

## PET SHOP LAW REVISIONS

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<http://www.house.mi.gov/hfa>

**House Bill 4915 as introduced**  
**Sponsor: Rep. Michael McCready**  
**Committee: Regulatory Reform**  
**Complete to 10-20-15**

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

### SUMMARY:

House Bill 4915 would amend several sections of Public Act 287 of 1969 (the pet shop act), which regulates pet shops, animal control and animal protection shelters, and the adoption of dogs, cats, and ferrets. The bill adds new definitions and amends existing ones and imposes requirements on animal control and animal protection shelters that have entered into agreements with local units of government, as detailed below. Among the provisions in the bill are mandated holding periods that animals must be held by shelters before other actions can be taken. The bill also pre-empts certain local regulations.

#### Definitions

HB 4915 would add or modify the following new terms:

"Holding period" would mean the minimum period of time, in days, after an animal's intake into an animal control shelter's or animal protection shelter's inventory that the animal must be held prior to being made available for adoption, euthanasia, transfer, sale, or other disposition.

A day would be counted as a time period of 24 hours during which an animal control shelter or animal protection shelter is open for business or available by appointment and accessible to the owner of an animal for any portion of that time for the purpose of reclaiming his or her animal from the animal control shelter or animal protection shelter. If an animal is held at an animal control shelter, the holding period begins at the time the animal is admitted to the animal control shelter.

All of the following apply to the holding period for an animal held at an animal protection shelter:

- If the animal is a dog and the shelter has a contractual relationship with a governmental agency, the holding period begins at the time the animal is admitted to the shelter.
- If the animal is a dog and the shelter does not have a contractual relationship with a governmental agency, the holding period begins at the time the animal protection shelter notifies the law enforcement agency that has jurisdiction over animal control within the municipality in which the dog was recovered that the animal protection shelter is holding the dog.
- If the animal is a cat, the holding period begins at the time the animal is admitted to the shelter.

"Sterilization release program" would mean a program under which a domestic cat that does not have current, traceable evidence of ownership is altered and returned to its community of origin.

The current term "municipality" would be replaced by "local unit of government," with the current definition of "a county, city, village, or township," remaining unchanged.

**Minimum holding period**

The bill would allow a government agency that has jurisdiction over animal control within a local unit of government and an animal protection shelter to enter into a contract under which the animal protection shelter agrees to provide housing and care for animals under the jurisdiction of that government agency.

An animal control shelter or an animal protection shelter would be required to observe a seven-day minimum holding period for an animal with current, traceable evidence of ownership.

An animal control shelter or an animal protection shelter must use all reasonable methods to identify the owner of the animal, including universal microchip scanning equipment and any other methods prescribed by the director of the Department of Agriculture and Rural Development (MDARD). The animal control shelter or animal protection shelter would have to notify the owner of an animal using the means provided for in the identification and would be prohibited from disposing of the animal for at least seven days after the date and time of the documented notification.

For a dog that does not have current, traceable evidence of ownership and is not a candidate for adoption or a sterilization release program, the holding period would be four days. The same minimum also would apply to a cat that does not have current, traceable evidence of ownership and is not a candidate for adoption or a sterilization release program.

If a cat is without current, traceable evidence of ownership, an animal control shelter or an animal protection shelter may observe a zero-day holding period for that cat if it is a candidate for adoption or a sterilization release program.

The minimum holding periods would not apply to any of the following:

- An animal that would be subjected to undue suffering if the required holding period was observed.
- An animal whose owner requests immediate disposition of the animal.
- An animal that was relinquished to the animal control shelter or animal protection shelter by its owner.

Once the applicable holding period has been fulfilled, ownership of the animal would then transfer to the animal control shelter or animal protection shelter in possession of the animal during the holding period.

The bill also would require an animal control shelter, an animal protection shelter, or a pet shop to maintain current verifiable records for a period of at least two years with all of the following information:

- How the animal was acquired, the location where the animal was found or obtained, and the date and time of acquisition.
- If the animal was acquired from a person, the verified name and address of the person from whom the animal was acquired and the person's relationship to the animal.
- If the animal was acquired by animal control or law enforcement personnel, the name of the officer, the verified name and address of the person from whom the animal was obtained or the location where the animal was obtained, and, if applicable, the person's relationship to the animal.
- The method or methods used to identify the owner of the animal.
- A description and identification of the animal, including the animal's identification information, species, color, breed, sex, alteration status, and approximate weight and age.
- The date, time, nature, and method of disposition of the animal.
- If the animal is adopted, transferred, or sold, the verified name and address of the person to whom the animal is adopted, transferred, or sold.

The bill also would amend an annual reporting requirement by no longer requiring the control or protection shelters to report statistics relating to ferrets and specifying that the reporting shelters need not submit certain statistics relating to wildlife.

**Prohibited actions by local units of government**

The bill would prohibit a local unit of government from adopting an ordinance, policy, or requirement that:

- Provides for longer holding periods than the holding periods provided for in the bill.
- Prohibits a sterilization release program, regardless of whether the sterilization release program includes the live trapping of cats.

**FISCAL IMPACT:**

A fiscal analysis is in process.

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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.