

HOUSE BILL No. 5231

December 14, 2011, Introduced by Reps. Wayne Schmidt and Barnett and referred to the Committee on Regulatory Reform.

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 provision 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 or puppy
9 shall be suitable for the age and breed of the dog or puppy.

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 or puppy
4 from injury.

5 (C) Contains 1 or more dogs or puppies and restricts the
6 entrance of other dogs or puppies.

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

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

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

12 (C) Allows each dog or puppy in the enclosure room to turn and
13 stretch freely and to fully extend all limbs simultaneously without
14 touching another dog or puppy.

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

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

19 (d) "Adequate sanitary conditions" means space free from
20 health hazards, including, but not limited to, excessive waste,
21 overcrowding, or other conditions that endanger a dog's or puppy's
22 health.

23 (e) "Adequate shelter from elements" means, at a minimum and
24 based upon the age, breed, and physical condition of a dog or
25 puppy, adequate protection from heat and cold and from the elements
26 and weather conditions so as to maintain the dog or puppy in a
27 state of good health and safety.

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

3 (i) Maintain current vaccination against rabies by a licensed
4 veterinarian.

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

7 (iii) When necessary, humane euthanasia that is performed only
8 by a licensed veterinarian or other individual authorized to
9 euthanize animals under the public health code, 1978 PA 368, MCL
10 333.1101 to 333.25211.

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

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

15 (i) "Department" means the department of agriculture and rural
16 development.

17 (j) "Director" means the director of the department of
18 agriculture and rural development or his or her authorized
19 representative.

20 (k) "Dog" means an animal of the species *canis familiaris* or
21 *canis lupus familiaris* who is over 4 months of age.

22 (l) "Fully extend all limbs" means fully extending all limbs
23 while lying down without touching the side of a primary enclosure
24 or another dog or puppy.

25 (m) "Housing facility" means a room, building, or area used to
26 contain a primary enclosure.

27 (n) "Intact dog" means a dog with intact sexual organs.

1 (o) "Large-scale commercial breeding kennel" means a kennel
2 where more than 15 female intact dogs are housed for the purpose of
3 breeding.

4 (p) "Licensed veterinarian" means a person licensed to
5 practice veterinary medicine under article 15 of the public health
6 code, 1978 PA 368, MCL 333.16101 to 333.18838.

7 (q) "Person" means an individual, firm, partnership, joint
8 venture, association, limited liability company, corporation,
9 estate, trust, receiver, or syndicate.

10 (r) "Pet shop" means that term as defined in section 1 of 1969
11 PA 287, MCL 287.331.

12 (s) "Primary enclosure" means a structure used to immediately
13 restrict 1 or more dogs or puppies to a limited amount of space and
14 includes, but is not limited to, a pen, run, cage, or compartment.

15 (t) "Puppy" means an animal of the species *canis familiaris* or
16 *canis lupus familiaris* who is 4 months of age or less.

17 (u) "Regular exercise" means, at a minimum, 1 exercise period
18 during each day for a total of not less than 1 hour for each dog or
19 puppy, and includes the removal from the dog's or puppy's primary
20 enclosure allowing the dog or puppy free mobility for the entire
21 exercise period by either leash-walking or giving the dog or puppy
22 access to a space that is at least 60 square feet in area, but
23 shall not include the use of a treadmill, jenny mill, slat mill, or
24 similar device, unless prescribed by a doctor of veterinary
25 medicine to address a specific medical condition.

26 (v) "State of good health" means freedom from disease and
27 illness, and in a condition of proper body weight and temperature

1 for the age and breed of the dog or puppy, unless the dog or puppy
2 is undergoing appropriate treatment.

3 (w) "Turn and stretch freely" means the ability of a dog or
4 puppy, without touching the side of a primary enclosure, to sit and
5 stand on all 4 legs and turn in a complete circle without any
6 impediment, including a tether.

7 Sec. 5. Notwithstanding any other provision of law and subject
8 to section 9, a person who operates a large-scale commercial
9 breeding kennel shall not house more than 15 female intact dogs for
10 the purpose of breeding unless the dogs and puppies in the large-
11 scale commercial breeding kennel are provided with all of the
12 following:

13 (a) Adequate housing.

14 (b) Adequate sanitary conditions.

15 (c) Sufficient room for each dog and puppy to turn and stretch
16 freely.

17 (d) Adequate food and water.

18 (e) Regular exercise.

19 (f) Adequate veterinary care.

20 (g) Adequate rest between breeding cycles.

21 (h) Adequate shelter from the elements.

22 Sec. 6. Notwithstanding any other provision of law and subject
23 to section 9, a person who operates a large-scale commercial
24 breeding kennel shall not sell a puppy that is less than 8 weeks of
25 age.

26 Sec. 7. Notwithstanding any other provision of law and subject
27 to section 9, a person shall not own, possess, control, or

1 otherwise have charge or custody of more than 50 female intact dogs
2 at any time at any single location.

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

5 (a) During the lawful examination, testing, operation, or
6 other individual treatment of a dog or puppy for veterinary
7 purposes.

8 (b) During the transportation of a dog or puppy.

9 (c) Pet shops.

10 (d) Animal control shelters.

11 (e) Animal protection shelters.

12 (f) Scientific research conducted using a dog or puppy under
13 1969 PA 224, MCL 287.381 to 287.395.

14 (g) Scientific research conducted using a dog or puppy under
15 sections 2226, 2671, 2676, and 7333 of the public health code, 1978
16 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

17 (h) A person or breeder who houses 15 or fewer female intact
18 dogs.

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

21 (a) Imprisonment for not more than 93 days.

22 (b) A fine of not less than \$1,000.00 for each violation.

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

25 (d) Revocation of the person's large-scale commercial breeding
26 kennel license.

27 Sec. 13. The director may promulgate rules in accordance with

1 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
2 to 24.328, to govern the handling of dogs and puppies by large-
3 scale commercial breeding kennels and to promote the health,
4 safety, and well-being of dogs and puppies in large-scale
5 commercial breeding kennels.

6 Sec. 15. The provisions of this act are in addition to, and
7 not in lieu of, any other laws protecting animal welfare. This act
8 shall not be construed to limit any other state law or rules
9 protecting the welfare of animals. This act shall not prevent a
10 local unit of government from adopting and enforcing local
11 ordinances or charter provisions relating to animal welfare.

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

13 Enacting section 2. This act does not take effect unless
14 Senate Bill No.____ or House Bill No. 5230(request no. 00563'11 *)
15 of the 96th Legislature is enacted into law.