

SUBSTITUTE FOR
SENATE BILL NO. 148

A bill to amend 1969 PA 224, entitled
"An act to license and regulate dealers in and research facilities
using dogs and cats for research purposes; and to repeal certain
acts and parts of acts,"
by amending section 12 (MCL 287.392) and by adding sections 11a and
12a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11a. (1) By March 31 each year, a research facility that
2 uses **dogs or cats** shall submit a report to, and on a form provided
3 by, the department that includes all of the following information
4 regarding the preceding calendar year:

5 (a) The total number of **dogs and cats** owned by the research
6 facility.

1 (b) The total number of **dogs and cats** that are used for
2 laboratory research conducted at the research facility.

3 (c) The total number of **dogs and cats** released by the research
4 facility.

5 (2) The department shall use the information provided on a
6 report submitted under subsection (1) for purposes of determining
7 compliance under section 8a and shall not make any information
8 provided on the report available on the department's website.

9 Sec. 12. (1) ~~Any~~ Except as provided in subsection (2), a
10 person ~~who~~ that violates any of the provisions of this act is
11 guilty of a misdemeanor.

12 (2) If a research facility violates section 8a or 11a, the
13 department, after notice and opportunity for a hearing under the
14 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
15 24.328, may impose an administrative fine as follows:

16 (a) If the violation involved 1 **dog or cat**, a fine of not more
17 than **\$1,000.00**.

18 (b) If the violation involved 2 or 3 **dogs or cats**, a fine of
19 not more than **\$2,000.00**.

20 (c) If the violation involved 4 or more **dogs or cats** but fewer
21 than 10 **dogs or cats** or the research facility has 1 prior violation
22 under section 8a or 11a, a fine of not more than **\$3,000.00**.

23 (d) If the violation involved 10 or more **dogs or cats** but
24 fewer than 25 **dogs or cats** or the research facility has 2 prior
25 violations under section 8a or 11a, a fine of not more than
26 **\$5,000.00**

27 (e) If the violation involved 25 or more **dogs or cats** or the
28 research facility has 3 or more prior violations under section 8a
29 or 11a, a fine of not more than **\$10,000.00**.

1 (3) The department shall advise the attorney general of the
2 failure of a person to pay an administrative fine under subsection
3 (2). The attorney general shall bring an action to enforce
4 compliance with sections 8a and 11a and recover the administrative
5 fine, actual costs and fees, and attorney fees. The court shall
6 triple the administrative fine as part of any monetary judgment.

7 (4) An administrative fine collected under subsection (2) must
8 be deposited into the laboratory animal fund created under section
9 12a.

10 (5) One year after the effective date of the amendatory act
11 that amended this section, the department may issue a warning for a
12 violation of section 8a or 11a instead of imposing an
13 administrative fine under subsection (2).

14 Sec. 12a. (1) The laboratory animal fund is created within the
15 state treasury.

16 (2) The state treasurer may receive the administrative fines
17 collected under section 12(2) for deposit into the laboratory
18 animal fund. The state treasurer may also receive money or other
19 assets from any other source for deposit into the laboratory animal
20 fund. The state treasurer shall credit to the laboratory animal
21 fund interest and earnings from fund investments.

22 (3) Money in the laboratory animal fund at the close of the
23 fiscal year remains in the laboratory animal fund and does not
24 lapse to the general fund.

25 (4) The department is the administrator of the laboratory
26 animal fund for auditing purposes. The department shall expend
27 money from the laboratory animal fund to administer sections 8a,
28 11a, and 12.

29 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. 149 of the 102nd Legislature is enacted into
2 law.