

# SENATE BILL No. 348

May 2, 2013, Introduced by Senators BIEDA, KOWALL, JONES, HOPGOOD, SMITH, JOHNSON, WARREN, ANDERSON and HOOD and referred to the Committee on Agriculture.

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

Sec. 1. As used in this act:

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

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

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

(d) "Animal" means a mammal. ~~except~~ **ANIMAL DOES NOT INCLUDE** livestock as **THAT TERM IS** defined in **SECTION 1 OF** 1937 PA 284, MCL 287.121, ~~to 287.131, and~~ **OR** rodents.

(e) "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.

(f) "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.

**(G) "BREEDER" MEANS A PERSON WHO BREEDS OR RAISES DOGS OR CATS FOR SALE TO THE PUBLIC. BREEDER DOES NOT INCLUDE AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER.**

~~(g)~~ (H) "Cat" means a domestic cat ~~cat~~ **ANIMAL** of any age of the

1 species felis catus.

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

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

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

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

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

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

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

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

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

26 (R) ~~(p)~~ "Veterinarian" means ~~a person~~ **AN INDIVIDUAL** licensed  
27 to practice veterinary medicine under article 15 of the public

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

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

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

4 (B) A PET DEALER.

5 (C) A BREEDER.

6 (D) A PERSON OTHER THAN AN ANIMAL CONTROL SHELTER, ANIMAL  
7 PROTECTION SHELTER, PET DEALER, OR PET SHOP WHO ENGAGES IN THE SALE  
8 OF DOGS OR CATS TO THE PUBLIC FOR PROFIT.

9 (E) A PERSON OTHER THAN AN ANIMAL CONTROL SHELTER, ANIMAL  
10 PROTECTION SHELTER, PET DEALER, OR PET SHOP WHO SELLS MORE THAN 1  
11 LITTER OF DOGS OR CATS UNDER 6 MONTHS OF AGE OR 2 DOGS OR CATS OVER  
12 6 MONTHS OF AGE PER YEAR.

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

15 (A) WITHIN 10 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT  
16 FROM A PERSON DESCRIBED IN SUBSECTION (1), A VETERINARIAN, AFTER  
17 EXAMINATION OF THE DOG OR CAT, PROVIDES A WRITTEN DIAGNOSIS THAT  
18 THE DOG OR CAT HAS SYMPTOMS OF A CONTAGIOUS OR INFECTIOUS DISEASE  
19 OR ILLNESS THAT EXISTED IN THE DOG OR CAT AT THE TIME THE DOG OR  
20 CAT WAS RECEIVED BY THE PURCHASER.

21 (B) WITHIN 90 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT  
22 FROM A PERSON DESCRIBED IN SUBSECTION (1), A VETERINARIAN, AFTER  
23 EXAMINATION OF THE DOG OR CAT, PROVIDES A WRITTEN DIAGNOSIS THAT  
24 THE DOG OR CAT DIED OR IS ILL DUE TO A HEREDITARY OR CONGENITAL  
25 DEFECT.

26 (3) IF A DOG OR CAT IS UNFIT FOR SALE AT THE TIME OF PURCHASE  
27 AS DESCRIBED IN SUBSECTION (2), THE PERSON DESCRIBED IN SUBSECTION

1 (1) THAT SOLD THE DOG OR CAT TO THE PURCHASER SHALL ALLOW THE  
2 PURCHASER OF THE DOG OR CAT TO DO ANY OF THE FOLLOWING WITHIN 10  
3 BUSINESS DAYS AFTER A WRITTEN DIAGNOSIS BY A VETERINARIAN UNDER  
4 SUBSECTION (2) :

5 (A) RETURN THE DOG OR CAT FOR A REFUND OF THE FULL PURCHASE  
6 PRICE.

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

10 (C) RETAIN THE DOG OR CAT AND RECEIVE REIMBURSEMENT FOR  
11 REASONABLE VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE  
12 VETERINARY FEES SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE  
13 DOG OR CAT.

14 (D) IF THE DOG OR CAT DIES, RECEIVE ANOTHER DOG OR CAT OF  
15 EQUAL VALUE, IF AVAILABLE, AND RECEIVE REIMBURSEMENT FOR REASONABLE  
16 VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE VETERINARY FEES  
17 SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE DOG OR CAT.

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

20 (4) A PET SHOP THAT SELLS DOGS OR CATS OR A PET DEALER SHALL  
21 DELIVER TO EACH POTENTIAL PURCHASER OF A DOG OR CAT ALL OF THE  
22 FOLLOWING INFORMATION:

23 (A) THE NAME, ADDRESS, AND USDA LICENSE NUMBER OF THE BREEDER  
24 OF THE DOG OR CAT AND ANY BROKER WHO HAS HAD POSSESSION OF THE DOG  
25 OR CAT BEFORE THE PET SHOP OR PET DEALER.

26 (B) THE DATE OF THE DOG'S OR CAT'S BIRTH.

27 (C) THE DATE THE PET SHOP OR PET DEALER RECEIVED THE DOG OR

1 CAT.

2 (D) THE BREED, SEX, COLOR, AND IDENTIFYING MARKS OF THE DOG OR  
3 CAT.

4 (E) THE INDIVIDUAL IDENTIFYING TAG, TATTOO, OR COLLAR NUMBER  
5 OF THE DOG OR CAT.

6 (F) THE NAME AND REGISTRATION NUMBER OF THE SIRE AND DAM AND  
7 THE LITTER NUMBER, IF THE DOG OR CAT IS A PUREBRED DOG OR CAT.

8 (G) THE INOCULATIONS, WORMING TREATMENTS, AND MEDICATION GIVEN  
9 TO THE DOG OR CAT WHILE IN POSSESSION OF THE PET SHOP OR PET  
10 DEALER.

11 (H) A STATEMENT SIGNED BY AN AUTHORIZING REPRESENTATIVE OF THE  
12 PET SHOP OR PET DEALER THAT THE DOG OR CAT HAS NO KNOWN HEALTH  
13 PROBLEM, OR A STATEMENT SIGNED BY THE PET SHOP OR PET DEALER  
14 DISCLOSING ANY KNOWN HEALTH PROBLEM AND A STATEMENT SIGNED BY A  
15 VETERINARIAN THAT RECOMMENDS NECESSARY TREATMENT.

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