

HOUSE BILL No. 6562

November 10, 2010, Introduced by Rep. Miller and referred to the Committee on Agriculture.

A bill to regulate large-scale commercial breeding kennels; to provide for the promulgation of rules; to provide for exceptions; and to provide for penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "puppy
2 protection act".

3 Sec. 3. As used in this act:

4 (a) "Adequate food and water" means the consumption of
5 sufficiently nutritious food at least once a day to maintain a
6 state of good health and access to regularly available potable
7 water that is not frozen and is free of debris, feces, and other
8 contaminants. Both the food and water provided to a dog shall be
9 suitable for the age and species of the dog.

10 (b) "Adequate housing" means either of the following:

1 (i) A housing facility that does all of the following:

2 (A) Is structurally sound.

3 (B) Is maintained in good repair to protect a dog from injury.

4 (C) Contains a dog and restricts the entrance of other dogs.

5 (ii) A primary enclosure that does all of the following:

6 (A) Has a solid floor or a slatted floor with gaps of no more
7 than 1/2 inch between the slats.

8 (B) Is not stacked or otherwise placed on top of or below
9 another dog's or animal's primary enclosure.

10 (C) Allows a dog room to turn and stretch freely and to fully
11 extend all limbs.

12 (D) Is placed no higher than 42 inches above the floor.

13 (c) "Adequate rest between breeding cycles" means, at a
14 minimum, ensuring that a dog is not bred to produce more than 1
15 litter in any 12-month period of time.

16 (d) "Adequate sanitary conditions" means space free from
17 health hazards, including, but not limited to, excessive waste,
18 overcrowding, or other conditions that endanger a dog's health.

19 (e) "Adequate shelter from elements" means, at a minimum and
20 based upon the age, species, and physical condition of a dog,
21 adequate protection from heat and cold and from the elements and
22 weather conditions so as to maintain the dog in a state of good
23 health and safety, including an environment that does not fall
24 below 50 degrees Fahrenheit or rise above 85 degrees Fahrenheit.

25 (f) "Adequate veterinary care" means, at a minimum, all of the
26 following:

27 (i) An examination at least once every year by a licensed

1 veterinarian.

2 (ii) Prompt treatment of any significant illness or injury by a
3 licensed veterinarian.

4 (iii) When necessary, humane euthanasia that is performed only
5 by a licensed veterinarian using techniques identified as
6 acceptable by the American veterinary medical association and that
7 is in accordance with applicable federal and state laws.

8 (g) "Animal control shelter" means that term as defined in
9 section 1 of 1969 PA 287, MCL 287.331.

10 (h) "Animal protection shelter" means that term as defined in
11 section 1 of 1969 PA 287, MCL 287.331.

12 (i) "Director" means the director of the department of
13 agriculture or his or her authorized representative.

14 (j) "Dog" means an animal of the species *canis familiaris* or
15 *canis lupus familiaris* who is over 4 months of age and has intact
16 sexual organs.

17 (k) "Fully extend all limbs" means fully extending all limbs
18 while lying down without touching the side of a primary enclosure
19 or another dog.

20 (l) "Housing facility" means a room, building, or area used to
21 contain a primary enclosure.

22 (m) "Intact dog" means a dog with intact sexual organs.

23 (n) "Large-scale commercial breeding kennel" means a kennel
24 where more than 10 litters of puppies are produced for sale as pets
25 in a calendar year.

26 (o) "Licensed veterinarian" means a person licensed to
27 practice veterinary medicine under article 15 of the public health

1 code, 1978 PA 368, MCL 333.16101 to 333.18838.

2 (p) "Person" means an individual, firm, partnership, joint
3 venture, association, limited liability company, corporation,
4 estate, trust, receiver, or syndicate.

5 (q) "Pet shop" means that term as defined in section 1 of 1969
6 PA 287, MCL 287.331.

7 (r) "Primary enclosure" means a structure used to immediately
8 restrict 1 or more dogs to a limited amount of space and includes,
9 but is not limited to, a pen, run, cage, or compartment.

10 (s) "Regular exercise" means, at a minimum, 1 exercise period
11 during each day for a total of not less than 1 hour for each dog,
12 and includes the removal from the dog's primary enclosure allowing
13 the dog free mobility for the entire exercise period by either
14 leash-walking or giving the dog access to a space that is at least
15 4 times the size of the minimum requirements of the primary
16 enclosure, but shall not include the use of a treadmill, jenny
17 mill, slat mill, or similar device, unless prescribed by a doctor
18 of veterinary medicine to address a specific medical condition.

19 (t) "State of good health" means freedom from disease and
20 illness, and in a condition of proper body weight and temperature
21 for the age and species of the dog, unless the dog is undergoing
22 appropriate treatment.

23 (u) "Turn and stretch freely" means the ability of a dog,
24 without touching the side of a primary enclosure, to sit and stand
25 on all 4 legs and turn in a complete circle without any impediment,
26 including a tether.

27 Sec. 5. Notwithstanding any other provision of law and subject

1 to section 9, a person who operates a large-scale commercial
2 breeding kennel shall not produce more than 10 litters of puppies
3 for sale as pets in a calendar year unless the dogs in the large-
4 scale commercial breeding kennel are provided with all of the
5 following:

6 (a) Adequate housing.

7 (b) Adequate sanitary conditions.

8 (c) Sufficient room for each dog to turn and stretch freely in
9 its primary enclosure.

10 (d) Adequate food and water.

11 (e) Regular exercise.

12 (f) Adequate veterinary care.

13 (g) Adequate rest between breeding cycles.

14 (h) Adequate shelter from the elements.

15 Sec. 7. Notwithstanding any other provision of law and subject
16 to section 9, a person shall not own, possess, control, or
17 otherwise have charge or custody of more than 50 intact dogs over
18 the age of 4 months at any time.

19 Sec. 9. The provisions of this act do not apply to any of the
20 following:

21 (a) During the lawful examination, testing, operation, or
22 other individual treatment of a dog for veterinary purposes.

23 (b) During the transportation a dog.

24 (c) Pet shops.

25 (d) Animal control shelters.

26 (e) Animal protection shelters.

27 (f) Scientific research conducted using a dog under 1969 PA

1 224, MCL 287.381 to 287.395.

2 (g) Scientific research conducted using a dog under sections
3 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368,
4 MCL 333.2226, 333.2671, 333.2676, and 333.7333.

5 Sec. 11. A person who violates any provision of this act is
6 guilty of a misdemeanor punishable by 1 or more of the following:

7 (a) Imprisonment for not more than 180 days.

8 (b) A fine of not more than \$1,000.00.

9 (c) Suspension of the person's large-scale commercial breeding
10 kennel license for a period of not less than 1 year.

11 Sec. 13. The director may promulgate rules in accordance with
12 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
13 to 24.328, to govern the handling of dogs by large-scale commercial
14 breeding kennels and to promote the health, safety, and well-being
15 of dogs in large-scale commercial breeding kennels.

16 Sec. 15. The provisions of this act are in addition to, and
17 not in lieu of, any other laws protecting animal welfare. This act
18 shall not be construed to limit any other state law or rules
19 protecting the welfare of animals. This act shall not prevent a
20 local unit of government from adopting and enforcing local
21 ordinances or charter provisions relating to animal welfare.

22 Enacting section 1. This act takes effect January 1, 2012.

23 Enacting section 2. This act does not take effect unless
24 Senate Bill No. ____ or House Bill No. 6561(request no. 07553'10) of
25 the 95th Legislature is enacted into law.