

SENATE BILL No. 574

August 24, 2011, Introduced by Senators BIEDA, ROCCA, WARREN, HOPGOOD, SMITH,
JOHNSON, HANSEN and KOWALL and referred to the Committee on Regulatory Reform.

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending the title and section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; **TO REGULATE THE SALE OF DOGS AND CATS BY CERTAIN PERSONS; TO PROVIDE CERTAIN PROTECTIONS FOR PURCHASERS OF DOGS AND CATS; and to**

1 prescribe penalties and civil fines; and to provide remedies.

2 Sec. 1. As used in this act:

3 (a) "Adoption" means a transfer of ownership, with or without
4 remuneration, of a dog, cat, or ferret from an animal control
5 shelter or animal protection shelter to an individual for the
6 purpose of being a companion animal for that individual. As used in
7 this subdivision, a companion animal includes but is not limited to
8 a dog that is used for hunting or as a guard dog.

9 (b) "Alteration" means a professional sterilization procedure
10 performed by a veterinarian that renders a dog, cat, or ferret
11 incapable of reproducing.

12 (c) "Altered", in reference to a dog, cat, or ferret, means
13 having undergone alteration.

14 (d) "Animal" means a mammal. ~~except~~ **ANIMAL DOES NOT INCLUDE**
15 livestock as defined in 1937 PA 284, MCL 287.121 to 287.131, ~~and~~ **OR**
16 rodents.

17 (e) "Animal control shelter" means a facility operated by a
18 municipality for the impoundment and care of animals that are found
19 in the streets or at large, animals that are otherwise held due to
20 the violation of a municipal ordinance or state law, or animals
21 that are surrendered to the animal control shelter.

22 (f) "Animal protection shelter" means a facility operated by a
23 person, humane society, society for the prevention of cruelty to
24 animals, or any other nonprofit organization for the care of
25 homeless animals.

26 (G) **"BREEDER" MEANS A PERSON WHO BREEDS OR RAISES DOGS OR CATS**
27 **FOR SALE TO THE PUBLIC.**

1 (H) ~~(g)~~ "Cat" means a domestic ~~cat~~ **ANIMAL** of any age of the
2 species felis catus.

3 (I) ~~(h)~~ "Department" means the state department of agriculture
4 **AND RURAL DEVELOPMENT.**

5 (J) ~~(i)~~ "Director" means the director of the department or his
6 or her authorized representative.

7 (K) ~~(j)~~ "Dog" means a domestic ~~dog~~ **ANIMAL** of any age of the
8 species canis familiaris.

9 (L) ~~(k)~~ "Ferret" means an animal of any age of the species
10 mustela furo.

11 (M) ~~(l)~~ "Health certificate" means a certificate in a form
12 prescribed by the department in which a veterinarian attests to the
13 age, sex, breed, and description of an animal, and to the fact that
14 at the time of preparation of the certificate, the veterinarian
15 examined the animal and found the animal free from visual evidence
16 of communicable disease.

17 (N) ~~(m)~~ "Municipality" means a county, city, village, or
18 township.

19 (O) ~~(n)~~ "Person" means an individual, partnership,
20 corporation, association, governmental entity, or other legal
21 entity.

22 (P) **"PET DEALER" MEANS A PERSON WHO FOR COMPENSATION BUYS OR**
23 **SELLS DOGS OR CATS. PET DEALER DOES NOT INCLUDE AN ANIMAL**
24 **PROTECTION SHELTER.**

25 (Q) ~~(o)~~ "Pet shop" means a place where animals are sold or
26 offered for sale, exchange, or transfer.

27 (R) ~~(p)~~ "Veterinarian" means ~~a person~~ **AN INDIVIDUAL** licensed

1 to practice veterinary medicine under article 15 of the public
2 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

3 SEC. 5B. (1) THIS SECTION APPLIES TO ALL OF THE FOLLOWING:

4 (A) A PET SHOP THAT SELLS DOGS OR CATS.

5 (B) A PET DEALER.

6 (C) A BREEDER.

7 (D) A PERSON WHO ENGAGES IN THE SALE OF DOGS OR CATS TO THE
8 PUBLIC FOR PROFIT.

9 (E) A PERSON WHO SELLS MORE THAN 1 LITTER OF DOGS OR CATS
10 UNDER 6 MONTHS OF AGE OR 2 DOGS OR CATS OVER 6 MONTHS OF AGE PER
11 YEAR.

12 (2) A DOG OR CAT IS UNFIT FOR SALE AT THE TIME OF PURCHASE IF
13 ANY OF THE FOLLOWING OCCUR:

14 (A) WITHIN 30 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT
15 FROM A PERSON DESCRIBED IN SUBSECTION (1), A VETERINARIAN STATES,
16 IN WRITING, THAT THE DOG OR CAT HAS SYMPTOMS OF A CONTAGIOUS OR
17 INFECTIOUS DISEASE OR ILLNESS THAT EXISTED IN THE DOG OR CAT AT THE
18 TIME OF PURCHASE.

19 (B) WITHIN 90 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT
20 FROM A PERSON DESCRIBED IN SUBSECTION (1), A VETERINARIAN STATES,
21 IN WRITING, THAT THE DOG OR CAT DIED OR IS ILL DUE TO A HEREDITARY
22 OR CONGENITAL DEFECT.

23 (3) IF A DOG OR CAT IS UNFIT FOR SALE AT THE TIME OF PURCHASE
24 AS DESCRIBED IN SUBSECTION (2), THE PERSON DESCRIBED IN SUBSECTION
25 (1) THAT SOLD THE DOG OR CAT TO THE PURCHASER SHALL ALLOW THE
26 PURCHASER OF THE DOG OR CAT TO DO ANY OF THE FOLLOWING:

27 (A) RETURN THE DOG OR CAT FOR A REFUND OF THE FULL PURCHASE

1 PRICE.

2 (B) IF A REPLACEMENT DOG OR CAT IS AVAILABLE, EXCHANGE THE DOG
3 OR CAT FOR ANOTHER DOG OR CAT OF THE PURCHASER'S CHOICE THAT IS OF
4 EQUAL VALUE.

5 (C) RETAIN THE DOG OR CAT AND RECEIVE REIMBURSEMENT FOR
6 REASONABLE VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE
7 VETERINARY FEES SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE
8 DOG OR CAT.

9 (D) IF THE DOG OR CAT DIES, RECEIVE ANOTHER DOG OR CAT OF
10 EQUAL VALUE, IF AVAILABLE, AND RECEIVE REIMBURSEMENT FOR REASONABLE
11 VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE VETERINARY FEES
12 SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE DOG OR CAT.

13 (E) IF THE DOG OR CAT DIES, RECEIVE A REFUND OF THE FULL
14 PURCHASE PRICE.

15 (4) THIS SECTION DOES NOT LIMIT THE RIGHTS OR REMEDIES
16 OTHERWISE AVAILABLE TO THE PURCHASER OF A DOG OR CAT UNDER ANY
17 OTHER LAW.