

AMENDMENTS TO LAW ON PET SHOPS, ANIMAL HOLDING FACILITIES & BREEDING KENNELS

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House Bill 5095

Sponsor: Rep. Michael D. McCready

Committee: Regulatory Reform

Complete to 6-2-14

A SUMMARY OF HOUSE BILL 5095 AS INTRODUCED 10-23-13

House Bill 5095 would amend the Pet Shop Law (Public Act 287 of 1969) by revising regulations for animal holding facilities and large-scale commercial dog breeding kennels.

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

The bill would add the following definitions:

- ❖ Animal Holding Facility means "an animal control shelter or an animal protection shelter, or an authorized agent of an animal control shelter or an animal protection shelter."

These facilities 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 without traceable evidence of ownership, the holding period would be four days, and for cats two days. When animals were left at the facility past the mandated holding period ownership would be transferred to the facility.

This 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; and an animal relinquished to the facility by its owner.

The definition of "animal protection shelter" currently refers to "nonprofit" organizations for the care of homeless animals. The bill would strike the word "nonprofit."

- ❖ Large-scale commercial dog breeding kennel means "a facility where more than 15 female intact (unaltered) dogs over the age of four months are housed or kept for the 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.

- ❖ Pet Health Certificate means "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." Certificates issued to pet shops and large-scale commercial dog breeding kennels are valid for only 30 days following issuance. [Note: this term is similar to "health certificate," which is currently defined in the act. The bill would eliminate that term.]

House Bill 5095 also would create additional and modify existing guidelines for operators of facilities which fall under the act:

- Operators would be prohibited from producing the death of any animal by means other than euthanasia.
- 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.
- 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, hepatitis, parainfluenza, parvovirus, and rabies (if the dog is over 12 weeks of age). The director of MDARD also may require vaccinations against other diseases.
 - If indicated, the dog had been treated for external and internal parasites.
 - 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 holding facility 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, rhinotracheitis, and rabies if the cat is more than 12 weeks old. 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.
- 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 repeal that section and move its provisions to a new Section 8c. The provisions would use the new term "animal holding facility."

Animal holding facilities, pet shops, and large-scale commercial dog breeding kennels would be required to maintain records containing certain information about each animal for a minimum for two years.

The bill also would repeal MCL 287.339, which exempts animal breeders and researchers from certain requirements of the act.

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.

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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.