

SUBSTITUTE FOR
SENATE BILL NO. 339

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 sections 2 and 9 (MCL 287.332 and 287.339), the title and section 9 as amended by 1997 PA 7, and by adding section 11; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to regulate pet shops, animal control shelters, ~~and~~
animal protection shelters, **AND DOG BREEDING OPERATIONS**; to
establish uniform procedures and minimum requirements for adoption
of dogs, cats, and ferrets; **TO CREATE AN ANIMAL WELFARE COMMISSION;**
TO PRESCRIBE ITS POWERS AND DUTIES; TO PRESCRIBE THE POWERS AND
DUTIES OF CERTAIN GOVERNMENTAL OFFICERS AND ENTITIES; ~~and to~~

1 prescribe penalties and civil fines and to provide remedies; **AND TO**
2 **REPEAL ACTS AND PARTS OF ACTS.**

3 Sec. 2. (1) ~~The agriculture department shall issue~~ **SUBJECT TO**
4 **SUBSECTION (2), THE DEPARTMENT MAY PROMULGATE** rules to accomplish
5 the purposes of this act and to establish minimum standards for **THE**
6 housing, care, and handling of animals to ~~insure~~ **ENSURE** the humane
7 care and handling of animals. ~~The rules shall be promulgated in~~
8 ~~accordance with the provisions of Act No. 88 of the Public Acts of~~
9 ~~1943, as amended, being sections 24.71 to 24.80 of the Compiled~~
10 ~~Laws of 1948, and subject to Act No. 197 of the Public Acts of~~
11 ~~1952, as amended, being sections 24.101 to 24.110 of the Compiled~~
12 ~~Laws of 1948.~~

13 (2) **WITHIN 18 MONTHS AFTER THE EFFECTIVE DATE OF THE 2016**
14 **AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL**
15 **PROMULGATE RULES TO ESTABLISH FOR DOG BREEDING OPERATIONS MINIMUM**
16 **STANDARDS THAT ARE CONSISTENT WITH ACCEPTED ANIMAL WELFARE**
17 **STANDARDS. THE RULES SHALL NOT CONFLICT WITH THE COMMISSION'S**
18 **RECOMMENDATIONS UNDER SECTION 11(12). THE RULES MAY PROHIBIT**
19 **ACTIVITIES BY DOG BREEDING OPERATIONS, INCLUDING, BUT NOT LIMITED**
20 **TO, ACTIVITIES DESCRIBED IN SECTION 5A. THE RULES MAY REQUIRE**
21 **LICENSING AND INSPECTION OF DOG BREEDING OPERATIONS. IF LICENSING**
22 **IS REQUIRED, THE RULES SHALL PROVIDE FOR LICENSING FEES THAT DO NOT**
23 **EXCEED THE REASONABLE COSTS OF ADMINISTERING THE DEPARTMENT'S DOG**
24 **BREEDING OPERATION PROGRAM.**

25 (3) **RULES DESCRIBED IN THIS SECTION SHALL BE PROMULGATED**
26 **PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,**
27 **MCL 24.201 TO 24.328.**

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1 (4) UNTIL THE DEPARTMENT PROMULGATES RULES UNDER SUBSECTION
2 (2), DOG BREEDING OPERATIONS SHALL COMPLY WITH 9 CFR 3.1 TO 3.19.

3 Sec. 9. (1) The licensing and registration requirements of
4 this act do not apply to ~~a person~~ ANY OF THE FOLLOWING:

5 (A) AN INDIVIDUAL who breeds his or her own animals.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN RULES PROMULGATED UNDER
7 SECTION 2(2) or, BEFORE THE EFFECTIVE DATE OF THOSE RULES, IN
8 REGULATIONS CITED IN SECTION 2(4), to a person subject to 1969 PA
9 224, MCL 287.381 to 287.395.

10 (2) Subsection (1) does not create an exemption from
11 vaccination and licensing requirements under the dog law of 1919,
12 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and
13 handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

14 (3) This act does not require the alteration of a dog, cat, or
15 ferret being reclaimed from an animal control shelter or animal
16 protection shelter by its owner unless a local ~~governmental~~
17 ordinance requires the alteration.

18 SEC. 11. (1) THE ANIMAL WELFARE COMMISSION IS CREATED WITHIN
19 THE DEPARTMENT. THE COMMISSION SHALL EXERCISE ITS POWERS AND DUTIES
20 INDEPENDENTLY OF THE DEPARTMENT, EXCEPT THAT BUDGETING,
21 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS SHALL BE PERFORMED
22 UNDER THE DIRECTION AND SUPERVISION OF THE DIRECTOR.

23 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS<<,
24 WHO SHALL BE RESIDENTS OF THIS STATE,>>
25 APPOINTED BY THE DIRECTOR WITH THE ADVICE AND CONSENT OF THE
26 SENATE:

27 (A) <<THREE>> INDIVIDUALS WHO ARE EMPLOYEES OR BOARD MEMBERS OF AN
ANIMAL PROTECTION SHELTER THAT IS EXEMPT FROM TAXATION UNDER

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1 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 501,
2 IS REGISTERED UNDER SECTION 6, AND ANNUALLY CARES FOR MORE THAN
3 2,000 DOGS.

4 (B) AN INDIVIDUAL MEMBER OF AN ANIMAL RESCUE ORGANIZATION THAT
5 IS EXEMPT FROM TAXATION UNDER SECTION 501(C) (3) OF THE INTERNAL
6 REVENUE CODE OF 1986, 26 USC 501.

7 (C) A LICENSED VETERINARIAN WHO IS ACCREDITED BY THE UNITED
8 STATES DEPARTMENT OF AGRICULTURE AND HAS EXPERIENCE IN ANIMAL
9 POPULATION HEALTH.

10 (D) TWO INDIVIDUALS WHO ARE INVOLVED IN ANIMAL CONTROL FOR
11 DIFFERENT LOCAL UNITS OF GOVERNMENT AND WHO ARE MEMBERS OF AN
12 ASSOCIATION OF ANIMAL CONTROL OFFICERS.

13 (E) AN INDIVIDUAL FROM ACADEMIA WHO SPECIALIZES IN ANIMAL
14 WELFARE.

<<(F) AN INDIVIDUAL WHO IS A BREEDER SPECIALIZING IN BREEDS OF DOGS
SPECIFIC TO HUNTING.

(G) AN INDIVIDUAL REPRESENTING A STATEWIDE HUNTING ORGANIZATION.

15 (H)>> A MEMBER OF THE GENERAL PUBLIC.

16 <<(I) TWO>> DOG BREEDERS WHO ARE MEMBERS OF A NATIONAL
17 ORGANIZATION OF DOG BREEDERS AND OWNERS.

18 <<(J)>> THE DIRECTOR, WHO SHALL SERVE WITHOUT VOTE.

19 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE
20 APPOINTED WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2016
21 AMENDATORY ACT THAT ADDED THIS SECTION.

22 (4) IF A VACANCY OCCURS ON THE COMMISSION, THE DIRECTOR SHALL
23 MAKE AN APPOINTMENT TO FILL THE VACANCY FOR THE BALANCE OF THE LIFE
24 OF THE COMMISSION IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

25 (5) THE DIRECTOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
26 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
27 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

1 (6) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
2 DIRECTOR. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM
3 AMONG ITS MEMBERS A CHAIRPERSON AND VICE-CHAIRPERSON AND OTHER
4 OFFICERS AS IT CONSIDERS APPROPRIATE. AFTER THE FIRST MEETING, THE
5 COMMISSION SHALL MEET AT LEAST QUARTERLY. A SPECIAL MEETING SHALL
6 BE HELD AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 5 OR MORE
7 MEMBERS. NOTICE OF A SPECIAL MEETING SHALL BE GIVEN TO MEMBERS AT
8 LEAST 3 BUSINESS DAYS IN ADVANCE.

9 (7) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
10 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
11 COMMISSION. APPROVAL OF A MAJORITY OF THE MEMBERS APPOINTED AND
12 SERVING IS REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION. A
13 COMMISSION MEMBER SHALL NOT VOTE BY PROXY.

14 (8) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
15 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
16 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A
17 WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY
18 THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS
19 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
20 TO 15.246.

21 (9) WITHIN 45 DAYS AFTER APPOINTMENT AND CONFIRMATION OF ALL
22 MEMBERS, THE COMMISSION SHALL ADOPT BYLAWS FOR THE OPERATION OF THE
23 COMMISSION. THE BYLAWS SHALL INCLUDE VOTING PROCEDURES AND MINIMUM
24 REQUIREMENTS FOR ATTENDANCE AT MEETINGS.

25 (10) THE LEGISLATURE SHALL SET THE PER DIEM COMPENSATION FOR
26 MEMBERS OF THE COMMISSION. EXPENSES OF MEMBERS INCURRED IN THE
27 PERFORMANCE OF OFFICIAL DUTIES SHALL BE REIMBURSED AS PROVIDED BY

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1 LAW FOR STATE EMPLOYEES.

2 (11) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

3 (A) FURNISH ADMINISTRATIVE SERVICES TO THE COMMISSION.

4 (B) PROVIDE SECRETARIAL AND OTHER STAFF NECESSARY FOR THE
5 PROPER EXERCISE OF THE POWERS AND DUTIES OF THE COMMISSION.

6 (C) PROVIDE ADEQUATE OFFICE SPACE TO THE COMMISSION.

7 (D) GIVE NOTICE OF THE TIMES AND PLACES OF COMMISSION
8 MEETINGS.

9 (E) KEEP MINUTES OF COMMISSION MEETINGS.

10 (12) BY 9 MONTHS AFTER THE EFFECTIVE DATE OF THE 2016
11 AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL SUBMIT
12 TO THE DEPARTMENT RECOMMENDATIONS FOR RULES DEFINING AND REGULATING
13 DOG BREEDERS <<AND SHALL SUBMIT A COPY OF THE RECOMMENDATIONS TO THE
CHAIRS OF THE SENATE AND HOUSE STANDING COMMITTEES ON AGRICULTURE>>.

14 (13) THE COMMISSION IS DISSOLVED 30 DAYS AFTER THE EFFECTIVE
15 DATE OF THE RULES PROMULGATED UNDER SECTION 2(2).

16 (14) THIS SECTION IS REPEALED 2 YEARS AFTER THE EFFECTIVE DATE
17 OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

18 Enacting section 1. This amendatory act does not take effect
19 unless House Bill No. 4898 of the 98th Legislature is enacted into
20 law.