

HOUSE BILL No. 4915

September 29, 2015, Introduced by Reps. McCready, Kosowski, Vaupel, Rendon, Kesto, Tedder, Love and Goike and referred to the Committee on Regulatory Reform.

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 sections 1, 2, 6, and 9a (MCL 287.331, 287.332, 287.336, and 287.339a), sections 1 and 6 as amended and section 9a as added by 1997 PA 7, and by adding sections 8b, 8c, and 9c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Adoption" means a transfer of ownership, with or without
3 remuneration, of a dog, cat, or ferret from an animal control
4 shelter or animal protection shelter to an individual for the
5 purpose of being a companion animal for that individual. As used in
6 this subdivision, a companion animal includes but is not limited to
7 a dog that is used for hunting or as a guard dog.

1 (b) "Alteration" means a professional sterilization procedure
2 performed by a veterinarian that renders a dog, cat, or ferret
3 incapable of reproducing.

4 (c) "Altered", in reference to a dog, cat, or ferret, means
5 having undergone alteration.

6 (d) "Animal" means a mammal except livestock as **THAT TERM IS**
7 defined in **SECTION 1 OF** 1937 PA 284, MCL 287.121, ~~to 287.131,~~ and
8 rodents.

9 (e) "Animal control shelter" means a facility operated by a
10 municipality for the impoundment and care of animals that are found
11 in the streets or at large, animals that are otherwise held due to
12 the violation of a municipal ordinance or state law, or animals
13 that are surrendered to the animal control shelter.

14 (f) "Animal protection shelter" means a facility operated by a
15 person, humane society, society for the prevention of cruelty to
16 animals, or any other nonprofit organization for the care of
17 homeless animals.

18 (g) "Cat" means a domestic cat of any age of the species ~~felis~~
19 **FELIS** catus.

20 (h) "Department" means the state department of agriculture **AND**
21 **RURAL DEVELOPMENT**.

22 (i) "Director" means the director of the department or his or
23 her authorized representative.

24 (j) "Dog" means a domestic dog of any age of the species ~~canis~~
25 **CANIS** familiaris.

26 (k) "Ferret" means an animal of any age of the species ~~mustela~~
27 **MUSTELA** furo.

1 (l) "Health certificate" means a certificate in a form
2 prescribed by the department in which a veterinarian attests to the
3 age, sex, breed, and description of an animal, and to the fact that
4 at the time of preparation of the certificate, the veterinarian
5 examined the animal and found the animal free from visual evidence
6 of communicable disease.

7 (M) "HOLDING PERIOD" MEANS THE MINIMUM PERIOD OF TIME, IN
8 DAYS, AFTER AN ANIMAL'S INTAKE INTO AN ANIMAL CONTROL SHELTER'S OR
9 ANIMAL PROTECTION SHELTER'S INVENTORY FOR WHICH THE ANIMAL MUST BE
10 HELD PRIOR TO BEING MADE AVAILABLE FOR ADOPTION, EUTHANASIA,
11 TRANSFER, SALE, OR OTHER DISPOSITION. FOR PURPOSES OF THIS
12 SUBDIVISION, A DAY IS A TIME PERIOD OF 24 HOURS DURING WHICH AN
13 ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER IS OPEN FOR
14 BUSINESS OR AVAILABLE BY APPOINTMENT AND ACCESSIBLE TO THE OWNER OF
15 AN ANIMAL FOR ANY PORTION OF THAT 24-HOUR PERIOD FOR THE PURPOSE OF
16 RECLAIMING HIS OR HER ANIMAL FROM THE ANIMAL CONTROL SHELTER OR
17 ANIMAL PROTECTION SHELTER. IF AN ANIMAL IS HELD AT AN ANIMAL
18 CONTROL SHELTER, THE HOLDING PERIOD BEGINS AT THE TIME THE ANIMAL
19 IS ADMITTED TO THE ANIMAL CONTROL SHELTER. ALL OF THE FOLLOWING
20 APPLY TO THE HOLDING PERIOD FOR AN ANIMAL HELD AT AN ANIMAL
21 PROTECTION SHELTER:

22 (i) IF THE ANIMAL IS A DOG, AND IF THE ANIMAL PROTECTION
23 SHELTER HAS A CONTRACTUAL RELATIONSHIP WITH A GOVERNMENTAL AGENCY
24 AS DESCRIBED IN SECTION 8B, THE HOLDING PERIOD BEGINS AT THE TIME
25 THE ANIMAL IS ADMITTED TO THE ANIMAL PROTECTION SHELTER.

26 (ii) IF THE ANIMAL IS A CAT, THE HOLDING PERIOD BEGINS AT THE
27 TIME THE ANIMAL IS ADMITTED TO THE ANIMAL PROTECTION SHELTER.

1 (iii) IF THE ANIMAL IS A DOG, AND IF THE ANIMAL PROTECTION
2 SHELTER DOES NOT HAVE A CONTRACTUAL RELATIONSHIP WITH A
3 GOVERNMENTAL AGENCY AS DESCRIBED IN SECTION 8B, THE HOLDING PERIOD
4 BEGINS AT THE TIME THE ANIMAL PROTECTION SHELTER NOTIFIES THE LAW
5 ENFORCEMENT AGENCY THAT HAS JURISDICTION OVER ANIMAL CONTROL WITHIN
6 THE MUNICIPALITY IN WHICH THE DOG WAS RECOVERED THAT THE ANIMAL
7 PROTECTION SHELTER IS HOLDING THE DOG.

8 (N) ~~(m)~~ "Municipality" "LOCAL UNIT OF GOVERNMENT" means a
9 county, city, village, or township.

10 (O) ~~(n)~~ "Person" means an individual, partnership,
11 corporation, association, governmental entity, or other legal
12 entity.

13 (P) ~~(o)~~ "Pet shop" means a place where animals are sold or
14 offered for sale, exchange, or transfer.

15 (Q) "STERILIZATION RELEASE PROGRAM" MEANS A PROGRAM UNDER
16 WHICH A DOMESTIC CAT THAT DOES NOT HAVE CURRENT, TRACEABLE EVIDENCE
17 OF OWNERSHIP IS ALTERED AND RETURNED TO ITS COMMUNITY OF ORIGIN.

18 (R) ~~(p)~~ "Veterinarian" means a person licensed to practice
19 veterinary medicine under article 15 of the public health code,
20 1978 PA 368, MCL 333.16101 to 333.18838.

21 Sec. 2. The ~~agriculture department shall issue~~ **MAY PROMULGATE**
22 rules to accomplish the purposes of this act and to establish
23 minimum standards for **THE** housing, care, and handling of animals to
24 insure the humane care and handling of animals. ~~The~~ **IF THE**
25 **DEPARTMENT PROMULGATES RULES UNDER THIS SECTION, THE** rules shall be
26 promulgated in accordance with ~~the provisions of Act No. 88 of the~~
27 ~~Public Acts of 1943, as amended, being sections 24.71 to 24.80 of~~

1 ~~the Compiled Laws of 1948, and subject to Act No. 197 of the Public~~
2 ~~Acts of 1952, as amended, being sections 24.101 to 24.110 of the~~
3 ~~Compiled Laws of 1948.~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
4 **1969 PA 306, MCL 24.201 TO 24.328.**

5 Sec. 6. (1) A ~~municipality~~ **LOCAL UNIT OF GOVERNMENT** shall not
6 operate an animal control shelter unless the animal control shelter
7 is registered with the department.

8 (2) A society for the prevention of cruelty to animals ~~—~~or
9 any other person ~~—~~shall not operate an animal protection shelter
10 unless the shelter is registered with the department.

11 **SEC. 8B. A GOVERNMENT AGENCY THAT HAS JURISDICTION OVER ANIMAL**
12 **CONTROL WITHIN A LOCAL UNIT OF GOVERNMENT AND AN ANIMAL PROTECTION**
13 **SHELTER MAY ENTER INTO A CONTRACT UNDER WHICH THE ANIMAL PROTECTION**
14 **SHELTER AGREES TO PROVIDE HOUSING AND CARE FOR ANIMALS UNDER THE**
15 **JURISDICTION OF THAT GOVERNMENT AGENCY.**

16 **SEC. 8C. (1) AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION**
17 **SHELTER SHALL OBSERVE A 7-DAY MINIMUM HOLDING PERIOD FOR AN ANIMAL**
18 **WITH CURRENT, TRACEABLE EVIDENCE OF OWNERSHIP. THE ANIMAL CONTROL**
19 **SHELTER OR AN ANIMAL PROTECTION SHELTER SHALL USE ALL REASONABLE**
20 **METHODS TO IDENTIFY THE OWNER OF THE ANIMAL, INCLUDING UNIVERSAL**
21 **MICROCHIP SCANNING EQUIPMENT AND ANY OTHER METHODS PRESCRIBED BY**
22 **THE DIRECTOR. THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION**
23 **SHELTER SHALL NOTIFY THE OWNER OF AN ANIMAL USING THE MEANS**
24 **PROVIDED FOR IN THE IDENTIFICATION AND SHALL NOT DISPOSE OF THE**
25 **ANIMAL FOR AT LEAST 7 DAYS AFTER THE DATE AND TIME OF THE**
26 **DOCUMENTED NOTIFICATION.**

27 (2) AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER

1 SHALL OBSERVE A 4-DAY MINIMUM HOLDING PERIOD FOR A DOG THAT DOES
2 NOT HAVE CURRENT, TRACEABLE EVIDENCE OF OWNERSHIP.

3 (3) AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER
4 SHALL OBSERVE A 4-DAY MINIMUM HOLDING PERIOD FOR A CAT THAT DOES
5 NOT HAVE CURRENT, TRACEABLE EVIDENCE OF OWNERSHIP AND IS NOT A
6 CANDIDATE FOR ADOPTION OR A STERILIZATION RELEASE PROGRAM.

7 (4) AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER
8 MAY OBSERVE A ZERO-DAY HOLDING PERIOD FOR A CAT THAT DOES NOT HAVE
9 CURRENT, TRACEABLE EVIDENCE OF OWNERSHIP IF THAT CAT IS A CANDIDATE
10 FOR ADOPTION OR A STERILIZATION RELEASE PROGRAM.

11 (5) ONCE THE APPLICABLE HOLDING PERIOD AS PROVIDED IN
12 SUBSECTIONS (1) TO (4) HAS BEEN FULFILLED, OWNERSHIP OF THE ANIMAL
13 TRANSFERS TO THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
14 SHELTER IN POSSESSION OF THE ANIMAL DURING THE HOLDING PERIOD.

15 (6) A LOCAL UNIT OF GOVERNMENT SHALL NOT ADOPT AN ORDINANCE,
16 POLICY, OR REQUIREMENT THAT PROVIDES FOR LONGER HOLDING PERIODS
17 THAN THE HOLDING PERIODS PROVIDED FOR IN THIS SECTION.

18 (7) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

19 (A) AN ANIMAL THAT WOULD BE SUBJECTED TO UNDUE SUFFERING IF
20 THE REQUIRED HOLDING PERIOD WAS OBSERVED.

21 (B) AN ANIMAL WHOSE OWNER REQUESTS IMMEDIATE DISPOSITION OF
22 THE ANIMAL.

23 (C) AN ANIMAL THAT WAS RELINQUISHED TO THE ANIMAL CONTROL
24 SHELTER OR ANIMAL PROTECTION SHELTER BY ITS OWNER.

25 Sec. 9a. (1) AN ANIMAL CONTROL SHELTER, AN ANIMAL PROTECTION
26 SHELTER, OR A PET SHOP SHALL MAINTAIN CURRENT VERIFIABLE RECORDS
27 FOR A PERIOD OF AT LEAST 2 YEARS. THE RECORDS SHALL INCLUDE ALL OF

1 THE FOLLOWING INFORMATION:

2 (A) HOW THE ANIMAL WAS ACQUIRED, THE LOCATION WHERE THE ANIMAL
3 WAS FOUND OR OBTAINED, AND THE DATE AND TIME OF ACQUISITION.

4 (B) IF THE ANIMAL WAS ACQUIRED FROM A PERSON, THE VERIFIED
5 NAME AND ADDRESS OF THE PERSON FROM WHOM THE ANIMAL WAS ACQUIRED
6 AND THE PERSON'S RELATIONSHIP TO THE ANIMAL.

7 (C) IF THE ANIMAL WAS ACQUIRED BY ANIMAL CONTROL OR LAW
8 ENFORCEMENT PERSONNEL, THE NAME OF THE OFFICER, THE VERIFIED NAME
9 AND ADDRESS OF THE PERSON FROM WHOM THE ANIMAL WAS OBTAINED OR THE
10 LOCATION WHERE THE ANIMAL WAS OBTAINED, AND, IF APPLICABLE, THE
11 PERSON'S RELATIONSHIP TO THE ANIMAL.

12 (D) THE METHOD OR METHODS USED TO IDENTIFY THE OWNER OF THE
13 ANIMAL.

14 (E) A DESCRIPTION AND IDENTIFICATION OF THE ANIMAL, INCLUDING
15 THE ANIMAL'S IDENTIFICATION INFORMATION, SPECIES, COLOR, BREED,
16 SEX, ALTERATION STATUS, AND APPROXIMATE WEIGHT AND AGE.

17 (F) THE DATE, TIME, NATURE, AND METHOD OF DISPOSITION OF THE
18 ANIMAL.

19 (G) IF THE ANIMAL IS ADOPTED, TRANSFERRED, OR SOLD, THE
20 VERIFIED NAME AND ADDRESS OF THE PERSON TO WHOM THE ANIMAL IS
21 ADOPTED, TRANSFERRED, OR SOLD.

22 (2) An animal control shelter or AN animal protection shelter
23 shall ~~maintain written records on the~~ ANNUALLY REPORT THE FOLLOWING
24 STATISTICS TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE DIRECTOR
25 NO LATER THAN MARCH 31 OF THE YEAR FOLLOWING THE YEAR FOR WHICH THE
26 STATISTICS WERE COMPILED:

27 (A) THE total number of dogs ~~, AND~~ cats ~~, and ferrets~~ under 6

1 months of age. ~~the~~

2 (B) **THE** total number of dogs ~~, AND~~ cats ~~, and ferrets~~ 6 months
3 of age and older. ~~, and all~~

4 (C) **THE TOTAL NUMBER OF ALL** other animals **OTHER THAN WILDLIFE**
5 **THAT ARE** received, returned to owners, adopted to new owners, sold,
6 or transferred with or without remuneration to any person. ~~the~~

7 (D) **THE TOTAL** number of adopted dogs ~~, AND~~ cats ~~, and ferrets~~
8 that were altered ~~, AND~~ the **TOTAL** number of adopted dogs ~~, AND~~ cats
9 ~~, and ferrets~~ that were not altered. ~~, and the~~

10 (E) **THE TOTAL** number of dogs ~~, AND~~ cats ~~, and ferrets~~
11 euthanized annually. ~~, and shall annually provide a copy of these~~
12 ~~statistics to the department, by March 31 of the year following the~~
13 ~~year for which the statistics were compiled.~~

14 **SEC. 9C. A LOCAL UNIT OF GOVERNMENT SHALL NOT ADOPT AN**
15 **ORDINANCE, RULE, OR POLICY THAT PROHIBITS A STERILIZATION RELEASE**
16 **PROGRAM, REGARDLESS OF WHETHER THE STERILIZATION RELEASE PROGRAM**
17 **INCLUDES THE LIVE TRAPPING OF CATS.**

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.