

HOUSE BILL NO. 4596

May 15, 2019, Introduced by Reps. Pohutsky, Hammoud, Brann, Tyrone Carter, Manoogian, Kuppa, Cambensy, Hertel, Whitsett and Brixie and referred to the Committee on Agriculture.

A bill to promote the welfare and care of community cats; to promote the establishment and implementation of community cat programs; and to exempt community cats and certain individuals and organizations from certain statutes and local ordinances concerning the care, treatment, and possession or ownership of cats.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Animal control officer" means a county, city, village, or
3 township animal control officer as described in sections 29a, 29b,



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1 and 29c of the dog law of 1919, 1919 PA 339, MCL 287.289a,
2 287.289b, and 287.289c.

3 (b) "Animal shelter" means an animal control shelter or animal
4 protection shelter as those terms are defined under section 1 of
5 1969 PA 287, MCL 287.331.

6 (c) "Cat" means a member of the species *Felis catus*.

7 (d) "Community cat" means a free-roaming cat that does not
8 have a visibly discernable, or microchip, identification. Community
9 cat includes, but is not limited to, any of the following:

10 (i) A cat that has been ear-tipped to indicate that the cat is
11 sterilized, vaccinated against rabies, and currently part of a
12 community cat program.

13 (ii) A cat that is known to be currently under the care of 1 or
14 more residents in the area where the cat is found.

15 (iii) A cat that is found outside with no valid identification,
16 or is not known to be under the care of 1 or more residents in the
17 area where the cat is found, that is brought to an animal shelter
18 and determined to not be sterilized, vaccinated against rabies, or
19 ear-tipped.

20 (e) "Community cat caretaker" means a person that provides
21 care to a community cat in the form of food, water, shelter, and
22 veterinary care.

23 (f) "Community cat colony" means a group of cats that
24 congregate together. Community cat colony includes a colony in
25 which community cats and cats that are owned by or in the
26 possession of a person, as determined by the law of this state or a
27 local ordinance, regulation, or resolution, congregate together.

28 (g) "Community cat program" means a program under which a
29 community cat is humanely trapped, sterilized, vaccinated against



1 rabies, ear-tipped, and returned to the location where it was
2 found.

3 (h) "Ear-tipped" means approximately 1/4 inch of the tip of a
4 cat's left ear has been removed in a straight line to indicate that
5 the animal has been sterilized and vaccinated against rabies.

6 (i) "Sponsor" means an individual or organization that
7 humanely traps community cats and ensures that the cats are
8 sterilized, vaccinated against rabies, and ear-tipped before
9 returning them to the location where they were trapped. Sponsor
10 includes, but is not limited to, an animal shelter, a nonprofit
11 organization for animals, an animal rescue organization, or an
12 animal adoption organization.

13 Sec. 2. The following do not apply to a community cat:

14 (a) Any licensing requirement, at-large provision, or feeding
15 ban under a law of this state or under a local ordinance,
16 regulation, or resolution.

17 (b) Any law of this state or any local ordinance, regulation,
18 or resolution that applies to an animal that is owned by or in the
19 possession of a person, as determined by the law of this state or a
20 local ordinance, regulation, or resolution.

21 Sec. 3. (1) Subject to subsection (2), a sponsor that operates
22 a community cat program may release a community cat received by the
23 sponsor prior to the expiration of any required holding period for
24 stray animals imposed under a law of this state or a local
25 ordinance, regulation, or resolution. The sponsor may release the
26 community cat into the community at-large at the location where it
27 was found or to a sponsor that operates a community cat program.

28 (2) A sponsor shall not release a community cat under
29 subsection (1) unless prior to its release the cat is, or is



1 determined to be, sterilized, vaccinated against rabies, and ear-
2 tipped. A sponsor shall not ear-tip a community cat unless the cat
3 is anesthetized during the procedure.

4 Sec. 4. (1) A sponsor or community cat caretaker that is
5 operating as a participant in a community cat program shall not be
6 considered under any law of this state or any local ordinance,
7 regulation, or resolution the owner, custodian, harborer,
8 possessor, or keeper of a community cat that is under the care of
9 the sponsor or caretaker.

10 (2) The care and treatment of a community cat is not exempt
11 from any law of this state or any local ordinance, regulation, or
12 resolution that prohibits cruelty to or neglect of animals.

13 (3) The release of a community cat at the location where it
14 was found, after sterilization, vaccination against rabies, and
15 ear-tipping, shall not be considered abandonment under any law of
16 this state or any local ordinance, regulation, or resolution.

17 (4) A sponsor or community cat caretaker shall maintain for
18 not less than 3 years the sterilization and rabies vaccination
19 records of a community cat that is or was in the care of the
20 sponsor or caretaker. The sponsor or caretaker shall make the
21 records available to an animal control officer upon reasonable
22 request.

23 (5) This section does not limit the enforcement of any law of
24 this state or any local ordinance, regulation, or resolution that
25 requires the sterilization of a cat.

26 (6) A community cat shall not be included in the number of
27 animals permitted to be owned by or under the care of a person
28 under any law of this state or any local ordinance, regulation, or
29 resolution as applied to a community cat sponsor or caretaker.



1 (7) A sponsor or community cat caretaker shall make reasonable
2 efforts to do all of the following:

3 (a) Ensure that a community cat that is under the care of the
4 sponsor or caretaker is sterilized, vaccinated against rabies, and
5 ear-tipped.

6 (b) Humanely trap and remove socialized kittens and socialized
7 cats for adoptive placement.

8 (c) Arrange for veterinary care for a community cat that is
9 suffering from illness or injury.

10 Enacting section 1. This act takes effect January 1, 2020.

