

## "ANIMAL ADOPTION PROTECTION ACT" AND "LOGAN'S LAW"

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4353 as introduced**  
**Sponsor: Rep. Harvey Santana**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4355 as introduced**  
**Sponsor: Rep. Paul Muxlow**

**Committee: Judiciary**  
**Complete to 5-4-15**

### SUMMARY:

House Bill 4353 would create the Animal Adoption Protection Act to prohibit animal shelters from adopting out an animal to an individual with a prior conviction for animal abuse for at least five years after the conviction, and to define the term "animal abuse offense."

House Bill 4355 would create Logan's Law to require animal control or protection shelters to conduct an ICHAT search before adopting out an animal.

#### **House Bill 4353**

The bill would amend Section 1 of the Pet Shop Law (MCL 287.331), and add Section 8c to create the Animal Adoption Protection Act. The bill would allow an animal control shelter or animal protection shelter to consider an individual's criminal history when deciding whether to allow that individual to adopt an animal. The shelter could not allow an individual to adopt an animal if the individual had been convicted of an animal abuse offense, unless a period of at least five years had elapsed since the date of the conviction.

An animal control or protection shelter could choose not to allow an individual to adopt an animal if that individual is charged with committing an animal abuse offense and enters a plea to any other crime in exchange for dismissal of that charge.

"Animal abuse offense" would mean a violation of one or more of the following laws (but does not include the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock):

- Section 49 of the Michigan Penal Code (MCL 750.49), pertaining to animal fighting.
- Section 50 of the Michigan Penal Code (MCL 750.50), pertaining to animal neglect or cruelty.
- Section 50a of the Michigan Penal Code (MCL 750.50a), pertaining to abuse of a leader dog.

- Section 50b of the Michigan Penal Code (MCL 750.50b), pertaining to killing or torturing an animal.
- Section 50c of the Michigan Penal Code (MCL 750.50c), pertaining to abuse of a law enforcement dog.
- Section 158 of the Michigan Penal Code (MCL 750.158), sodomy involving an animal.
- A violation of a local ordinance substantially corresponding to any of the above.
- An attempt or conspiracy to commit an offense described above.

The bill would define "ICHAT" to mean the Internet Criminal History Access Tool maintained by the Department of State Police. The definition of "animal" would be revised to mean a vertebrate other than a human being except livestock as defined in PA 284 of 1937.

### **House Bill 4355**

The bill would add Section 8b to the Pet Shop Law (1969 PA 287), which would be known as "Logan's Law," to require animal control shelters and animal protection shelters—before allowing an individual to adopt an animal—to conduct a search using ICHAT to determine whether that individual has a prior criminal history for an animal abuse offense.

A shelter would not be in violation of the act if it searched ICHAT as required and the search failed to disclose that the individual has a prior criminal history for an animal abuse offense.

The bill would not apply to a pet shop that allows an animal control or animal protection shelter to use its resources, including, but not limited to, the shop's premises, facilities, employees, equipment, and advertising for pet adoptions. The bill also would not apply to a pet shop that works with an animal protection shelter but does not perform adoptions except as an agent of the animal protection shelter. A pet shop described in this provision would not be considered an animal protection shelter and would not be liable for any pet adoptions performed by an animal protection shelter.<sup>1</sup>

["Animal control shelter" is defined in the Pet Shop Act as a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at

---

<sup>1</sup> The Pet Shop Law is administered by the Department of Agriculture and Rural Development. A notice on the department's website says, "[s]ince 1969 the Michigan Department of Agriculture & Rural Development (MDARD) has licensed and regulated pet shops offering mammals other than livestock or rodents for sale. Due to state financial constraints, MDARD can no longer operate the pet shop program. Therefore, effective August 1, 2009, the department is suspending the pet shop program. In addition, MDARD will no longer accept new applications for a pet shop license. Although MDARD will no longer be regulating pet shops, all pet shop operators are advised to use the laws and regulations concerning pet shops as guidelines for animal care in their facilities. As the department is suspending the program, MDARD will also no longer be supplying pet shop health certificates effective August 1, 2009. Complainants wishing to file complaints against pet shops will be directed to local law enforcement agencies." See, [http://www.michigan.gov/mdard/0,4610,7-125-1569\\_16979\\_21259-171138--,00.html](http://www.michigan.gov/mdard/0,4610,7-125-1569_16979_21259-171138--,00.html).]

large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.

"Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.]

**FISCAL IMPACT:**

Based on the fiscal analysis of similar bills in the 2013-2014 legislative session, there would not be a significant fiscal impact on the Department of Agriculture and Resource Development.

Legislative Analyst: Susan Stutzky

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.