

HOUSE BILL No. 4663

March 19, 2009, Introduced by Reps. Espinoza, Huckleberry, Mayes and Terry Brown and referred to the Committee on Agriculture.

A bill to amend 1969 PA 224, entitled

"An act to license and regulate dealers in and research facilities using dogs and cats for research purposes; and to repeal certain acts and parts of acts,"

by amending sections 1, 8, and 9 (MCL 287.381, 287.388, and 287.389); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~When~~ **AS** used in this act:

2 ~~— (a) "Person" includes any individual, partnership,~~
3 ~~association, or corporation.~~

4 ~~— (b) "Director" means the director of the department of~~
5 ~~agriculture.~~

6 **(A) "ANIMAL BLOOD BANKING" MEANS THE PROVISION OF VETERINARY**
7 **TRANSFUSION PRODUCTS THROUGH SPECIES-SPECIFIC DONATION THAT DOES**
8 **NOT RESULT IN HARM TO THE DONOR.**

1 (B) "ANIMAL CONTROL SHELTER" MEANS THAT TERM AS DEFINED IN
2 SECTION 1 OF 1969 PA 287, MCL 287.331, AND THAT IS LICENSED UNDER
3 THAT ACT.

4 (C) "ANIMAL PROTECTION SHELTER" MEANS THAT TERM AS DEFINED IN
5 SECTION 1 OF 1969 PA 287, MCL 287.331, AND THAT IS LICENSED UNDER
6 THAT ACT.

7 (D) ~~(e)~~ "Cat" means any live domestic cat ~~(felis~~ OF THE
8 SPECIES FELIS catus. ~~) for use or intended to be used for research,~~
9 ~~tests or experiments at research facilities.~~

10 (E) "DEALER" MEANS A PERSON WHO FOR COMPENSATION OR PROFIT
11 DELIVERS FOR TRANSPORTATION, TRANSPORTS, BOARDS, BUYS, OR SELLS
12 DOGS OR CATS FOR RESEARCH PURPOSES AND DOES NOT INCLUDE A PERSON
13 WHO BREEDS OR RAISES DOGS OR CATS ON HIS OR HER PREMISES FOR SALE
14 TO A RESEARCH FACILITY.

15 (F) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
16 AGRICULTURE.

17 (G) ~~(d)~~ "Dog" means any live dog of the species ~~canis~~ CANIS
18 familiaris. ~~for use or intended to be used for research tests or~~
19 ~~experiments at research facilities.~~

20 (H) "PERSON" INCLUDES ANY INDIVIDUAL, LIMITED LIABILITY
21 COMPANY, PARTNERSHIP, ASSOCIATION OR CORPORATION.

22 (I) "PREEXISTING MEDICAL CONDITION" MEANS AN ILLNESS, DISEASE,
23 OR OTHER CONDITION THAT REQUIRES IMMEDIATE MEDICAL ATTENTION IN
24 ORDER TO PREVENT FURTHER PHYSICAL HARM OR DEATH.

25 (J) "RANDOM SOURCE ANIMAL" MEANS A DOG OR CAT OBTAINED FROM A
26 PERSON WHO DID NOT BREED AND RAISE THE DOG OR CAT ON HIS OR HER
27 PREMISES, AN AUCTION SALE, OR AN ANIMAL SHELTER, OR A STRAY OR LOST

1 **ANIMAL.**

2 (K) ~~(e)~~ "Research facility" means any school, hospital,
3 laboratory, institution, organization, or person that uses or
4 intends to use dogs or cats in research, ~~tests~~ **TESTING**, or
5 experiments, and that ~~(1) purchases~~ **DOES 1 OR MORE OF THE**
6 **FOLLOWING:**

7 (i) **PURCHASES, RECEIVES**, or transports ~~such animals, or (2)~~
8 ~~receives~~ **DOGS OR CATS.**

9 (ii) **RECEIVES** any funds from ~~the~~ **THIS** state or **A** local
10 government or any agency or instrumentality thereof to finance its
11 operations by means of grants, loans, or otherwise.

12 ~~—— (f) "Dealer" means any person who for compensation or profit~~
13 ~~delivers for transportation, transports, boards, buys or sells dogs~~
14 ~~or cats for research purposes and does not mean a person who breeds~~
15 ~~or raises dogs or cats for sale to a research facility.~~

16 Sec. 8. (1) A dealer ~~, OR~~ a county, city, village, or township
17 operating a dog pound or animal **CONTROL SHELTER OR ANIMAL**
18 **PROTECTION** shelter shall not sell or otherwise dispose of a dog or
19 cat within 4 days after its acquisition. If the dog or cat has a
20 collar, license, or other evidence of ownership, the operator of
21 the pound or **ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION** shelter
22 shall notify the owner in writing and disposition of the animal
23 shall not be made within 7 days from the date of mailing the
24 notice. Each operator of a pound or **ANIMAL CONTROL SHELTER OR**
25 **ANIMAL PROTECTION** shelter shall be required to maintain a record on
26 each identifiable dog or cat acquired, indicating a basic
27 description of the animal, the date it was acquired, and ~~under what~~

1 THE circumstances UNDER WHICH IT WAS ACQUIRED. The record shall
2 also indicate the date of notice sent to the owner of an animal and
3 subsequent disposition. This ~~section~~ SUBSECTION does not apply to
4 animals ~~which~~ THAT are sick or injured to the extent that the
5 holding period ~~would~~ IS LIKELY TO cause undue suffering, or to
6 animals whose owners request immediate disposal.

7 (2) REGARDLESS OF WHETHER THE PERSON IS LICENSED TO PURCHASE,
8 OBTAIN, OR RESELL RANDOM SOURCE ANIMALS BY THE UNITED STATES
9 DEPARTMENT OF AGRICULTURE AND SUBJECT TO SUBSECTION (3), A PERSON
10 SHALL NOT DO ANY OF THE FOLLOWING:

11 (A) PURCHASE OR OTHERWISE ACQUIRE A RANDOM SOURCE ANIMAL FOR
12 THE PURPOSE OF RESALE FOR EXPERIMENTATION.

13 (B) SELL OR OTHERWISE MAKE AVAILABLE A RANDOM SOURCE ANIMAL
14 FOR THE PURPOSE OF EXPERIMENTATION.

15 (3) SUBSECTION (2) DOES NOT APPLY TO ANY OF THE FOLLOWING:

16 (A) A RESEARCH FACILITY THAT RECEIVES A CAT OR DOG FROM AN
17 ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER FOR THE SOLE
18 PURPOSE OF PERFORMING A PROCEDURE TO CORRECT A PREEXISTING MEDICAL
19 CONDITION.

20 (B) A RESEARCH FACILITY THAT CONDUCTS A NO-COST OR SUBSIDIZED
21 STERILIZATION PROGRAM OF SHELTER CATS AND DOGS UNDER THE FOLLOWING
22 CONDITIONS:

23 (i) THE PROGRAM IS PART OF A VETERINARY UNIVERSITY TRAINING
24 PROGRAM THAT IS SUPERVISED BY A LICENSED VETERINARIAN.

25 (ii) CATS AND DOGS PARTICIPATING IN THE STERILIZATION PROGRAM
26 ARE RETURNED TO THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
27 SHELTER FOR ADOPTION OR PLACEMENT IN A SUITABLE HOME BY THE PROGRAM

1 UNLESS THE ANIMAL IS FOUND TO BE SUFFERING FROM A PREEXISTING
2 MEDICAL CONDITION THAT REQUIRES HUMANE EUTHANASIA TO AVOID IMMINENT
3 PAIN AND SUFFERING.

4 (iii) CATS AND DOGS IN NEED OF OTHER VETERINARY CARE FOR A
5 PREEXISTING MEDICAL CONDITION ARE GIVEN TREATMENT BY A LICENSED
6 VETERINARIAN.

7 (iv) CATS AND DOGS ARE ACCEPTED INTO THE STERILIZATION TRAINING
8 PROGRAM SOLELY FOR THE PURPOSE OF TRAINING STUDENTS IN SPAY/NEUTER
9 SURGERY TECHNIQUES.

10 (C) A FACILITY ENGAGED IN ANIMAL BLOOD BANKING THAT OBTAINS A
11 RANDOM SOURCE ANIMAL SOLELY FOR THE PURPOSE OF THE DONATION OF
12 BLOOD FOR VETERINARY USE SO LONG AS THE PROCEDURE IS PERFORMED BY,
13 OR UNDER THE SUPERVISION OF, A LICENSED VETERINARIAN AND THE CAT OR
14 DOG IS THEREAFTER PLACED IN A SUITABLE HOME UNLESS IT SUFFERS FROM
15 A PREEXISTING MEDICAL CONDITION REQUIRING EUTHANASIA IN ORDER TO
16 AVOID IMMINENT PAIN OR SUFFERING.

17 Sec. 9. (1) ~~Dogs and cats shall not be offered for sale or~~
18 ~~sold~~ A PERSON SHALL NOT SELL OR OFFER TO SELL A DOG OR CAT to a
19 research facility at public auction or by weight. ~~, or purchased by~~
20 ~~a research facility at public auction or by weight.~~

21 (2) A research facility shall not purchase any dogs or cats
22 except from a licensed dealer ~~, public dog pound, humane society,~~
23 or from a person who breeds or raises dogs or cats for sale. ~~Any~~
24 ~~county, city, village or township operating a dog pound or animal~~
25 ~~shelter may sell for an amount not to exceed \$10.00 per animal or~~
26 ~~otherwise dispose of unclaimed or unwanted dogs and cats to a~~
27 ~~Michigan research facility.~~

1 (3) A RESEARCH FACILITY OR DEALER SHALL ONLY OBTAIN A DOG OR
2 CAT FROM AN ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER
3 UNDER THE CIRCUMSTANCES DESCRIBED UNDER SECTION 8(3) .

4 Enacting section 1. Section 15 of 1969 PA 224, MCL 287.395, is
5 repealed.