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BILL



ANALYSIS

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House Bill 4898 (Substitute H-5 as passed by the House)
Sponsor: Representative Michael D. McCready
House Committee: Appropriations
Senate Committee: Agriculture

Date Completed: 11-30-16

CONTENT

The bill would amend Public Act 287 of 1969, which regulates pet shops and animal shelters, to do the following:

- **Allow, rather than require, the Department of Agriculture and Rural Development promulgate rules to accomplish the Act's purposes and to establish minimum standards for the housing, care, and handling of animals.**
- **Permit the Department to promulgate rules for large-scale dog breeding kennels.**
- **Modify prohibitions that apply to pet shops, and include animal shelters and large-scale dog breeding kennels in these provisions.**
- **Prohibit a person from operating a large-scale dog breeding kennel unless it was registered with the Department.**
- **Require the Department to charge an annual fee of \$500 per registration for a large-scale dog breeding kennel.**
- **Require a large-scale dog breeding kennel to maintain current verifiable records for at least two years, and specify the information that must be included in those records.**
- **Require the Department, within 18 months after the bill's effective date, and annually thereafter until September 30, 2019, to submit a report to the Senate and House Appropriations Committees pertaining to large-scale dog breeding kennels.**

The bill would take effect 90 days after its enactment.

Promulgation of Rules for Large-Scale Dog Breeding Kennels

The Act requires the Department to issue rules to accomplish the Act's purposes and to establish minimum standards for the housing, care, and handling of animals to ensure their humane care and handling. Under the bill, the Department would be permitted to promulgate those rules, as well as rules to establish minimum standards for large-scale dog breeding kennels.

Except as otherwise provided, until the Department promulgated rules establishing standards for large-scale dog breeding kennels, those kennels would be subject to R 285.151.1 to 285.151.41 of the Michigan Administrative Code which are the administrative rules pertaining to pet shops, dog pounds, and animal shelters. In a large-scale dog breeding kennel, a female in estrus (in heat) could be housed with intact male dogs for breeding purposes, notwithstanding R 285.151.25 (which generally prohibits female animals in estrus from being housed in the same primary enclosure as male animals).

The bill would define "large-scale dog breeding kennel" as a facility where more than 15 female intact dogs over the age of four months are housed or kept for the primary purpose of breeding. "Housed or kept for the primary purpose of breeding" would mean that the female dog has previously been bred and whelped. A female dog that had not previously produced offspring would not be considered to have been housed or kept for the primary purpose of breeding.

"Intact dog" would mean a dog that has not been altered (has not undergone a professional sterilization procedure performed by a veterinarian that renders it incapable of reproducing).

Prohibited Conduct

Currently, a person who operates a pet shop may not import or cause to be imported into the State, or offer for sale or resale, a dog or cat less than eight weeks old. The bill also would prohibit the exchange or transfer of such animals, and would apply this prohibition to a large-scale dog breeding kennel. In addition, the bill would prohibit a person who operated an animal control shelter or animal protection shelter from importing or causing to be imported into the State a dog or cat that was less than eight weeks old unless it was imported with its dam. This prohibition also would apply to a large-scale dog breeding kennel importing a dog.

Currently, a pet shop may not import or cause to be imported a dog or cat into the State unless it has deciduous (baby) teeth visibly present. The bill would delete this prohibition.

Under the Act, a person who operates a pet shop may not sell or offer to sell a dog unless the dog has been inoculated against distemper, hepatitis, leptospirosis, and para influenza and, if indicated, has been treated for external and internal parasites, at least seven days before the dog's entry into the State. The dog must be accompanied by a health certificate signed by a veterinarian, including records of medication and immunization.

Under the bill, instead, a person that operated a pet shop, animal control shelter, animal protection shelter or a large-scale dog breeding kennel could not import or cause to be imported into the State, sell, adopt, exchange, or transfer, or offer to offer for sale, adoption, exchange, or transfer a dog, unless all of the requirements below were satisfied before the dog's entry into the State.

The dog would have to be vaccinated against distemper, parvovirus, and canine adenovirus-2. The dog also would have to be vaccinated against rabies and leptospirosis if the dog were 12 weeks of age or older. If a rabies vaccine were required, it would have to be administered by an accredited veterinarian. A person operating a pet store or large-scale dog breeding kennel would have to ensure that vaccines other than the rabies vaccine were administered at least seven days before the dog's entry into the State. The Department Director could require vaccinations against other diseases.

Also, if indicated, the dog would have to be treated for internal and external parasites so that the dog was not capable of spreading those parasites to another animal at the time it was imported into the State.

In addition, the dog would have to be accompanied by an interstate health certificate or certificate of veterinary health signed by an accredited veterinarian licensed to practice veterinary medicine in the dog's state of origin, and would have to include records of the dog's medication and immunization.

Similar restrictions would apply to pet shops and animal shelters with respect to cats, except that a cat would have to be vaccinated against feline panleukopenia, calici virus, and feline herpes virus-1. The bill would eliminate a requirement to vaccinate a cat against rinotraecheitis. The requirements for the rabies vaccination would be the same as for dogs.

Currently, a pet shop may not sell or deliver a cat or dog without giving the purchaser a health certificate signed by a veterinarian licensed by the State, for the dog or cat. Under the bill, a person who operated a pet shop or a large-scale dog breeding kennel could not sell, exchange, transfer, or deliver a dog, cat, or ferret without giving the purchaser a valid pet health certificate. A pet health certificate would be valid for 30 days after the date the animal was examined by the veterinarian who signed the certificate.

"Pet health certificate" would mean a certificate in a form prescribed by the Director in which a veterinarian attests to the species, 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 dog breeding kennel; and 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.

Registration of Large-Scale Dog Breeding Kennel

The Act prohibits a municipality or a society for the prevention of cruelty to animals from operating an animal shelter unless it is registered with the Department. Under the bill, a person also could not operate a large-scale dog breeding kennel unless it was registered with the Department. The Department would have to charge an annual fee of \$500 per registration of a large-scale dog breeding kennel. The application for registration of a large-scale dog breeding kennel would have to be on a form prescribed by the Director.

The bill specifies that the Act's licensing and registration requirements would apply to a large-scale dog breeding kennel.

Kennel Record-Keeping Requirements

The bill would require a large-scale dog breeding kennel to maintain current verifiable records for a period of at least two years, and make them available to the Director or his or her representative on request. The records would have to include the following:

- The verified name and address of the person from whom the dog was acquired, where it was acquired, and the date it was acquired.
- A description of the dog, including the dog's identification information, color, breed, sex, alteration status, and approximate weight and age.
- The date and method of disposition; and if the dog were adopted, transferred, or sold, the verified name and address of the person to whom the dog was adopted, transferred or sold.
- The number of dogs and intact breeding adult female dogs on site daily at each physical location.
- Breeding records for each female intact dog that included the approximate date the dog was bred and the birth date and size of each litter.

Department Reporting Requirement

Within 18 months after the bill's effective date, and then annually until September 30, 2019, the Department would have to prepare a report and submit it to the Senate and House Appropriations Committees. The report would have to include all of the following information:

- The number of registrations issued to large-scale dog breeding kennels.
- The approximate number of breeding animals housed at each large-scale dog breeding kennel.
- The number of inspections of large-scale dog breeding kennels performed by the Department or its partners.
- The number of complaints received regarding large-scale dog breeding kennels.

-- The number of pending or assessed penalties arising from those complaints.

The report also would have to include recommendations for the following: a) Department staffing levels, b) annual registration fees for large-scale dog breeding kennels; and c) best practices for working with partners to assist in identifying and resolving noncompliant large-scale dog breeding kennels.

MCL 287.332 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a moderate fiscal impact on the Department of Agriculture and Rural Development. The bill would allow the Department to promulgate rules to establish minimum standards for the housing, care, and handling of animals at large-scale dog breeding kennels. In addition to adding regulatory standards for the operation of pet shops, animal control shelters, and animal control shelters, the bill would require the registration and licensing of large-scale dog breeding kennels. Potential licensees would be required to pay an annual fee of \$500 to the Department per registration. The Department also would be required to prepare a report on its regulation of large-scale dog breeding kennels within 18 months following the effective date of the bill and then annually.

As large-scale dog breeding kennels have never before been required to register with the State, the number of such entities that would register and become regulated under this bill is unknown. By the same token, the annual amount of required yearly fees that would be collected cannot be determined.

The Department's Animal Industry Division has estimated that it would take at least one additional full-time equated (FTE) position to enforce the bill's registration provisions and approximately one-half of an FTE for the administrative work related to registration. Should the amount of fees collected be insufficient to cover this expense, then revenue from other sources in the Department would have to be used.

The bill could have a moderate fiscal impact on local governments, which would have to comply with added shelter regulations, and on the Department to regulate those changes. The Department does not regulate pet shops.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.