

PET SHOP LAW: INCLUDE LARGE-SCALE DOG BREEDING KENNELS

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House Bill 4898 (H-4) as reported from committee
Sponsor: Rep. Michael D. McCready
Committee: Appropriations
Complete to 11-4-15

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY:

House Bill 4898 would amend several sections of the Pet Shop Law (1969 PA 287) and add two new sections, Section 9c, and 9d. In general, the bill would bring *large-scale dog breeding kennels*, as defined in the bill, under the authority of the act.

FISCAL IMPACT:

The bill would add large-scale dog breeding kennels to the scope of the Pet Shop Law. Specifically, the bill would give authority for the licensing and registration of large-scale dog breeding kennels to the Michigan Department of Agriculture and Rural Development (MDARD). The bill would also establish an annual \$500.00 fee for each large-scale dog breeding kennel registration. [The bill as introduced had provided for a \$25.00 registration fee.]

We do not have an estimate of how much revenue the proposed \$500.00 registration fee would raise. The figure obviously depends on the number of applicants for large-scale dog breeding kennel licenses. The department has indicated that it does not have a current list of these facilities.

Based on information provided by MDARD's Animal Industry Division, it would take at least one additional Full-time Equated (FTE) position to enforce the bill's registration provisions and approximately one-half an FTE for the administrative work related to registration. If registration fees did not generate enough revenue to cover program costs, the division would have to reallocate resources from other program areas.

The bill does provide for a \$10,000 appropriation to MDARD from the state General Fund "for the purpose of implementing the registration requirements of this act for *large-scale dog breeding kennels*." The bill indicates that the appropriation is for the fiscal year ending September 30, 2016.

We note that the department does not currently actively regulate pet shops. A notice on the department's website, states:

Since 1969 the Michigan Department of Agriculture & Rural Development (MDARD) has licensed and regulated pet shops offering mammals other than livestock or rodents for sale. Due to state financial constraints, MDARD can no longer operate the pet shop program.

Therefore, effective August 1, 2009, the department is suspending the pet shop program. In addition, MDARD will no longer accept new applications for a pet shop license. Although MDARD will no longer be regulating pet shops, all pet shop operators are advised to use the laws and regulations concerning pet shops as guidelines for animal care in their facilities. As the department is suspending the program, MDARD will also no longer be supplying pet shop health certificates effective August 1, 2009. Complainants wishing to file complaints against pet shops will be directed to local law enforcement agencies.

http://www.michigan.gov/mdard/0,4610,7-125-1569_16979_21259---,00.html

DETAILED SUMMARY:

MDARD Program Responsibility/Administrative Rules

The Pet Shop Law currently establishes a registration and licensing requirement for pet shops, animal control shelters, and animal protection shelters, as defined in the act. The act gives authority for administration of the pet shop licensing and regulatory program to the Michigan Department of Agriculture and Rural Development (MDARD). Section 2 of the act currently directs the department to issue rules to accomplish the purposes of the act and to establish minimum standards for housing, care, and handling of animals to insure the humane care and handling of animals.

House Bill 4898 would amend Section 2 to indicate that the department *may* promulgate rules. The bill would establish an additional reason for the department to promulgate rules under the act: "to establish minimum standards for *large-scale dog breeding kennels*." The bill also makes a technical correction to update the citation to the Administrative Procedures Act of 1969.

The bill provides that until the department promulgates [new] rules, a *large-scale dog breeding kennels* is subject to the current rules governing pet shops, dog pounds, and animal shelters – R 285.151 through R 285.41. (Michigan Department of Agriculture and Rural Development, Animal Industry Division, Regulation 151).

http://w3.lara.state.mi.us/orr/Files/AdminCode/164_10154_AdminCode.pdf

The bill also indicates that notwithstanding the current provisions of Regulation 151, "a female dog in estrus may be housed with intact male dogs for the purpose of breeding."

Provisions Governing Pet Shop Owners

Section 5a of the Pet Shop Law currently governs operations of pet shops and lists prohibited activities for licensed pet shop owners. The section establishes a number of specific requirements for the importation and sale or resale of dog and or cats, including specific vaccination and health certification requirements.

House Bill 4898 would reorder the section and amend the section to include *large-scale dog breeding kennels* within the section's vaccination and health certification requirements. The bill eliminates language that prohibited the importation or the sale or resale by a pet

shop of a dog or cat unless the dog or cat had its baby teeth visibly present. In addition, the bill would amend a subdivision that currently requires a pet shop to provide to purchasers a *health certificate*. Specifically, the bill would use a new defined term "pet health certificate" instead of the prior term "health certificate," would expand the requirement scope to include *large-scale dog breeding kennels* as well as pet shops, and would also require a pet health certificate for *ferrets* – in addition to the current requirements for the sale of dogs and cats.

The bill would add a new subsection to prohibit the operation of a *large-scale dog breeding kennel* that houses or keeps more than 50 intact female dogs over the age of 4 months in any physical location.

Registration Requirements/Appropriation

Section 6 of the act currently provides for the registration of animal control shelters and animal protection shelters as defined in the act. House Bill 4898 would amend this section to also establish a registration requirement for *large-scale dog breeding kennels*. The bill would require *large-scale dog breeding kennels* to register with MDARD and would establish a \$500.00 registration fee.

The bill states that the act is not intended to apply to a dog owner or breeder that houses 15 or fewer intact female dogs.

The bill would appropriate \$10,000 from the state General Fund for MDARD "for the purpose of implementing the registration requirements of this act for *large-scale dog breeding kennels*. The bill indicates that the appropriation is for the fiscal year ending September 30, 2016.

Section 7 of the act currently indicates that the application for registration of an animal control shelter or animal protection shelter shall be on a form prescribed by the department [MDARD]. House Bill 4898 would simply add *large-scale dog breeding kennel* to the section and change the reference from the department to the [department] director. The bill also amends Section 9 to indicate that "the licensing and registration requirements of this act apply to a large-scale dog breeding kennel."

Recordkeeping Requirements

House Bill 4898 would add a new section, Section 9c, to establish recordkeeping requirements for large-scale dog breeding kennels.

Reporting Requirements

House Bill 4898 (H-4) would add a new section, Section 9d, to establish reporting requirements related to the regulatory program established in the bill for large-scale dog breeding kennels. Specifically, the bill would require MDARD, not less than 18 months after the enacted bill's effective date, and annually thereafter until September 30, 2019, to prepare and submit a report to the House and Senate Standing Committees on Appropriations, to include the following information: the number of registrations issued to large-scale dog breeding kennels; the approximate number of breeding animals housed

at each registered large-scale dog breeding kennel; the number of inspections of large-scale dog breeding kennels performed by the department or partner of the department; the number of complaints received regarding large-scale dog breeding kennels; the number of pending or assessed penalties arising from complaints; recommendations regarding department staffing levels, annual large-scale dog breeding kennel registration fees, and best practices for working with partners to assist in identifying and resolving noncompliant large-scale dog breeding kennels.

Definitions

The bill would amend the definitions in Section 1 to add the following new definitions:

(l) "Intact dog" means a dog that has not been altered.

(m) "Large-scale dog breeding kennel" means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding.

The bill would strike the current term "health certificate" replace it with a new defined term, "pet health certificate."

(p) "Pet health certificate" means a certificate in a form prescribed by the director in which a veterinarian attests to the age, sex, breed, and description of an animal; any medical conditions of the animal; any medical treatment and vaccinations that the animal received while under the control of a pet shop or large-scale commercial dog breeding kennel; and to the fact that at the time of the preparation of the certificate the veterinarian examined the animal and found the animal free from visual evidence of communicable disease."

The bill would also make a technical correction to update the definition of "department" from "state department of agriculture" to "state department of agriculture and rural development."

MCL 287.331, et. seq.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.