

SENATE BILL No. 1503

September 22, 2010, Introduced by Senator SWITALSKI and referred to the Committee on Agriculture and Bioeconomy.

A bill to regulate commercial dog and cat breeders; to provide for licensing of commercial dog and cat breeders; to prescribe civil sanctions and provide penalties; and to provide for the disposition of civil fines.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "commercial dog and cat breeder act".

3 Sec. 3. As used in this act:

4 (a) "Commercial breeder" means a person who possesses or
5 maintains 25 or more unaltered dogs or cats, or any combination
6 thereof, that are over the age of 4 months in whole or in part for
7 the purpose of the sale of their offspring as companion animals.

8 (b) "Department" means the department of agriculture.

1 (c) "Director" means the director of the department of
2 agriculture or his or her designee.

3 Sec. 5. The department shall promulgate rules pursuant to the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328, to accomplish the purposes of this act and to establish
6 minimum standards for housing, care, and handling of dogs and cats
7 to insure the humane care and handling of dogs and cats by
8 commercial breeders.

9 Sec. 7. (1) A commercial breeder shall obtain a license from
10 the department under the provisions of this act.

11 (2) An application for a commercial breeder license shall be
12 on a form as provided or made available by the director. Beginning
13 on the effective date of this act through September 30, 2012, the
14 director shall issue commercial breeder licenses for a term of 1
15 year beginning January 1 of each year. After September 30, 2012,
16 the director shall issue a commercial breeder license upon
17 application and payment of a license fee of \$150.00.

18 (3) Subject to subsection (7) and until September 30, 2012,
19 the department shall charge a fee of \$200.00 for an initial
20 application for a commercial breeder license and a fee of \$100.00
21 for renewal of a commercial breeder license.

22 (4) Until September 30, 2012 and except as otherwise provided
23 for in this section, a commercial breeder license is renewable by
24 submission of a completed renewal application provided or made
25 available by the department and payment of the renewal fee
26 described in subsection (3).

27 (5) The department shall deposit all license fees, inspection

1 fees, other noncriminal fines or fees, and administrative fines
2 received pursuant to this act into the agriculture licensing and
3 inspection fees fund created in section 9 of the insect pest and
4 plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant
5 to appropriation, by the director in administering and carrying out
6 those duties required by law under this act.

7 (6) The department shall issue an initial or renewal
8 commercial breeder license not later than 90 days after the
9 applicant files a completed application. Receipt of the application
10 is considered the date the application is received by any agency or
11 department of this state. If the application is considered
12 incomplete by the department, the department shall notify the
13 applicant in writing, or make the information electronically
14 available, within 30 days after receipt of the incomplete
15 application, describing the deficiency and requesting the
16 additional information. The 90-day period is tolled upon
17 notification by the department of a deficiency until the date the
18 requested information is received by the department. The
19 determination of the completeness of an application does not
20 operate as an approval of the application for the license and does
21 not confer eligibility of an applicant determined otherwise
22 ineligible for issuance of a license.

23 (7) If the department fails to issue or deny a license within
24 the time required by this section, the department shall return the
25 license fee and shall reduce the license fee for the applicant's
26 next renewal application, if any, by 15%. The failure to issue a
27 license within the time required under this subsection does not

1 allow the department to otherwise delay the processing of the
2 application, and that application, upon completion, shall be placed
3 in sequence with other completed applications received at that same
4 time. The department shall not discriminate against an applicant in
5 the processing of the application based upon the fact that the
6 license fee was refunded or discounted under this subsection.

7 (8) The director shall submit a report by December 1 of each
8 year to the standing committees and appropriations subcommittees of
9 the senate and house of representatives concerned with agriculture
10 issues. The director shall include all of the following information
11 in the report concerning the preceding fiscal year:

12 (a) The number of initial and renewal applications the
13 department received and completed within the 90-day time period
14 described in subsection (6).

15 (b) The number of applications denied.

16 (c) The number of applicants not issued a license within the
17 90-day time period and the amount of money returned to licensees
18 and registrants under subsection (7).

19 (9) As used in this section, "completed application" means an
20 application complete on its face and submitted with any applicable
21 licensing fees as well as any other information, records, approval,
22 security, or similar item required by law or rule from a local unit
23 of government, a federal agency, or a private entity but not from
24 another department or agency of this state. In the case of an
25 initial application, completed application includes the completion
26 of construction or renovation of any facility and the passing of a
27 satisfactory inspection.

1 Sec. 9. The director shall not issue a license to a commercial
2 breeder until the director has inspected the premises to assure
3 that it complies with the provisions of this act and the rules of
4 the department.

5 Sec. 11. (1) A commercial breeder shall not sell or deliver a
6 dog or cat without providing to the purchaser a health certificate
7 signed by a veterinarian licensed by this state for the dog or cat.
8 The health certificate shall include a health record indicating the
9 date and type of vaccinations that have been given to the dog or
10 cat.

11 (2) A commercial breeder shall not sell or deliver a dog
12 unless the dog has received all of the following vaccinations at
13 age-appropriate times:

- 14 (a) Canine parvovirus (CPV-2).
- 15 (b) Canine distemper virus (CDV).
- 16 (c) Canine adenovirus-2 (CAV-2).
- 17 (d) Rabies.

18 (3) A commercial breeder shall not sell or deliver a cat
19 unless the cat has received all of the following vaccinations at
20 age-appropriate times:

- 21 (a) Panleukopenia virus (PFV)/feline herpesvirus-1 and feline
22 calicivirus (FHV-1/FCV).
- 23 (b) Rabies.

24 Sec. 13. (1) If a commercial breeder violates this act or a
25 rule promulgated under this act, the director, after notice and an
26 opportunity for an evidentiary hearing under the administrative
27 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do

1 either or both of the following:

2 (a) Suspend or revoke a license issued to the commercial
3 breeder under this act.

4 (b) Impose an administrative fine of not more than \$1,000.00
5 for each violation. The director shall advise the attorney general
6 of the failure of a commercial breeder to pay an administrative
7 fine under this section. The attorney general shall bring a civil
8 action to recover the administrative fine and costs and fees. The
9 administrative fine shall be deposited in the agriculture licensing
10 and inspection fees fund created in section 9 of the insect pest
11 and plant disease act, 1931 PA 189, MCL 286.209.

12 (2) In addition to any other action authorized by this act,
13 the director may bring an action to do 1 or more of the following:

14 (a) Obtain a declaratory judgment that a method, act, or
15 practice is in violation of this act.

16 (b) Obtain an injunction against a commercial breeder who is
17 engaging, or about to engage, in a method, act, or practice that
18 violates this act.

19 Sec. 15. A commercial breeder who violates the provisions of
20 this act or any rule of the department promulgated under the
21 provisions of this act is guilty of a misdemeanor.