

SENATE BILL NO. 148

March 07, 2023, Introduced by Senators POLEHANKI, HERTEL, MCMORROW, BAYER, CAVANAGH, SHINK, WOJNO, KLINEFELT, MCCANN and CHANG and referred to the Committee on Natural Resources and Agriculture.

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. By March 31 each year, a research facility that uses**
2 **laboratory animals shall submit a report to the department that**

1 includes all of the following information regarding the preceding
2 calendar year:

3 (a) The total number of laboratory animals owned by the
4 research facility.

5 (b) The total number of laboratory animals that are used for
6 laboratory research conducted at the research facility.

7 (c) The total number of laboratory animals released by the
8 research facility.

9 (d) The name and address of each animal control shelter or
10 animal protection shelter to which a laboratory animal was released
11 under subdivision (c).

12 (e) A list of the names and addresses for the animal control
13 shelters and animal protection shelters with which the research
14 facility has entered into an agreement under section 8a.

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

18 (2) If a research facility violates section 8a, the
19 department, after notice and opportunity for a hearing under the
20 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
21 24.328, may impose an administrative fine as follows:

22 (a) If the violation involved 1 laboratory animal, a fine of
23 not more than \$1,000.00.

24 (b) If the violation involved 2 or 3 laboratory animals, a
25 fine of not more than \$2,000.00.

26 (c) If the violation involved 4 or more laboratory animals but
27 fewer than 10 laboratory animals or the research facility has 1
28 prior violation under section 8a, a fine of not more than
29 \$3,000.00.

1 (d) If the violation involved 10 or more laboratory animals
2 but fewer than 25 laboratory animals or the research facility has 2
3 prior violations under section 8a, a fine of not more than
4 \$5,000.00.

5 (e) If the violation involved 25 or more laboratory animals or
6 the research facility has 3 or more prior violations under section
7 8a, a fine of not more than \$10,000.00.

8 (3) The department shall advise the attorney general of the
9 failure of a person to pay an administrative fine under subsection
10 (2). The attorney general shall bring a civil action to recover the
11 administrative fine and costs and fees.

12 (4) An administrative fine collected under subsection (2) must
13 be deposited into the laboratory animal fund created under section
14 12a.

15 (5) One year after the effective date of the amendatory act
16 that amended this section, the department may issue a warning for a
17 violation of section 8a instead of imposing an administrative fine
18 under subsection (2).

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

21 (2) The state treasurer may receive the administrative fines
22 collected under section 12(2) for deposit into the laboratory
23 animal fund. The state treasurer may also receive money or other
24 assets from any other source for deposit into the laboratory animal
25 fund. The state treasurer shall credit to the laboratory animal
26 fund interest and earnings from fund investments.

27 (3) Money in the laboratory animal fund at the close of the
28 fiscal year remains in the laboratory animal fund and does not
29 lapse to the general fund.

1 (4) The department is the administrator of the laboratory
2 animal fund for auditing purposes. The department shall expend
3 money from the laboratory animal fund to administer section 8a.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. 149 of the 102nd Legislature is enacted into
6 law.