

# HOUSE BILL No. 4761

July 14, 2015, Introduced by Reps. Greig, Plawecki, Yanez, Wittenberg, Chang, Derek Miller, Love, Darany, Geiss, LaVoy, Hoadley, Pagan, Santana and Kosowski and referred to the Committee on Regulatory Reform.

A bill to regulate large-scale commercial breeding kennels; to provide for the promulgation of rules; to provide for exceptions; and to provide for penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the "puppy  
2 protection act".

3       Sec. 3. As used in this act:

4       (a) "Adequate food and water" means the provision of  
5 sufficiently nutritious food at least once a day to maintain a  
6 state of good health and access to regularly available potable  
7 water that is not frozen and is free of debris, feces, and other  
8 contaminants. Both the food and water provided to a dog or puppy  
9 shall be suitable for the age and breed of the dog or puppy.

10       (b) "Adequate housing" means either of the following:

1 (i) A housing facility that satisfies all of the following:

2 (A) Is structurally sound.

3 (B) Is maintained in good repair to protect a dog or puppy  
4 from injury.

5 (C) Contains 1 or more dogs or puppies and restricts the  
6 entrance of other dogs or puppies.

7 (ii) A primary enclosure that satisfies all of the following:

8 (A) Has a solid floor or a slatted floor with gaps of no more  
9 than 1/2 inch between the slats.

10 (B) Is not stacked or otherwise placed on top of or below  
11 another animal's primary enclosure.

12 (C) Allows each dog or puppy in the enclosure room to turn and  
13 stretch freely and to fully extend all limbs simultaneously without  
14 touching another dog or puppy.

15 (D) Is placed no higher than 42 inches above the floor.

16 (c) "Adequate rest between breeding cycles" means, at a  
17 minimum, ensuring that a dog is not bred to produce more than 1  
18 litter in any 12-month period of time.

19 (d) "Adequate sanitary conditions" means space free from  
20 health hazards, including, but not limited to, excessive waste,  
21 overcrowding, or other conditions that endanger a dog's or puppy's  
22 health.

23 (e) "Adequate shelter from elements" means, at a minimum and  
24 based upon the age, breed, and physical condition of a dog or  
25 puppy, adequate protection from heat and cold and from the elements  
26 and weather conditions so as to maintain the dog or puppy in a  
27 state of good health and safety.

1 (f) "Adequate veterinary care" means, at a minimum, all of the  
2 following:

3 (i) Maintenance of current vaccination against rabies by a  
4 licensed veterinarian.

5 (ii) Prompt treatment of any significant illness or injury by  
6 a licensed veterinarian.

7 (iii) When necessary, humane euthanasia that is performed only  
8 by a licensed veterinarian or other individual authorized to  
9 euthanize animals under the public health code, 1978 PA 368, MCL  
10 333.1101 to 333.25211.

11 (g) "Animal control shelter" means that term as defined in  
12 section 1 of 1969 PA 287, MCL 287.331.

13 (h) "Animal protection shelter" means that term as defined in  
14 section 1 of 1969 PA 287, MCL 287.331.

15 (i) "Department" means the department of agriculture and rural  
16 development.

17 (j) "Director" means the director of the department or his or  
18 her authorized representative.

19 (k) "Dog" means an animal of the species *Canis familiaris* or  
20 *Canis lupus familiaris* who is over 4 months of age.

21 (l) "Fully extend all limbs" means fully extending all limbs  
22 while lying down without touching the side of a primary enclosure  
23 or another dog or puppy.

24 (m) "Housing facility" means a room, building, or area used to  
25 contain a primary enclosure.

26 (n) "Intact dog" means a dog with intact sexual organs.

27 (o) "Large-scale commercial breeding kennel" means a kennel

1 where more than 15 female intact dogs are housed for the purpose of  
2 breeding.

3 (p) "Licensed veterinarian" means a person licensed to  
4 practice veterinary medicine under part 188 of the public health  
5 code, 1978 PA 368, MCL 333.18801 to 333.18838.

6 (q) "Person" means an individual, firm, partnership, joint  
7 venture, association, limited liability company, corporation,  
8 estate, trust, receiver, or syndicate.

9 (r) "Pet shop" means that term as defined in section 1 of 1969  
10 PA 287, MCL 287.331.

11 (s) "Primary enclosure" means a structure used to immediately  
12 restrict 1 or more dogs or puppies to a limited amount of space and  
13 includes, but is not limited to, a pen, run, cage, or compartment.

14 (t) "Puppy" means an animal of the species *Canis familiaris* or  
15 *Canis lupus familiaris* who is 4 months of age or less.

16 (u) "Regular exercise" means, at a minimum, 1 exercise period  
17 during each day for a total of not less than 1 hour for each dog or  
18 puppy, and includes the removal from the dog's or puppy's primary  
19 enclosure allowing the dog or puppy free mobility for the entire  
20 exercise period by either leash-walking or giving the dog or puppy  
21 access to a space that is at least 60 square feet in area, but  
22 shall not include the use of a treadmill, jenny mill, slat mill, or  
23 similar device, unless prescribed by a doctor of veterinary  
24 medicine to address a specific medical condition.

25 (v) "State of good health" means freedom from disease and  
26 illness, and in a condition of proper body weight and temperature  
27 for the age and breed of the dog or puppy, unless the dog or puppy

1 is undergoing appropriate treatment.

2 (w) "Turn and stretch freely" means the ability of a dog or  
3 puppy, without touching the side of a primary enclosure, to sit and  
4 stand on all 4 legs and turn in a complete circle without any  
5 impediment, including a tether.

6 Sec. 5. Notwithstanding any other provision of law and subject  
7 to section 9, a person who operates a large-scale commercial  
8 breeding kennel shall not house more than 15 female intact dogs for  
9 the purpose of breeding unless the dogs and puppies in the large-  
10 scale commercial breeding kennel are provided with all of the  
11 following:

12 (a) Adequate housing.

13 (b) Adequate sanitary conditions.

14 (c) Sufficient room for each dog and puppy to turn and stretch  
15 freely.

16 (d) Adequate food and water.

17 (e) Regular exercise.

18 (f) Adequate veterinary care.

19 (g) Adequate rest between breeding cycles.

20 (h) Adequate shelter from the elements.

21 Sec. 6. Notwithstanding any other provision of law and subject  
22 to section 9, a person who operates a large-scale commercial  
23 breeding kennel shall not sell a puppy that is less than 8 weeks of  
24 age.

25 Sec. 7. Notwithstanding any other provision of law and subject  
26 to section 9, a person shall not own, possess, control, or  
27 otherwise have charge or custody of more than 50 female intact dogs

1 at any time at any single location.

2 Sec. 9. This act does not apply to any of the following:

3 (a) During the lawful examination, testing, operation, or  
4 other individual treatment of a dog or puppy for veterinary  
5 purposes.

6 (b) During the transportation of a dog or puppy.

7 (c) Pet shops.

8 (d) Animal control shelters.

9 (e) Animal protection shelters.

10 (f) Scientific research conducted using a dog or puppy under  
11 1969 PA 224, MCL 287.381 to 287.395.

12 (g) Scientific research conducted using a dog or puppy under  
13 sections 2226, 2671, 2676, and 7333 of the public health code, 1978  
14 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

15 (h) A person or breeder who houses 15 or fewer female intact  
16 dogs.

17 Sec. 11. A person who violates any provision of this act is  
18 guilty of a misdemeanor punishable by 1 or more of the following:

19 (a) Imprisonment for not more than 93 days.

20 (b) A fine of not less than \$1,000.00 for each violation.

21 (c) Suspension of the person's large-scale commercial breeding  
22 kennel license for a period of not less than 1 year.

23 (d) Revocation of the person's large-scale commercial breeding  
24 kennel license.

25 Sec. 13. The director may promulgate rules in accordance with  
26 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
27 to 24.328, to govern the handling of dogs and puppies by large-

1 scale commercial breeding kennels and to promote the health,  
2 safety, and well-being of dogs and puppies in large-scale  
3 commercial breeding kennels.

4 Sec. 15. The provisions of this act are in addition to, and  
5 not in lieu of, any other laws protecting animal welfare. This act  
6 shall not be construed to limit any other state law or rules  
7 protecting the welfare of animals. This act does not prevent a  
8 local unit of government from adopting and enforcing local  
9 ordinances or charter provisions relating to animal welfare.

10 Enacting section 1. This act takes effect 90 days after the  
11 date it is enacted into law.

12 Enacting section 2. This act does not take effect unless  
13 Senate Bill No.\_\_\_\_ or House Bill No. 4760 (request no. 01849'15) of  
14 the 98th Legislature is enacted into law.