

REQUIREMENTS FOR DOGS SOLD IN PET SHOPS; NO LOCAL REGULATION OF PET SHOPS

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House Bills 5916 and 5917 as introduced

Sponsor: Rep. Hank Vaupel

Committee: Agriculture

Complete to 5-2-18

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

SUMMARY:

House Bill 5916 would amend Public Act 287 of 1969, the act regulating pet shops and animal shelters, by adding a new section concerning the sale of dogs by pet shops.

The bill would prohibit a pet shop from displaying, selling, or transferring possession of a live dog *unless* the dog was obtained from an animal control shelter, animal protection shelter, *dog retailer*, or *qualified breeder*. (If the dog retailer had obtained the animal from a breeder, the breeder would have to be a qualified breeder.)

Dog retailer would mean a person that buys, sells, or offers to sell dogs at wholesale for resale to another person or who gives one or more dogs to a pet shop annually, but would not include an animal control shelter, an animal protection shelter, a humane society, a medical or research kennel for dogs, a pet shop, or a veterinarian.

Qualified breeder would mean either a breeder that is not a *large-scale dog breeding kennel* or is a large-scale breeding kennel that is licensed by and in good standing with the United States Department of Agriculture (USDA), as described in the bill.

Large-scale dog breeding kennel is defined in the act 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.

The bill would also prohibit a pet shop from displaying, selling, or transferring possession of a dog that is less than 8 weeks old, that does not have a health certificate or permanent implanted ID microchip, or to a child under the age of 18. If the dog was acquired from a qualified breeder or dog retailer, the pet shop could not display, sell, or transfer it without providing documentation including, among other things, the breeder's name, address, and USDA license number, a copy of the breeder's most recent USDA inspection report, the birth date of the dog, and a veterinary document describing any known adverse hereditary or congenital condition. (Altering information or providing false information would be a misdemeanor and could also lead to license suspension or revocation under the act.) The breeder's name, address, and USDA license number and the birth date of the dog would also have to be available to the general public at the pet shop.

Finally, the bill would exempt from its provisions a dog sold or transferred from the premises where it was bred and reared.

MCL 287.335a; proposed MCL 287.335b

House Bill 5917 would create a new act to prohibit a county, city, village, or township from enacting or enforcing an ordinance, policy, resolution, or rule that regulates a *qualified pet shop*. Any such provision enacted after the new act took effect would be void and unenforceable.

The bill would define *qualified pet shop* as a pet shop in compliance with all of the requirements for pet shops set forth in House Bill 5916.

House Bill 5917 is tie-barred to House Bill 5916, which means that it cannot take effect unless House Bill 5916 is also enacted. Each bill would take effect 90 days after enactment.

FISCAL IMPACT:

The Michigan Department of Agriculture and Rural Development (MDARD) has regulatory authority over pet shops under Public Act 287 of 1969. However, the department no longer licenses pet shops and does not routinely inspect pet shops. As noted on the department's website:

MDARD's Animal Industry Division investigates reportable diseases and the importation of animals to a pet shop, but is not currently licensing pet shops.

The department's regulatory program with respect to pet shops is primarily complaint-based.

The department indicates that House Bills 5916 and 5917 would have no fiscal impact, in that the bills would not expand the department's current regulatory practices.

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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.