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BILL



ANALYSIS

Telephone: (517) 373-5383  
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Senate Bills 423 and 424 (as introduced 6-9-11)

Sponsor: Senator Rick Jones (S.B. 423)

Senator Steven Bieda (S.B. 424)

Committee: Agriculture

Date Completed: 6-14-12

### **CONTENT**

**Senate Bills 423 and 424 would amend Public Act 287 of 1969 (which governs pet shops, dog pounds, and animal shelters) and the Public Health Code, respectively, to require a person to use an injection of a commercially prepared solution as provided under the Public Health Code when euthanizing a dog or cat.**

Senate Bill 423 would apply to a dog or cat under the control of an animal control or protection shelter. Senate Bill 424 would apply to a dog or cat under the control of a class B dealer. Specifically, the bills would require the use of an injection of a commercially prepared solution as provided in Section 7333 of the Code (described below).

Senate Bill 423 provides that this requirement would not apply to or prohibit the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock.

Proposed MCL 287.338b (S.B. 423)

Proposed MCL 333.7333b (S.B. 424)

### **BACKGROUND**

Under Section 7333 of the Public Health Code, an animal control or protection shelter registered with the Michigan Department of Agriculture and Rural Development (MDARD) or a class B dealer may acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of sodium pentobarbital to practice euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, if the shelter or dealer does the following:

- Applies to the Michigan Board of Pharmacy for a permit in accordance with applicable rules.
- Complies with the Board's rules for the storage, handling, and use of a commercially prepared solution of sodium pentobarbital, and keeps a record of use and makes it available for inspection.
- Certifies that an employee has received, and can document completion of, at least eight hours of training given by a licensed veterinarian in the use of sodium pentobarbital to practice euthanasia on animals pursuant to Board rules, and that only such an individual will administer the solution according to written procedures established by the shelter.

Section 7333 contains similar provisions allowing an animal control or protection shelter to acquire a limited permit for the purpose of buying, possessing, and administering a commercially prepared solution of an animal tranquilizer to sedate a feral, wild, difficult to handle, or other animal for euthanasia. These provisions, however, require at least 16 hours of training, including at least three hours of practical training in the use of animal tranquilizers on animals from an approved training program.

Section 7333 defines "animal tranquilizer" as xylazine hydrochloride or other animal tranquilizing drug as approved by the U.S. Food and Drug Administration and by MDARD.

"Class B dealer" means a class B dealer licensed by the U.S. Department of Agriculture (USDA) pursuant to the Animal Welfare Act and the Michigan Department of Agriculture and Rural Development pursuant to Public Act 224 of 1969, which governs the use of dogs and cats for research. According to the USDA, dealers are individuals who sell regulated animals for research, exhibition, or as pets in wholesale channels. Class B dealers include brokers, operators of auction sales, and those who supply dealers with dogs, cats, and other regulated animals collected from random sources.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bills would have a minimal fiscal impact on local government. According to the Department of Agriculture and Rural Development, there are few counties that do not already use the euthanizing methods required under the bills. Those few counties could realize some additional costs in complying with the requirements of the bills, in an amount that cannot be determined at this time.

In addition, those found in violation of the proposed requirement in Senate Bill 423 could be charged with a misdemeanor, which could increase court caseload and costs of incarceration and/or community supervision for local units.

Fiscal Analyst: Bruce Baker  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.