

SENATE BILL No. 339

May 19, 2015, Introduced by Senator BIEDA and referred to the Committee on Commerce.

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, 5a, 6, 7, and 9 (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, and 287.339), sections 1, 6, 7, and 9 as amended by 1997 PA 7 and section 5a as added by 1980 PA 214, and by adding section 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

1 a dog that is used for hunting or as a guard dog.

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

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

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

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

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

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

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

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

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

27 (k) "Ferret" means an animal of any age of the species ~~mustela~~

1 **MUSTELA furo.**

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

8 (l) "INTACT DOG" MEANS A DOG THAT HAS NOT BEEN ALTERED.

9 (M) "LARGE-SCALE DOG BREEDING KENNEL" MEANS A FACILITY WHERE
10 MORE THAN 15 FEMALE INTACT DOGS OVER THE AGE OF 4 MONTHS ARE HOUSED
11 OR KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

12 (N) ~~(m)~~—"Municipality" means a county, city, village, or
13 township.

14 (O) ~~(n)~~—"Person" means an individual, partnership,
15 corporation, association, governmental entity, or other legal
16 entity.

17 (P) "PET HEALTH CERTIFICATE" MEANS A CERTIFICATE IN A FORM
18 PRESCRIBED BY THE DIRECTOR IN WHICH A VETERINARIAN ATTESTS TO THE
19 AGE, SEX, BREED, AND DESCRIPTION OF AN ANIMAL; ANY MEDICAL
20 CONDITIONS OF THE ANIMAL; ANY MEDICAL TREATMENT AND VACCINATIONS
21 THAT THE ANIMAL RECEIVED WHILE UNDER THE CONTROL OF A PET SHOP OR
22 LARGE-SCALE COMMERCIAL DOG BREEDING KENNEL; AND TO THE FACT THAT AT
23 THE TIME OF THE PREPARATION OF THE CERTIFICATE THE VETERINARIAN
24 EXAMINED THE ANIMAL AND FOUND THE ANIMAL FREE FROM VISUAL EVIDENCE
25 OF COMMUNICABLE DISEASE.

26 (Q) ~~(e)~~—"Pet shop" means a place where animals are sold or
27 offered for sale, exchange, or transfer.

1 (R) ~~(p)~~ "Veterinarian" means a person licensed to practice
2 veterinary medicine under article 15 of the public health code,
3 1978 PA 368, MCL 333.16101 to 333.18838.

4 Sec. 2. (1) The ~~agriculture department shall issue~~ **MAY**
5 **PROMULGATE** rules to accomplish the purposes of this act and to
6 establish minimum standards for **THE** housing, care, and handling of
7 animals to insure the humane care and handling of animals. **THE**
8 **DEPARTMENT MAY ALSO PROMULGATE RULES TO ESTABLISH MINIMUM STANDARDS**
9 **FOR LARGE-SCALE DOG BREEDING KENNELS.** The rules shall be
10 promulgated in accordance with ~~the provisions of Act No. 88 of the~~
11 ~~Public Acts of 1943, as amended, being sections 24.71 to 24.80 of~~
12 ~~the Compiled Laws of 1948, and subject to Act No. 197 of the Public~~
13 ~~Acts of 1952, as amended, being sections 24.101 to 24.110 of the~~
14 ~~Compiled Laws of 1948.~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
15 **1969 PA 306, MCL 24.201 TO 24.328.**

16 (2) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, UNTIL THE**
17 **DEPARTMENT PROMULGATES RULES UNDER SUBSECTION (1), A LARGE-SCALE**
18 **DOG BREEDING KENNEL IS SUBJECT TO R 285.151.1 TO R 285.151.41 OF**
19 **THE MICHIGAN ADMINISTRATIVE CODE. NOTWITHSTANDING R 285.151.25 OF**
20 **THE MICHIGAN ADMINISTRATIVE CODE, IN A LARGE-SCALE BREEDING KENNEL,**
21 **A FEMALE DOG IN ESTRUS MAY BE HOUSED WITH INTACT MALE DOGS FOR THE**
22 **PURPOSE OF BREEDING.**

23 Sec. 5a. (1) A person who operates a pet shop shall not ~~do any~~
24 ~~of the following:~~

25 ~~— (a) Import~~ **IMPORT** or cause to be imported into this state, ~~or~~
26 ~~offer for sale or resale,~~ a dog or cat **THAT IS** less than 8 weeks
27 old. **A PERSON WHO OPERATES AN ANIMAL CONTROL SHELTER OR AN ANIMAL**

1 PROTECTION SHELTER SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO
2 THIS STATE A DOG OR CAT THAT IS LESS THAN 8 WEEKS OLD UNLESS THE
3 DOG OR CAT IS IMPORTED WITH ITS DAM. A LARGE-SCALE DOG BREEDING
4 KENNEL SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS STATE A
5 DOG THAT IS LESS THAN 8 WEEKS OLD UNLESS THE DOG IS IMPORTED WITH
6 ITS DAM.

7 ~~—— (b) Import or cause to be imported into this state, or offer~~
8 ~~for sale or resale, a dog or cat unless the dog or cat has~~
9 ~~deciduous (baby) teeth visibly present.~~

10 (2) ~~(c) Sell or offer for sale~~ A PERSON WHO OPERATES A PET
11 SHOP SHALL NOT SELL, EXCHANGE, TRANSFER, OR OFFER FOR SALE,
12 EXCHANGE, OR TRANSFER A DOG OR CAT THAT IS LESS THAN 8 WEEKS OLD. A
13 LARGE-SCALE DOG BREEDING KENNEL SHALL NOT SELL, EXCHANGE, TRANSFER,
14 OR OFFER FOR SALE, EXCHANGE, OR TRANSFER A DOG THAT IS LESS THAN 8
15 WEEKS OLD.

16 (3) A PERSON WHO OPERATES A PET SHOP, AN ANIMAL CONTROL
17 SHELTER, AN ANIMAL PROTECTION SHELTER, OR A LARGE-SCALE DOG
18 BREEDING KENNEL SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS
19 STATE, OR SELL, ADOPT, EXCHANGE, OR TRANSFER, OR OFFER FOR SALE,
20 ADOPTION, EXCHANGE, OR TRANSFER a dog, unless ~~the~~ ALL OF THE
21 FOLLOWING ARE SATISFIED BEFORE THE DOG'S ENTRY INTO THIS STATE:

22 (A) THE dog has been ~~inoculated~~ VACCINATED against distemper,
23 ~~hepatitis, and leptospirosis, para influenza and, if~~ PARVOVIRUS,
24 AND CANINE ADENOVIRUS-2. THE DOG SHALL ALSO BE VACCINATED AGAINST
25 RABIES AND LEPTOSPIROSIS IF THE DOG IS 12 WEEKS OF AGE OR OLDER. IF
26 A RABIES VACCINE IS REQUIRED UNDER THIS SUBDIVISION, THE VACCINE
27 SHALL BE ADMINISTERED BY A VETERINARIAN. IF THE PERSON OPERATES A

1 PET SHOP OR IF THE PERSON IS A LARGE-SCALE DOG BREEDING KENNEL, THE
2 PERSON SHALL ADMINISTER VACCINATIONS OTHER THAN THE RABIES
3 VACCINATION TO THE DOG AS REQUIRED BY THIS SUBDIVISION NOT LESS
4 THAN 7 DAYS BEFORE THE DOG'S ENTRY INTO THIS STATE. THE DIRECTOR
5 MAY REQUIRE VACCINATIONS AGAINST OTHER DISEASES NOT SPECIFIED IN
6 THIS SUBDIVISION.

7 (B) IF indicated, THE DOG has been treated for external and
8 internal parasites ~~, not less than 7 days before the dog's entry~~
9 ~~into this state.~~ SO THAT THE DOG IS NOT CAPABLE OF SPREADING
10 EXTERNAL OR INTERNAL PARASITES TO ANOTHER ANIMAL AT THE TIME IT IS
11 IMPORTED INTO THIS STATE.

12 (C) The dog ~~shall be~~ IS accompanied by ~~a~~ AN INTERSTATE health
13 certificate OR CERTIFICATE OF VETERINARY INSPECTION FILLED OUT AND
14 signed by ~~a~~ AN ACCREDITED veterinarian LICENSED TO PRACTICE
15 VETERINARY MEDICINE IN THE DOG'S STATE OF ORIGIN, including records
16 of the dog's medication and immunization.

17 (4) ~~(d) Sell or offer for sale~~ A PERSON WHO OPERATES A PET
18 SHOP, AN ANIMAL CONTROL SHELTER, OR AN ANIMAL PROTECTION SHELTER
19 SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS STATE, OR SELL,
20 ADOPT, EXCHANGE, OR TRANSFER, OR OFFER FOR SALE, ADOPTION,
21 EXCHANGE, OR TRANSFER a cat, unless ~~the~~ ALL OF THE FOLLOWING ARE
22 SATISFIED BEFORE THE CAT'S ENTRY INTO THIS STATE:

23 (A) THE cat has been ~~inoculated~~ VACCINATED against feline
24 panleukopenia, ~~(cat distemper), rinotracheitis and calici viruses,~~
25 ~~and, if~~ AND FELINE HERPES VIRUS-1. THE CAT SHALL ALSO BE VACCINATED
26 AGAINST RABIES IF THE CAT IS 12 WEEKS OF AGE OR OLDER. IF A RABIES
27 VACCINE IS REQUIRED UNDER THIS SUBDIVISION, THE VACCINE SHALL BE

1 ADMINISTERED BY A VETERINARIAN. IF THE PERSON OPERATES A PET SHOP,
2 THE PERSON SHALL ADMINISTER VACCINATIONS OTHER THAN THE RABIES
3 VACCINATION TO THE CAT AS REQUIRED BY THIS SUBDIVISION NOT LESS
4 THAN 7 DAYS BEFORE THE CAT'S ENTRY INTO THIS STATE. THE DIRECTOR
5 MAY REQUIRE VACCINATIONS AGAINST OTHER DISEASES NOT SPECIFIED IN
6 THIS SUBDIVISION.

7 (B) IF indicated, THE CAT has been treated for external and
8 internal parasites ~~, not less than 7 days prior to the cat's entry~~
9 ~~into this state.~~ SO THAT THE CAT IS NOT CAPABLE OF SPREADING
10 EXTERNAL OR INTERNAL PARASITES TO ANOTHER ANIMAL AT THE TIME IT IS
11 IMPORTED INTO THIS STATE.

12 (C) The cat ~~shall be~~ IS accompanied by ~~a~~ AN INTERSTATE health
13 certificate OR CERTIFICATE OF VETERINARY INSPECTION FILLED OUT AND
14 signed by ~~a~~ AN ACCREDITED veterinarian LICENSED TO PRACTICE
15 VETERINARY MEDICINE IN THE CAT'S STATE OF ORIGIN, including records
16 of the cat's medication and immunization.

17 (5) ~~(e) Sell~~ A PERSON WHO OPERATES A PET SHOP OR A LARGE-SCALE
18 DOG BREEDING KENNEL SHALL NOT SELL, EXCHANGE, TRANSFER, or deliver
19 a dog, ~~or~~ cat, OR FERRET without providing to the purchaser a VALID
20 PET health certificate. ~~signed by a veterinarian licensed by this~~
21 ~~state, for the dog or cat. The certificate shall include a health~~
22 ~~record indicating the date and type of vaccinations which have been~~
23 ~~given to the dog or cat.~~ FOR PURPOSES OF THIS SUBSECTION, A PET
24 HEALTH CERTIFICATE IS ONLY VALID FOR 30 DAYS AFTER THE DATE THE
25 ANIMAL WAS EXAMINED BY THE VETERINARIAN WHO SIGNED THE CERTIFICATE.

26 (6) A PERSON SHALL NOT OPERATE A LARGE-SCALE DOG BREEDING
27 KENNEL THAT HOUSES OR KEEPS MORE THAN 50 INTACT FEMALE DOGS OVER

1 **THE AGE OF 4 MONTHS IN ANY 1 PHYSICAL LOCATION.**

2 Sec. 6. (1) A municipality shall not operate an animal control
3 shelter unless the animal control shelter is registered with the
4 department.

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

8 **(3) A PERSON SHALL NOT OPERATE A LARGE-SCALE DOG BREEDING**
9 **KENNEL UNLESS THE LARGE-SCALE DOG BREEDING KENNEL IS REGISTERED**
10 **WITH THE DEPARTMENT.**

11 **(4) THIS ACT IS NOT INTENDED TO APPLY TO A DOG OWNER OR**
12 **BREEDER THAT HOUSES 15 OR FEWER INTACT FEMALE DOGS.**

13 Sec. 7. Application for registration of an animal control
14 shelter, ~~or~~ **AN** animal protection shelter, **OR A LARGE-SCALE DOG**
15 **BREEDING KENNEL** shall be on ~~forms approved~~ **A FORM PRESCRIBED** by the
16 ~~department.~~ **DIRECTOR.**

17 Sec. 9. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
18 **SUBSECTION, THE** licensing and registration requirements of this act
19 do not apply to a person who breeds his or her own animals or to a
20 person subject to 1969 PA 224, MCL 287.381 to 287.395. **THE**
21 **LICENSING AND REGISTRATION REQUIREMENTS OF THIS ACT APPLY TO A**
22 **LARGE-SCALE DOG BREEDING KENNEL.**

23 (2) Subsection (1) does not create an exemption from
24 vaccination and licensing requirements under the dog law of 1919,
25 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and
26 handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

27 (3) This act does not require the alteration of a dog, cat, or

1 ferret being reclaimed from an animal control shelter or animal
2 protection shelter by its owner unless a local ~~governmental~~
3 **GOVERNMENT** ordinance requires the alteration.

4 **SEC. 9C. (1) A LARGE-SCALE DOG BREEDING KENNEL SHALL MAINTAIN**
5 **CURRENT VERIFIABLE RECORDS FOR A PERIOD OF AT LEAST 2 YEARS. THE**
6 **RECORDS SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:**

7 (A) THE VERIFIED NAME AND ADDRESS OF THE PERSON FROM WHOM THE
8 DOG WAS ACQUIRED, WHERE THE DOG WAS ACQUIRED, AND THE DATE THAT THE
9 DOG WAS ACQUIRED.

10 (B) A DESCRIPTION AND IDENTIFICATION OF THE DOG, INCLUDING THE
11 DOG'S IDENTIFICATION INFORMATION, COLOR, BREED, SEX, ALTERATION
12 STATUS, AND APPROXIMATE WEIGHT AND AGE.

13 (C) THE DATE AND METHOD OF DISPOSITION OF THE DOG. IF THE DOG
14 IS ADOPTED, TRANSFERRED, OR SOLD, THE RECORDS SHALL ALSO INCLUDE
15 THE VERIFIED NAME AND ADDRESS OF THE PERSON TO WHOM THE DOG IS
16 ADOPTED, TRANSFERRED, OR SOLD.

17 (D) THE NUMBER OF DOGS ON SITE DAILY AT EACH PHYSICAL
18 LOCATION.

19 (E) THE NUMBER OF INTACT BREEDING ADULT FEMALE DOGS ON SITE
20 DAILY AT EACH PHYSICAL LOCATION.

21 (2) A LARGE-SCALE DOG BREEDING KENNEL SHALL MAKE THE RECORDS
22 REQUIRED UNDER SUBSECTION (1) AVAILABLE TO THE DIRECTOR OR HIS OR
23 HER REPRESENTATIVE ON REQUEST.