of government could experience a loss of revenue if they were prohibited from selling dogs and cats to research facilities, to the extent they currently engage in this practice.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.