

HOUSE BILL NO. 4849

June 27, 2023, Introduced by Reps. Koleszar, Fitzgerald, Wilson, Weiss, Tsernoglou, Price, Hood, Morse, Haadsma, Tyrone Carter and Conlin and referred to the Committee on Agriculture.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2674, 2675, and 2678 (MCL 333.2674, 333.2675, and 333.2678) and by adding sections 2670 and 2675a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2670. As used in this section and sections 2671 to 2676:**
2 **(a) "Cat" means a domestic cat of any age of the species *Felis***
3 ***catus*.**

1 (b) "Dog" means a domestic dog of any age of the species *Canis*
2 *lupus familiaris*.

3 (c) "Experimental purpose" means the use of animals to conduct
4 research, testing, or training related to the treatment of human or
5 animal diseases and disorders.

6 (d) "Person" means that term as defined in section 1106 or a
7 governmental entity.

8 (e) "Research facility" means a person that meets both of the
9 following requirements:

10 (i) Is registered or licensed with the United States Department
11 of Agriculture.

12 (ii) Uses or intends to use a dog or cat for experimental
13 purposes.

14 (f) "Veterinarian" means that term as defined in section
15 18805.

16 Sec. 2674. ~~(1)~~The department shall administer sections 2671
17 ~~to 2675.2670 to 2676.~~

18 ~~(2) The members of the animal research advisory board shall~~
19 ~~serve without compensation, but shall be entitled to expenses~~
20 ~~incurred in performance of official duties in accordance with~~
21 ~~section 1216.~~

22 Sec. 2675. The department ~~or~~ its representative ~~or a~~
23 ~~member of the animal research advisory board~~ may inspect any
24 premises or property on or in which ~~animals are~~ **an animal is** kept
25 for experimental purposes for the purpose of ~~investigation of~~
26 **investigating** compliance with ~~board~~ **the department's** standards ~~-~~
27 ~~The standards shall provide for the humane treatment of animals~~
28 ~~reasonably necessary for the purposes of this part.~~ **established in**
29 **rules promulgated under section 2678.**

1 Sec. 2675a. (1) A research facility shall not use a dog or cat
2 for experimental purposes in a manner that causes pain or distress
3 to the dog or cat.

4 (2) For purposes of this section, the use of a dog or cat for
5 experimental purposes causes pain or distress to the dog or cat in
6 any of the following circumstances:

7 (a) The experimental purpose would, if conducted, be
8 reportable to the United States Department of Agriculture under 9
9 CFR 2.36(b)(6) or (7).

10 (b) The experimental purpose may cause death, injury, fear, or
11 trauma to the dog or cat.

12 (c) The experimental purpose involves an invasive procedure,
13 including, but not limited to, penetrating the body, cutting body
14 parts, performing surgery or surgical procedures, implanting a
15 medical device, or administering an experimental agent or drug.

16 (3) Subsection (1) does not apply under either of the
17 following circumstances:

18 (a) If an owner of a dog or cat consents to the use of the
19 owner's dog or cat in veterinary training or veterinary clinical
20 research involving the treatment of an existing disease or ailment.

21 (b) The spaying or neutering of a dog or cat by a veterinarian
22 or veterinary student or other training or medical procedures
23 commonly performed by a veterinarian or veterinary student for the
24 treatment of a dog or cat. As used in this subdivision, "veterinary
25 student" means a student enrolled in a school of veterinary
26 medicine.

27 (4) A research facility that violates this section is subject
28 to a civil fine of not less than \$1,000.00 or more than \$5,000.00
29 for each dog or cat that is the subject of a violation and for each

1 day that the violation continues. The prosecutor of the county in
 2 which the violation occurred or the attorney general may bring an
 3 action to collect the fine. A determination of responsibility for a
 4 violation of this section does not preclude a conviction, sentence,
 5 or determination of responsibility for a violation of any other law
 6 of this state arising from the same conduct.

7 (5) This section may be known as the "Queenie's law".

8 Sec. 2678. The department shall promulgate rules to **do all of**
 9 **the following:**

10 (a) To implement section 2637. ~~and may promulgate rules to~~

11 (b) To implement this part, including **all of** the establishment
 12 ~~of~~ **following:**

13 (i) To **establish** fees. ~~, standards~~

14 (ii) To **establish standards** pertaining to unclaimed bodies, or
 15 parts thereof, ~~standards of unclaimed bodies.~~

16 (iii) To **establish standards** pertaining to the use of animals,
 17 **other than dogs and cats**, for experimental purposes. ~~, and the~~
 18 ~~implementation of~~

19 (iv) To **establish standards** pertaining to the prohibition of
 20 the use of a dog or cat for experimental purposes in a manner that
 21 causes pain or distress to the dog or cat.

22 (v) To **implement** sections 2616 and 2617.

23 Enacting section 1. Sections 2672 and 2673 of the public
 24 health code, 1978 PA 368, MCL 333.2672 and 333.2673, are repealed.