

HOUSE BILL NO. 6198

November 26, 2024, Introduced by Rep. Skaggs and referred to the Committee on Regulatory Reform.

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending the title and sections 1, 2, 3, 4, 5, 5a, 6, 7, 8, 9, 9b, 9c, and 10 (MCL 287.331, 287.332, 287.333, 287.334, 287.335, 287.335a, 287.336, 287.337, 287.338, 287.339, 287.339b, 287.339c, and 287.340), the title and section 8 as amended by 1997 PA 7, section 1 as amended by 2017 PA 84, sections 2, 5a, 6, 7, and 9 as amended and section 9c as added by 2016 PA 392, section 4 as

amended by 2018 PA 291, and section 9b as amended by 2007 PA 79, and by adding section 7a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to regulate **and license** pet shops, animal control
 3 shelters, ~~and~~ animal protection shelters, ~~and~~ **small-scale dog**
 4 **breeding kennels, and large-scale dog breeding kennels; to require**
 5 **inspections;** to establish uniform procedures and minimum
 6 requirements for **the** adoption of dogs, cats, and ferrets; ~~and~~ to
 7 prescribe penalties and civil fines; ~~and~~ **to require the**
 8 **promulgation of rules;** to provide remedies; **and to repeal acts and**
 9 **parts of acts.**

10 Sec. 1. As used in this act:

11 (a) "Adoption" means a transfer of ownership, with or without
 12 remuneration, of an animal from an animal control shelter or animal
 13 protection shelter to an individual for the purpose of being a
 14 companion animal for that individual. As used in this subdivision,
 15 a companion animal includes, but is not limited to, a dog that is
 16 used for hunting or as a guard dog.

17 (b) "Alteration" means a professional sterilization procedure
 18 performed by a veterinarian that renders a dog, cat, or ferret
 19 incapable of reproducing.

20 (c) "Altered", in reference to a dog, cat, or ferret, means
 21 having undergone alteration.

22 (d) Except as provided in section 8b, "animal" means a mammal
 23 except livestock, as **that term is** defined in **section 1** 1937 PA 284,
 24 MCL 287.121, ~~to MCL 287.131,~~ and rodents.

25 (e) "Animal abuse offense" means 1 or more of the following,
 26 but does not include the lawful use of an animal to hunt or to

1 participate in field trials or the lawful killing or other use of
2 an animal in farming or a generally accepted animal husbandry or
3 farming practice involving livestock:

4 (i) A violation of section 49 of the Michigan penal code, 1931
5 PA 328, MCL 750.49.

6 (ii) A violation of section 50 of the Michigan penal code, 1931
7 PA 328, MCL 750.50.

8 (iii) A violation of section 50a of the Michigan penal code,
9 1931 PA 328, MCL 750.50a.

10 (iv) A violation of section 50b of the Michigan penal code,
11 1931 PA 328, MCL 750.50b.

12 (v) A violation of section 50c of the Michigan penal code,
13 1931 PA 328, MCL 750.50c.

14 (vi) A violation of section 158 of the Michigan penal code,
15 1931 PA 328, MCL 750.158, if the violation arose out of a crime
16 against nature with an animal.

17 (vii) A violation of a local ordinance **that** substantially
18 ~~corresponding~~ **corresponds** to a violation described in subparagraphs
19 (i) to (vi).

20 (viii) An attempt or conspiracy to commit an offense described
21 in subparagraphs (i) to (vii).

22 (f) "Animal control shelter" means a facility operated by a
23 municipality for the impoundment and care of animals that are found
24 in the streets or at large, animals that are otherwise held due to
25 the violation of a municipal ordinance or state law, or animals
26 that are surrendered to the animal control shelter.

27 (g) "Animal protection shelter" means a facility operated by a
28 person, humane society, society for the prevention of cruelty to
29 animals, **private animal rescue organization**, or any other ~~nonprofit~~

1 organization for the care of homeless animals. **Animal protection**
2 **shelter includes the following:**

3 (i) An animal sanctuary, which is a private facility that is
4 not used for impoundment, but keeps animals exclusively for the
5 purpose of caring for and housing the animals indefinitely. An
6 animal sanctuary described under this subparagraph includes an
7 organization that does not maintain a central facility for keeping
8 animals or is foster based.

9 (ii) A rescue facility that houses animals while the animals
10 wait for adoption or permanent placement. A rescue facility
11 described under this subparagraph includes an organization that
12 does not maintain a central facility for keeping animals or is
13 foster based.

14 (h) "Cat" means a domestic cat of any age of the species ~~Felis~~
15 ~~eatus.~~ **Felis catus.**

16 (i) "Department" means the ~~state~~ department of agriculture and
17 rural development.

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

20 (j) ~~(k)~~ "Dog" means a domestic dog of any age of the species
21 ~~Canis familiaris.~~ **Canis lupus familiaris.**

22 (k) ~~(l)~~ "Ferret" means an animal of any age of the species
23 ~~Mustela furo.~~ **Mustela furo.**

24 (l) "Foster based" means an entity that utilizes temporary or
25 continual foster agreements with a foster facility to house animals
26 under the entity's care.

27 (m) "Foster facility" means a place where an animal control
28 shelter or animal protection shelter, without or in addition to a
29 central facility, keeps animals awaiting placement in a permanent

1 home. Foster facility includes a private home.

2 (n) "Housed or kept for the primary purpose of breeding" means
3 that a female dog has previously been bred and whelped. A female
4 dog that has not previously produced offspring is not considered to
5 have been housed or kept for the primary purpose of breeding.

6 (o) ~~(m)~~ "ICHAT" means the internet criminal history access
7 tool maintained by the department of state police.

8 (p) ~~(n)~~ "Intact dog" means a dog that has not been altered.

9 (q) ~~(e)~~ "Large-scale dog breeding kennel" means a facility
10 where more than 15 female intact dogs over the age of 4 months are
11 housed or kept for the primary purpose of breeding. ~~As used in this~~
12 ~~subdivision, "housed or kept for the primary purpose of breeding"~~
13 ~~means that the female dog has previously been bred and whelped. A~~
14 ~~female dog that has not previously produced offspring shall not be~~
15 ~~considered to have been housed or kept for the primary purpose of~~
16 ~~breeding.~~

17 (r) ~~(p)~~ "Municipality" means a county, city, village, or
18 township.

19 (s) ~~(q)~~ "Person" means an individual, partnership,
20 corporation, association, governmental entity, or other legal
21 entity.

22 (t) ~~(r)~~ "Pet health certificate" means a certificate in a form
23 prescribed by the ~~director~~ **department** in which a veterinarian
24 attests to the species, age, sex, breed, and description of an
25 animal; any medical conditions of the animal; any medical treatment
26 and vaccinations that the animal received while under the control
27 of a pet shop or large-scale dog breeding kennel; and to the fact
28 that at the time of the preparation of the certificate the
29 veterinarian examined the animal and found the animal free from

1 visual evidence of communicable disease.

2 (u) ~~(s)~~ "Pet shop" means a place where animals are sold,
3 **exchanged, or transferred**, or offered for sale, exchange, or
4 transfer.

5 (v) "Small-scale dog breeding kennel" means a facility where
6 **more than 4 but less than 16 female intact dogs over the age of 4**
7 **months are housed or kept for the primary purpose of breeding.**

8 (w) ~~(t)~~ "Veterinarian" means a person licensed to **engage in**
9 **the practice of** veterinary medicine under part 188 of the public
10 health code, 1978 PA 368, MCL 333.18801 to 333.18838.

11 Sec. 2. (1) The **department shall promulgate rules in**
12 **accordance with the administrative procedures act of 1969, 1969 PA**
13 **306, MCL 24.201 to 24.328, to establish procedures and**
14 **requirements, including fees, for inspections required under**
15 **section 5.**

16 (2) **The department may promulgate rules in accordance with the**
17 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
18 **24.328, to accomplish do any of the following:**

19 (a) **Accomplish** the purposes of this act. ~~and to establish~~

20 (b) **Establish** minimum standards for the housing, care, and
21 handling of animals to insure the humane care and handling of
22 animals. ~~The department may also promulgate rules to establish~~

23 (c) **Establish** minimum standards for **small-scale dog breeding**
24 **kennels and** large-scale dog breeding kennels. ~~The rules shall be~~
25 ~~promulgated in accordance with the administrative procedures act of~~
26 ~~1969, 1969 PA 306, MCL 24.201 to 24.328.~~

27 (d) **Establish minimum standards for foster facilities and**
28 **foster agreements.**

29 (3) ~~(2)~~ Except as otherwise provided in this subsection, until

1 the department promulgates rules under subsection ~~(1)~~, **(2)**, a
 2 large-scale dog breeding kennel is subject to R 285.151.1 to R
 3 285.151.41 of the Michigan ~~administrative code~~. **Administrative**
 4 **Code**. Notwithstanding R 285.151.25 of the Michigan ~~administrative~~
 5 ~~code~~, **Administrative Code**, in a **small-scale dog breeding kennel or**
 6 large-scale dog breeding kennel, a female dog in estrus may be
 7 housed with intact male dogs for the purpose of breeding.

8 Sec. 3. ~~No~~ **Beginning January 1, 2027, a person shall not**
 9 **operate a**~~an animal control shelter, animal protection shelter, or~~
 10 ~~pet shop unless he has first received a license from the department~~
 11 ~~of agriculture~~ **the person has been granted a license** under the
 12 ~~provisions of this act.~~ **section 4.**

13 Sec. 4. (1) ~~Applications for~~ **A person shall apply for an**
 14 **initial or renewal license to operate an animal control shelter,**
 15 **animal protection shelter, or** pet shop licenses ~~must be on a form~~
 16 ~~as provided or made available by the director. Beginning October 1,~~
 17 ~~2003 through September 30, 2012, the director shall issue pet shop~~
 18 ~~licenses for a term of 1 year beginning January 1 of each year.~~
 19 ~~After September 30, 2012, the director shall issue a pet shop~~
 20 ~~license upon application and payment of a license fee of \$150.00.~~

21 ~~(2) Subject to subsection (6) and until September 30, 2012,~~
 22 ~~the department shall charge a fee of \$200.00 for an initial~~
 23 ~~application for a pet shop license and a fee of \$100.00 for renewal~~
 24 ~~of a pet shop license.~~

25 ~~(3) Until September 30, 2012 and except as otherwise provided~~
 26 ~~for in this section, a pet shop license is renewable by submission~~
 27 ~~of a completed renewal application provided or made available by~~
 28 ~~the department and payment of the renewal fee described in~~
 29 ~~subsection (2).~~

1 ~~(4) The department shall deposit all license fees, inspection~~
2 ~~fees, other noncriminal fines or fees, and administrative fines~~
3 ~~received pursuant to this act into the agriculture licensing and~~
4 ~~inspection fees fund created in section 9 of the insect pest and~~
5 ~~plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant~~
6 ~~to appropriation, by the director in administering and carrying out~~
7 ~~those duties required by law under this act.~~ **on a form and in a**
8 **manner prescribed by the department. The applicant shall include**
9 **with the application all of the following information:**

10 **(a) If the applicant is an individual, the individual's name,**
11 **email address, and phone number. If the applicant is a business**
12 **entity, the name of the business entity and the name, email**
13 **address, and phone number of the business entity's authorized**
14 **representative.**

15 **(b) Mailing address, and if different, facility address.**

16 **(c) Type and number of animals that can be housed or kept at**
17 **the addresses listed in subdivision (b), as applicable.**

18 **(d) An emergency and contingency plan that provides for the**
19 **humane handling, treatment, transportation, housing, and care of**
20 **animals in the care of or otherwise kept by the applicant in the**
21 **event of an emergency or disaster.**

22 **(e) Other information required by the department.**

23 **(2) The department shall grant an applicant a license to**
24 **operate an animal control shelter, animal protection shelter, or**
25 **pet shop if the applicant does all of the following:**

26 **(a) Submits a completed application under subsection (1).**

27 **(b) Pays the license fee under subsection (3).**

28 **(c) Completes and passes an inspection under section 5.**

29 **(3) An applicant shall include with an application for a**

1 license a \$500.00 license fee.

2 (4) A license granted under this section is valid for 1 year
3 from the date of issuance.

4 (5) Beginning January 1, 2030, and by January 1 every 5 years
5 thereafter, the department may adjust the license fee in subsection
6 (3) by comparing the percentage increase or decrease in the
7 Consumer Price Index for the preceding year by the corresponding
8 Consumer Price Index 5 years earlier. The department shall multiply
9 that percentage change by the amount of the license fee in
10 subsection (3), and round up the dollar value adjustment made under
11 this subsection to the nearest dollar. As used in this subsection,
12 "Consumer Price Index" means the most comprehensive index of
13 consumer prices available for the Detroit-Warren-Dearborn area from
14 the Bureau of Labor Statistics of the United States Department of
15 Labor.

16 (6) ~~(5) Beginning July 23, 2004, the~~ **The** department shall
17 ~~issue an initial or renewal pet shop~~ **approve or deny an application**
18 ~~for a license not later than under this section not later than~~ 90
19 days after the applicant ~~files~~ **submits** a completed application.
20 ~~Receipt of the application is considered the date the application~~
21 ~~is received by any agency or department of this state. If the~~
22 application is ~~considered incomplete, by the department, the~~
23 department shall notify the applicant in writing, or make the
24 information electronically available, ~~within~~ **not later than** 30 days
25 after receipt of the incomplete application, ~~describing and state~~
26 the deficiency and ~~requesting the~~ **request** additional information or
27 **require that certain actions be taken.** The 90-day period to **approve**
28 **or deny an application under this subsection** is tolled ~~upon~~
29 ~~notification by~~ **when** the department **notifies the applicant** of a

1 deficiency. ~~until the date~~ **Unless an extension is granted by the**
 2 **department, the applicant must provide** the requested **additional**
 3 ~~information is received by~~ **to the department or complete any**
 4 **required actions not later than 30 days after the notice of the**
 5 **deficiency is received. The applicant may request an extension to**
 6 **the 30-day timeline to provide additional information or complete**
 7 **required actions on a form and in a manner prescribed by the**
 8 **department.** The determination of the completeness of an application
 9 is not an approval of the application for the license and does not
 10 confer eligibility of an applicant determined otherwise ineligible
 11 for issuance of a license.

12 (7) ~~(6)~~ ~~If the department fails to issue~~ **approve** or deny ~~a~~ **an**
 13 **application for a license under this section** within the time
 14 ~~required by this section,~~ **under subsection (6),** the department
 15 shall return the license fee and ~~shall~~ reduce the license fee for
 16 the applicant's next renewal application, if any, by 15%. ~~The~~
 17 ~~failure~~ **Failure** to ~~issue a license within the time required under~~
 18 ~~this subsection~~ **approve or deny an application for a license** does
 19 not allow the department to otherwise delay the processing of the
 20 application, and that application, ~~upon completion,~~ **when complete,**
 21 must be placed in sequence with other completed applications
 22 received at ~~that~~ **the** same time. The department shall not
 23 discriminate against an applicant in the processing of the
 24 application based ~~upon~~ **on** the fact that the license fee was
 25 refunded or discounted under this subsection.

26 ~~(7) As used in this section, "completed application" means an~~
 27 ~~application complete on its face and submitted with any applicable~~
 28 ~~licensing fees as well as any other information, records, approval,~~
 29 ~~security, or similar item required by law or rule from a local unit~~

1 ~~of government, a federal agency, or a private entity but not from~~
2 ~~another department or agency of this state. In the case of an~~
3 ~~initial application, completed application includes the completion~~
4 ~~of construction or renovation of any facility and the passing of a~~
5 ~~satisfactory inspection.~~

6 Sec. 5. **(1)** ~~The director of agriculture~~ **department** shall ~~not~~
7 ~~issue a license to operate a pet shop until he has inspected the~~
8 **inspect the** premises ~~to assure that it complies with the provisions~~
9 ~~of this act and the rules of the department of agriculture.~~**of a**
10 **proposed or existing animal control shelter, animal protection**
11 **shelter, or pet shop after a completed application for a license is**
12 **received by the department under section 4 to ensure compliance**
13 **with this act and the rules promulgated under this act.**

14 **(2)** The department may inspect the premises of a proposed or
15 existing small-scale dog breeding kennel or, if applicable, a
16 large-scale dog breeding kennel, after a completed application for
17 a license is received by the department under section 8 to ensure
18 compliance with this act and the rules promulgated under this act.

19 **(3)** If an applicant fails an inspection under subsection (1)
20 or (2), the applicant must be reinspected by the department within
21 30 days after the failed inspection. If an applicant fails a second
22 inspection, the applicant must be reinspected a third time, or a
23 fourth time, as applicable. If an applicant fails 4 inspections
24 under this section, the department shall not issue a license, and
25 the applicant must wait at least 6 months after the date of the
26 last failed inspection before submitting a new application for a
27 license under section 4 or 8, as applicable. An applicant is
28 responsible for a \$250.00 fee for a third or fourth inspection
29 conducted under this subsection.

1 Sec. 5a. (1) A ~~person who operates a~~ pet shop shall not import
 2 or cause to be imported into this state a dog or cat that is less
 3 than 8 weeks old. ~~A person who operates an~~ **An** animal control
 4 shelter or ~~an~~ animal protection shelter shall not import or cause
 5 to be imported into this state a dog or cat that is less than 8
 6 weeks old unless the dog or cat is imported with its dam. A **small-**
 7 **scale dog breeding kennel or** large-scale dog breeding kennel shall
 8 not import or cause to be imported into this state a dog that is
 9 less than 8 weeks old unless the dog is imported with its dam.

10 (2) A ~~person who operates a~~ pet shop shall not sell, exchange,
 11 transfer, or offer for sale, exchange, or transfer a dog or cat
 12 that is less than 8 weeks old. A **small-scale dog breeding kennel or**
 13 large-scale dog breeding kennel shall not sell, exchange, or
 14 transfer a dog that is less than 8 weeks old.

15 (3) A ~~person that operates a~~ pet shop, ~~an~~ animal control
 16 shelter, ~~an~~ animal protection shelter, **small-scale dog breeding**
 17 **kennel,** or ~~a~~ large-scale dog breeding kennel shall not import or
 18 cause to be imported into this state, or sell, adopt, exchange, or
 19 transfer, or offer for sale, adoption, exchange, or transfer a dog,
 20 unless all of the following are satisfied before the dog's entry
 21 into this state:

22 (a) The dog ~~has been~~ **is** vaccinated against distemper,
 23 parvovirus, and canine adenovirus-2 ~~. The~~ **and, if the** dog shall
 24 ~~also be vaccinated against~~ **is 12 weeks of age or older,** rabies and
 25 leptospirosis. ~~if the dog is 12 weeks of age or older. If a~~ **A**
 26 **veterinarian shall administer a** rabies vaccine. ~~is required under~~
 27 ~~this subdivision, the vaccine shall be administered by an~~
 28 ~~accredited veterinarian.~~ A ~~person operating a~~ pet shop, **small-scale**
 29 **breeding kennel,** or ~~a~~ large-scale dog breeding kennel shall ensure

1 that ~~vaccinations~~**vaccines** other than the rabies ~~vaccination~~
2 **vaccine** are administered not less than 7 days before the dog's
3 entry into this state. The ~~director~~**department** may require
4 vaccinations against other diseases not specified in this
5 subdivision.

6 (b) If indicated, the dog has been treated for external and
7 internal parasites so that the dog is not capable of spreading
8 external or internal parasites to another animal at the time ~~it~~**the**
9 **dog** is imported into this state.

10 (c) The dog is accompanied by an interstate health certificate
11 or certificate of veterinary inspection signed by ~~an accredited~~**a**
12 veterinarian licensed to practice veterinary medicine in the dog's
13 state of origin, including records of the dog's medication and
14 immunization.

15 (4) A ~~person who operates a~~ pet shop, ~~an~~ animal control
16 shelter, or ~~an~~ animal protection shelter shall not import or cause
17 to be imported into this state, or sell, adopt, exchange, or
18 transfer, or offer for sale, adoption, exchange, or transfer a cat,
19 unless all of the following are satisfied before the cat's entry
20 into this state:

21 (a) The cat ~~has been~~**is** vaccinated against feline
22 panleukopenia, calici viruses, and feline herpes virus-1 ~~. The~~**and,**
23 **if the** cat shall ~~also be vaccinated against~~**is 12 weeks of age or**
24 **older,** rabies. ~~if the cat is 12 weeks of age or older. If~~**A**
25 **veterinarian shall administer** a rabies vaccine. ~~is required under~~
26 ~~this subdivision, the vaccine shall be administered by an~~
27 ~~accredited veterinarian. A person operating a pet shop shall ensure~~
28 that ~~vaccinations~~**vaccines** other than the rabies ~~vaccination~~
29 **vaccine** are administered to the cat ~~as required by this subdivision~~

1 not less than 7 days before the cat's entry into this state. The
2 ~~director~~**department** may require vaccinations against other diseases
3 not specified in this subdivision.

4 (b) If indicated, the cat has been treated for external and
5 internal parasites so that the cat is not capable of spreading
6 external or internal parasites to another animal at the time ~~it~~**the**
7 **cat** is imported into this state.

8 (c) The cat is accompanied by an interstate health certificate
9 or certificate of veterinary inspection filled out and signed by ~~an~~
10 ~~accredited~~**a** veterinarian licensed to practice veterinary medicine
11 in the cat's state of origin, including records of the cat's
12 medication and immunization.

13 (5) A ~~person who operates a~~ pet shop, **small-scale dog breeding**
14 **kennel**, or ~~a~~ large-scale dog breeding kennel shall not sell,
15 exchange, transfer, or deliver a dog, cat, or ferret without
16 providing to the purchaser a valid pet health certificate. For
17 purposes of this subsection, a pet health certificate is only valid
18 for 30 days after the date the animal was examined by the
19 veterinarian who signed the certificate.

20 Sec. 6. ~~(1) A municipality shall not operate an animal control~~
21 ~~shelter unless the animal control shelter is registered with the~~
22 ~~department.~~

23 ~~(2) A society for the prevention of cruelty to animals or any~~
24 ~~other person shall not operate an animal protection shelter unless~~
25 ~~the shelter is registered with the department.~~

26 ~~(3) A person shall not operate a large-scale dog breeding~~
27 ~~kennel unless the large-scale dog breeding kennel is registered~~
28 ~~with the department. The department shall charge an annual fee of~~
29 ~~\$500.00 per registration of a large-scale dog breeding kennel.~~

1 ~~(4) This act is not intended to apply to a dog owner or~~
2 ~~breeder other than a person that operates a large-scale dog~~
3 ~~breeding kennel.~~The department shall deposit all of the following
4 into the agriculture licensing and inspection fees fund created in
5 section 9 of the insect pest and plant disease act, 1931 PA 189,
6 MCL 286.209:

7 (a) A license fee collected under sections 4 and 8.

8 (b) An inspection fee, including a fee collected under section
9 5(3).

10 (c) An administrative fine collected under section 9b.

11 Sec. 7. (1) ~~Application for registration of an animal control~~
12 ~~shelter, an animal protection shelter, or a large-scale dog~~
13 ~~breeding kennel shall be on a form prescribed by the director.~~A
14 foster facility shall not house more than 8 adult dogs or cats at a
15 time. If a foster facility is housing a female dog with puppies
16 under 8 weeks of age or a female cat with kittens under 8 weeks of
17 age, the female dog and puppies or the female cat and kittens are
18 considered 1 adult dog or cat for purposes of this section. A
19 foster facility that is a private home may submit a written request
20 to the animal control shelter or animal protection shelter with
21 which the foster facility coordinates for the care of animals, on a
22 form and in a manner prescribed by the department, for an exemption
23 from the limits imposed under this section. The animal control
24 shelter or animal protection shelter with which the foster facility
25 coordinates for the care of animals may grant an exemption only on
26 finding that the foster facility has demonstrated adequate
27 provisions and safeguards to ensure the safety and well-being of
28 the animals in the care of the foster facility.

29 (2) A foster agreement and contact information for the foster

1 facility must be kept on file, and made available to the department
2 on request, by the foster facility and the animal control shelter
3 or animal protection shelter with which the foster facility
4 coordinates.

5 Sec. 7a. Beginning January 1, 2027, a person shall not operate
6 a small-scale dog breeding kennel or large-scale dog breeding
7 kennel unless the person has been granted a license under section
8 8.

9 Sec. 8. (1) ~~The department shall not register an animal~~
10 ~~control shelter or animal protection shelter unless the department~~
11 ~~first inspects it to ensure that it complies with this act and the~~
12 ~~rules promulgated under this act.~~ A person shall apply for an
13 initial or renewal license to operate a small-scale dog breeding
14 kennel or large-scale dog breeding kennel on a form and in a manner
15 prescribed by the department. The applicant shall include with the
16 application all of the following information:

17 (a) If the applicant is an individual, the individual's name,
18 email address, and phone number. If the applicant is a business
19 entity, the name of the business entity and the name, email
20 address, and phone number of the business entity's authorized
21 representative.

22 (b) Mailing address, and if different, facility address.

23 (c) Type and number of animals that can be housed or kept at
24 the addresses listed in subdivision (b), as applicable.

25 (d) An emergency and contingency plan that provides for the
26 humane handling, treatment, transportation, housing, and care of
27 dogs housed or kept by the applicant in the event of an emergency
28 or disaster.

29 (e) Other information required by the department.

1 (2) The department shall grant an applicant a license to
2 operate a small-scale dog breeding kennel or large-scale dog
3 breeding kennel, as applicable, if the applicant does all of the
4 following:

5 (a) Submits a completed application under subsection (1).

6 (b) Pays the applicable license fee under subsection (3).

7 (c) Completes and passes an inspection under section 5(2), as
8 applicable.

9 (3) An applicant shall include with an application for the
10 applicable license fee as follows:

11 (a) A small-scale dog breeding kennel license, \$500.00.

12 (b) A large-scale dog breeding kennel license, \$1,000.00.

13 (4) A license granted under this section is valid for 1 year
14 from the date of issuance.

15 (5) Beginning January 1, 2030, and by January 1 every 5 years
16 thereafter, the department may adjust the fees in subsection (3) by
17 comparing the percentage increase or decrease in the Consumer Price
18 Index for the preceding year by the corresponding Consumer Price
19 Index 5 years earlier. The department shall multiply that
20 percentage change by the amounts of the fees in subsection (3), and
21 round up each dollar value adjustment made under this subsection to
22 the nearest dollar. As used in this subsection, "Consumer Price
23 Index" means the most comprehensive index of consumer prices
24 available for the Detroit-Warren-Dearborn area from the Bureau of
25 Labor Statistics of the United States Department of Labor.

26 (6) The department shall approve or deny an application for a
27 license under this section not later than 90 days after the
28 applicant submits a completed application. Receipt of the
29 application is considered the date the application is received by

1 the department. If the application is incomplete, the department
2 shall notify the applicant in writing, or make the information
3 electronically available, not later than 30 days after receipt of
4 the incomplete application, and state the deficiency and request
5 additional information or require that certain actions be taken.
6 Unless an extension is granted by the department, the 90-day period
7 to approve or deny an application under this subsection is tolled
8 when the department notifies the applicant of a deficiency until
9 the date the requested additional information is received by the
10 department or the applicant completes any required actions. The
11 applicant may request an extension to the 90-day timeline to
12 provide additional information or complete required actions on a
13 form and in a manner provided by the department. The determination
14 of the completeness of an application is not an approval of the
15 application for the license and does not confer eligibility of an
16 applicant determined otherwise ineligible for issuance of a
17 license.

18 (7) If the department fails to issue, approve, or deny an
19 application for a license under this section within the time
20 required under subsection (6), the department shall return the
21 license fee and reduce the license fee for the applicant's next
22 renewal application, if any, by 15%. Failure to approve or deny an
23 application for a license does not permit the department to
24 otherwise delay the processing of the application, and that
25 application, when complete, must be placed in sequence with other
26 completed applications received at the same time. The department
27 shall not discriminate against an applicant in the processing of
28 the application based on the fact that the license fee was refunded
29 or discounted under this subsection.

1 Sec. 9. (1) Except as otherwise provided in this subsection,
2 the licensing ~~and registration~~ requirements of this act do not
3 apply to ~~a person~~ **an individual** who breeds his or her own animals
4 or to a person subject to 1969 PA 224, MCL 287.381 to 287.395. ~~The~~
5 ~~licensing and registration requirements of this act apply to a~~
6 ~~large-scale dog breeding kennel.~~

7 (2) Subsection (1) does not create an exemption from
8 vaccination and licensing requirements under the dog law of 1919,
9 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and
10 handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

11 (3) This act does not require the alteration of a dog, cat, or
12 ferret being reclaimed from an animal control shelter or animal
13 protection shelter by its owner unless a local government ordinance
14 requires the alteration.

15 Sec. 9b. (1) If a person violates this act or a rule
16 promulgated under this act, the ~~director,~~ **department**, after notice
17 and an opportunity for an evidentiary hearing under the
18 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
19 24.328, may do either or both of the following:

20 (a) Suspend or revoke a license ~~or registration~~ issued to the
21 ~~person~~ under this act.

22 (b) Impose an administrative fine of not more than \$1,000.00
23 for each violation. The ~~director~~ **department** shall advise the
24 attorney general of the failure of a person to pay an
25 administrative fine under this section. The attorney general shall
26 bring a civil action to recover the administrative fine and costs
27 and fees. The administrative fine ~~shall~~ **must** be deposited in the
28 agriculture licensing and inspection fees fund created in section 9
29 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209.

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

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

6 (b) Obtain an injunction against a person ~~who~~**that** is
 7 engaging, or about to engage, in a method, act, or practice that
 8 violates this act.

9 (3) If a person fails to comply with a contract for the
 10 alteration of a dog, cat, or ferret as required under section 8a, a
 11 court ~~with appropriate jurisdiction~~ may order transfer of ownership
 12 of the adopted animal only to 1 of the following:

13 (a) The facility from which the animal was adopted.

14 (b) A veterinarian, animal control shelter, or animal
 15 protection shelter willing to accept the animal and either humanely
 16 euthanize the animal or adopt the animal to an owner who agrees to
 17 have the animal altered.

18 Sec. 9c. (1) A ~~An animal control shelter, animal protection~~
 19 **shelter, pet shop, small-scale dog breeding kennel, and** large-scale
 20 dog breeding kennel shall maintain current verifiable records for a
 21 period of at least 2 years. The records ~~shall~~**must** include all of
 22 the following information:

23 (a) The verified name and address of the person from whom ~~the~~
 24 ~~dog~~**an animal** was acquired, where the ~~dog~~**animal** was acquired, and
 25 the date that the ~~dog~~**animal** was acquired, **as applicable**.

26 (b) A description and identification of the ~~dog~~**animal**,
 27 including the ~~dog's~~**animal's** identification information, color,
 28 breed, sex, alteration status, and approximate weight and age.

29 (c) The date and method of disposition of the ~~dog~~**animal**. If

1 the ~~dog~~**animal** is adopted, transferred, or sold, the records ~~shall~~
2 ~~also~~**must** include the verified name and address of the person to
3 whom the ~~dog~~**animal** is adopted, transferred, or sold.

4 (d) The number of ~~dogs~~**animals** on site daily at each physical
5 location.

6 (e) The number of **female** intact ~~breeding adult female~~ dogs on
7 site daily at the physical location, **as applicable**.

8 (f) Breeding records for each female intact dog that include
9 the approximate date the dog was bred and the birth date and size
10 of each litter during the time that the dog was at the physical
11 location, **as applicable**.

12 (2) ~~A~~**An animal control shelter, animal protection shelter,**
13 **pet shop, small-scale dog breeding kennel, or** large-scale dog
14 breeding kennel shall make the records required under subsection
15 (1) available to the ~~director or his or her representative~~
16 **department** on request.

17 Sec. 10. ~~Any~~**A** person ~~who~~**that** violates ~~the provisions of this~~
18 act or ~~any~~**a** rule ~~of the department of agriculture promulgated~~
19 under ~~the provisions of this act~~ is guilty of a misdemeanor.

20 Enacting section 1. Section 9d of 1969 PA 287, MCL 287.339d,
21 is repealed.