USE OF DOGS AND CATS FOR RESEARCH

Act 224 of 1969

AN ACT to license and regulate dealers that deliver, transport, board, buy, or sell dogs or cats for laboratory research purposes; to regulate research facilities that use dogs or cats for laboratory research; to require research facilities to offer laboratory animals no longer needed for laboratory research to certain animal protection shelters for adoption before euthanizing; to require research facilities to submit annual reports; to provide immunity from civil liability under certain conditions; to create certain funds; and to repeal acts and parts of acts.

History: 1969, Act 224, Eff. Mar. 20, 1970 ;-- Am. 2023, Act 315, Eff. Feb. 13, 2024

The People of the State of Michigan enact:

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287.381 Definitions.

Sec. 1.

As used in this act:

(a) "Animal protection shelter" means a facility that is registered under section 6 of 1969 PA 287, MCL 287.336, and is operated by any of the following:

(i) A person.

(ii) A humane society.

(iii) A society for the prevention of cruelty to animals.

(iv) Any other nonprofit organization for the care of homeless animals.

(b) "Cat" means a domestic cat of any age of the species Felis catus.

(c) "Dealer" means a person that for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats for research purposes. Dealer does not include a person that breeds or raises dogs or cats for sale to a research facility.

(d) "Department" means the department of agriculture and rural development.

(e) "Director" means the director of the department.

(f) "Dog" means a domestic dog of any age of the species Canis lupus familiaris.

(g) "Laboratory animal" means a dog or cat that is used or intended to be used for laboratory research at a research facility.

(h) "Laboratory research" means research, tests, or experiments conducted for education, scientific, medical, or experimental purposes.

(i) "Municipality" means a county, city, village, or township.

(j) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(k) "Research facility" means a school, hospital, laboratory, institution, organization, or person that is licensed or otherwise registered with the United States Department of Agriculture, that uses or intends to use a laboratory animal in laboratory research, and that does 1 or both of the following:

(i) Purchases or transports laboratory animals.

(ii) Receives funds from this state, a local government, or an agency or instrumentality of this state or a local government to finance its operations through grants, loans, or other funds.

History: 1969, Act 224, Eff. Mar. 20, 1970 ;-- Am. 2023, Act 315, Eff. Feb. 13, 2024

287.382 License; application, fee.

Sec. 2.

An application for a license shall be accompanied by a $25.00 fee to be deposited by the director into the general fund.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.383 License; issuance; qualifications; “good moral character” defined.

Sec. 3.

(1) The director shall issue a license to an applicant after determining:

(a) The applicant or the officers and directors thereof are of good moral character.

(b) The applicant or any officer or director thereof has never been convicted of cruelty to animals or a violation of this act.

(c) An inspection has been made of the premises and the premises conform to this act and the rules of the agriculture commission, and are a suitable place in which to conduct the business.

(d) The business is to be conducted in a permanent structure or building.

(2) As used in subsection (1), "good moral character" means good moral character as defined and determined under Act No. 381 of the Public Acts of 1974, as amended, being sections 338.41 to 338.47 of the Michigan Compiled Laws.

History: 1969, Act 224, Eff. Mar. 20, 1970 ;-- Am. 1978, Act 303, Imd. Eff. July 10, 1978

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287.384 Unlawful sale or transportation of animals; dealers' licenses needed.

Sec. 4.

It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation to another dealer under this act any such animal, unless and until such dealer shall have obtained a license from the director in accordance with this act and such rules as the director may prescribe pursuant to this act, and such license shall not have been suspended or revoked.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.385 Rules; promulgation.

Sec. 5.

The director is authorized to promulgate rules in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, as are necessary to govern the handling of dogs and cats by dealers and research facilities, to promote their health, well-being and safety.

History: 1969, Act 224, Eff. Mar. 20, 1970
Admin Rule: R 285.150.1 et seq. of the Michigan Administrative Code.

287.386 Identification or marking of dogs and cats.

Sec. 6.

All dogs and cats delivered for transportation, transported, purchased or sold to research facilities shall be marked or identified in such manner as the director may prescribe.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.387 Research facilities and dealers; records of purchases, sales, transportation, and handling of animals for research; maintenance of compliance report.

Sec. 7.

(1) Research facilities and dealers shall make and maintain any records regarding the purchase, sale, transportation, and handling of dogs and cats for laboratory research, and research facilities shall maintain any report submitted under section 11a. A research facility shall maintain a report submitted under section 11a for 5 years.

(2) The department shall maintain and make available on its website a list of all research facilities operating in this state.

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History: 1969, Act 224, Eff. Mar. 20, 1970 ;-- Am. 2023, Act 315, Eff. Feb. 13, 2024

287.388 Disposition of dogs or cats; time; notice; record; exceptions.

Sec. 8.

A dealer, a county, city, village, or township operating a dog pound or animal shelter shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the pound or shelter shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a pound or shelter shall be required to maintain a record on each identifiable dog or cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition.

This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

History: 1969, Act 224, Eff. Mar. 20, 1970 ;-- Am. 1973, Act 31, Imd. Eff. June 14, 1973 ;-- Am. 1974, Act 132, Imd. Eff. May 29, 1974

287.388a Offering of laboratory animal for adoption; requirement; exception; animal protection shelter; written agreement; "Teddy's law".

Sec. 8a.

(1) Before euthanizing a laboratory animal no longer needed for laboratory research that the attending veterinarian, as that term is defined in 9 CFR 1.1, determines is suitable for

adoption, a research facility shall offer the laboratory animal directly to its employees or to an animal protection shelter located in this state for adoption.

(2) A research facility that provides a former laboratory animal to an animal protection shelter may enter into a written agreement to carry out the purpose of subsection (1). A written agreement under this subsection may include an acknowledgment that the animal protection shelter accepts and takes responsibility for any and all risks that may be associated with the former laboratory animal and an agreement to waive the right to hold the research facility liable for behavioral or health issues.

(3) An animal protection shelter that places a laboratory animal received from a research facility under subsection (1) for adoption shall enter into a written agreement with the individual that adopts the former laboratory animal. A written agreement under this subsection must include an acknowledgment that the adopting individual understands that the animal was a former laboratory animal. A written agreement under this subsection may also require that the adopting individual accepts any and all risks that may be associated with the former laboratory animal and an agreement to waive the right to hold the animal protection shelter liable for behavioral or health issues.

(4) This section may be known as "Teddy's law".

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History: Add. 2023, Act 315, Eff. Feb. 13, 2024

287.389 Sales by public auction or by weight; disposal of unclaimed dogs and cats, maximum price.

Sec. 9.

Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight; or purchased by a research facility at public auction or by weight. A research facility shall not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or from a person who breeds or raises dogs or cats for sale. Any county, city, village or township operating a dog pound or animal shelter may sell for an amount not to exceed $10.00 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.390 License; suspension or revocation; grounds, notice, reinstatement.

Sec. 10.

(1) The license may be suspended or revoked by the director of agriculture for any of the following reasons:

(a) The incompetence or untrustworthiness of the holder.

(b) Wilful falsification of any matter or statement contained in the application.

(c) The licensee or any director or officer thereof has been convicted of cruelty to animals or a violation of the provisions of this act.

(d) The licensee does not conform to the provisions of this act or the rules of the agriculture commission.

(2) Written notice of the suspension or revocation shall be given by the director of agriculture within 10 days to the licensee.

(3) A person whose license has been suspended may apply, after 90 days from the date of the suspension, for reinstatement of the license.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.391 Bill of sale; form.

Sec. 11.

The purchase of any dog or cat by the licensee or research facility shall be evidenced by a bill of sale signed by the seller. The bill of sale shall be a form approved by the director of agriculture and shall certify that the seller is the lawful owner of the dog or cat and that ownership is transferred to the licensee or research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.391a Annual compliance report.

Sec. 11a.

(1) By March 31 each year, a research facility that uses laboratory animals shall submit a report to, and on a form provided by, the department that includes an attestation of compliance with the requirements of this act.

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

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History: Add. 2023, Act 314, Eff. Feb. 13, 2024

287.392 Violations, administrative hearing; penalties.

Sec. 12.

(1) Except as provided in subsections (2) and (5), a person that violates this act is guilty of a misdemeanor.

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

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

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

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

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

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

(3) The department shall advise the attorney general of the failure of a person to pay an administrative fine under subsection (2). The attorney general shall bring an action to enforce

compliance with sections 8a and 11a and recover an administrative fine under subsection (2), civil fine under subsection (5), actual costs and fees, and attorney fees. The court shall triple the administrative fine under subsection (2) as part of any monetary judgment, as applicable.

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

(5) A research facility that fails to submit a report under section 11a is subject to a civil fine of not more than $2,500.00.

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

History: 1969, Act 224, Eff. Mar. 20, 1970 ;-- Am. 2023, Act 314, Eff. Feb. 13, 2024

287.392a Laboratory animal fund.

Sec. 12a.

(1) The laboratory animal fund is created within the state treasury.

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

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

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

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History: Add. 2023, Act 314, Eff. Feb. 13, 2024

287.393 Dealers or facilities; responsible for acts of agents or employees.

Sec. 13.

When construing or enforcing the provisions of this act, the act, omission or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission or failure of such research facility or dealer as well as of such individual.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.394 Effect on other acts.

Sec. 14.

The provisions of this act shall be in addition to and not in contravention of the provisions of Act No. 339 of the Public Acts of 1919, as amended, being sections 287.261 to 287.290 of the Compiled Laws of 1948.

History: 1969, Act 224, Eff. Mar. 20, 1970

287.395 Repeal.

Sec. 15.

Act No. 282 of the Public Acts of 1966, being sections 287.361 to 287.375 of the Compiled Laws of 1948, is repealed.

History: 1969, Act 224, Eff. Mar. 20, 1970

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