

# Legislative Analysis



## AMEND LAW ON BREEDING KENNELS, PET SHOPS, AND ANIMAL HOLDING FACILITIES

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**House Bill 5095 (reported from committee as Substitute H-2)**

**Sponsor: Rep. Michael D. McCready**

**Committee: Regulatory Reform**

### **First Analysis (7-16-14)**

**BRIEF SUMMARY:** House Bill 5095 would amend the Pet Shop Law (Public Act 287 of 1969) by revising regulations for animal control shelters, animal protection shelters, and large-scale dog breeding kennels.

PA 287, generally, regulates pet shops, animal control shelters, and animal protection shelters, and provides for minimum requirements relating to the care and adoption of dogs, cats, and ferrets.

**FISCAL IMPACT:** House Bill 5095, as introduced, would have a negative, yet likely nominal, fiscal impact on the Department of Agriculture and Rural Affairs (DARD) to the extent that DARD would be required to register certain kennels.

### **THE APPARENT PROBLEM:**

In the last four years, there have been several reported instances of large-scale animal breeding operations that have been shut down in Michigan due to animal abuse based on poor sanitary conditions for the animals. These cases have generally involved several dozen animals being removed, though that number has been as high as 350 animals, according to a 2012 Grand Rapids Press story.

Though large-scale seizures are relatively uncommon, with one or two reported incidents involving 25 or more animals annually in recent years, the subsequent cost of rehabilitating and housing the seized animals prior to adoption has placed a financial strain on the organization responsible for local animal control. This led animal care advocates to call for registration of breeding kennels and limits on how many animals may be kept at those facilities, as well as other updates to Michigan's laws governing the housing and care of animals.

### **THE CONTENT OF THE BILL:**

House Bill 5095 would add the following to the Pet Shop Law.

#### **Holding Periods**

Under the bill, an "animal control shelter" and an "animal protection shelter" would be required to observe at least a seven-day holding period for animals with current traceable

evidence of ownership, and would be compelled to use "all reasonable methods" to identify the owner of the animal. For dogs and cats without traceable evidence of ownership, the holding period would be four days. For animals left at a shelter past the mandated holding period ownership would be transferred to the shelter.

A day would be defined as a 24-hour period during which the shelter is accessible to an animal's owner for purposes of reclaiming his or her animal by either being open for business or available by appointment. The seven day holding period for cats would begin at the time the animal is admitted to the shelter. The same applies to dogs when the protection shelter has a contractual relationship with a governmental agency. If no such relationship exists, then the period begins at the time the protection shelter notifies the law enforcement agency that has jurisdiction over animal control.

This holding period would not apply to an animal who would be subjected to undue suffering if the required holding period was observed; an animal whose owner requested immediate disposition of the animal; or an animal relinquished to the facility by its owner.

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

"Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

The definitions of these shelters would each be amended so that the terms would not include a pet shop that allows an animal control shelter or animal protection shelter to use pet shop resources.

### **Large-scale Dog Breeding Kennels**

The term *large-scale dog breeding kennel* would be added to the statute, referring to "a facility where more than 15 female intact (unaltered) dogs over the age of four months are housed or kept for the primary purpose of breeding."

These kennels would have to be registered with the Michigan Department of Agriculture and Rural Development (MDARD), and would be prohibited from housing or keeping more than 50 intact female dogs older than four months in any one physical location. A dog owner or breeder with 15 or fewer intact female dogs would be exempt from the licensing requirement.

The department could promulgate rules to establish minimum standards for large-scale dog breeding kennels under the Administrative Procedures Act. Until such rules were promulgated, these kennels would be subject to most of the existing rules in the Administrative Code at R285.151.1 to R285.151.41. These apply to pet shops, dog pounds, and animal shelters.

## **Pet Health Certificate**

The term *pet health certificate* would be added to the statute; it would mean "a certificate in a form prescribed by the director in which a veterinarian attests to the age, sex, breed, and description of an animal; any medical conditions of the animal; any medical treatment and vaccinations that the animal received while under the care of a pet shop or large-scale commercial dog breeding kennel; and attests to the fact that at the time of preparation of the certificate the veterinarian examined the animal and found the animal free from visual evidence of communicable disease." [Note: this term is an expanded version of the term "health certificate," which is currently defined in the act. The bill would replace that term with "pet health certificate."]

Under the bill, a person who operated a pet shop or a large-scale dog breeding kennel could not sell, exchange, transfer, or deliver a dog or ferret without providing the purchaser with a valid pet health certificate. Certificates issued to pet shops and large-scale commercial dog breeding kennels would be valid for only 30 days following issuance.

## **New and Modified Regulations**

House Bill 5095 also would create additional and modify existing guidelines in the following ways:

- Pet shop operators would be prohibited from selling, adopting, exchanging, transferring or offering for sale, adoption, exchange, or transfer, a dog or cat less than eight weeks old unless the animal is imported with its dam.
- An operator of a pet shop or large-scale commercial dog breeding kennel would be prohibited from importing a dog or causing a dog to be imported into Michigan, or selling, adopting, exchanging, or transferring a dog, or offering to sell, adopt, exchange, or transfer a dog, unless all of the following were satisfied prior to the dog's entry into the state:
  - The dog had been vaccinated against distemper, parvovirus, canine adenovirus-2, and, if the dog is over 12 weeks of age, rabies. The director of MDARD also may require vaccinations against other diseases.
  - If indicated, the dog had been treated for external and internal parasites so it is not capable of spreading external or internal parasites to another animal at the time it is brought into the state.
  - The dog was accompanied by an interstate health certificate or certificate of veterinary inspection filled out and signed by an accredited veterinarian licensed to practice veterinary medicine in the dog's state of origin, including records of the dog's medication and immunization.
- Similarly, an operator of a pet shop or animal control or protection shelter would be prohibited from importing a cat or causing a cat to be imported into Michigan, or selling, adopting, exchanging, or transferring, or offering to sell, adopt,

exchange, or transfer, a cat unless all of the following were completed prior to the cat's entry into the state:

- The cat had been vaccinated against feline panleukopenia, calici viruses, feline herpes virus-1, and, if the cat is more than 12 weeks old, rabies. The director of the Michigan Department of Agriculture and Rural Development also may require vaccinations against other diseases.
- If indicated, the cat had been treated for external and internal parasites so it is not capable of spreading external or internal parasites to another animal at the time it is brought into the state.
- The cat was accompanied by an interstate health certificate or certificate of veterinary inspection filled out and signed by an accredited veterinarian licensed to practice veterinary medicine in the cat's state of origin, including records of the cat's medication and immunization.

The bill also contains provisions relating to spaying or neutering an animal as part of the adoption process that are currently listed in MCL 287.338a. The bill would strike that section and move its provisions to a new Section 8c.

### **Record-Keeping Requirements**

Animal protection shelters, animal control shelters, pet shops, and large-scale dog breeding kennels would be required to maintain current verifiable records containing certain specified information about each animal for a minimum for two years, including among other things, how the animal was acquired and from whom, information about the disposition of the animal, who the animal was adopted by or transferred or sold to, and the number of animals on site daily at each physical location, including the number of intact breeding adult female dogs. The records would have to be made available to MDARD on request.

Animal control shelters and animal protection shelters, which already are required to submit annual reports to MDARD, would no longer have to include information regarding ferrets in those reports.

### ***ARGUMENTS:***

#### ***For:***

As noted above, provisions relating to the regulation of large breeding kennels (which some have dubbed "puppy mills") are a response to several large seizures of dogs from such kennels. Following seizure, care of these animals generally falls to the local animal control organization until they are either adopted or euthanized. The intent of the bills, proponents say, is to be proactive in preventing additional large-scale animal seizures, thereby reducing costs for the local animal control entity and ensuring animal health and safety.

#### ***Against:***

Opponents of the bill have noted that the registration process lacks an enforcement mechanism, which they say renders it ineffective while prohibiting ownership of dogs for

responsible breeders. Through its definition of large-scale breeding kennels, the legislation captures many responsible breeders who should not be its intended target. Some breeders are concerned that by limiting the number of non-spayed female dogs to 15 for those 4 months and older, some breeders may reach that limit if they have multiple litters of puppies in a short time span. During testimony, breeders noted that they do not spay or neuter their dogs prior to adoption in case the new owner wishes to breed that dog.

***POSITIONS:***

**The following indicated support for the bill:**

Puppy Mill Awareness Michigan (6-3-14)  
Michigan Humane Society (6-3-14)  
Ingham County Animal Control (6-3-14)  
American Society for the Prevention of Cruelty to Animals (6-3-14)  
Michigan Association of Animal Control Officers (6-3-14)  
Wishbone Pet Rescue (6-3-14)  
Allegan County Animal Control Shelter (6-3-14)

**The following indicated a neutral position:**

Michigan United Conservation Clubs (6-10-14)

**The following oppose the bill:**

Protect MI Dogs (6-10-14)  
Michigan Association for Pure Bred Dogs (6-10-14)  
United Kennel Club (6-10-14)  
St. Clair County Kennel Club (6-3-14)  
Michigan Hunting Dog Federation (6-3-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.