

**SUBSTITUTE FOR
HOUSE BILL NO. 5095**

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 sections 1, 2, 5a, 6, 7, 8a, 9, and 9a (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, 287.338a, 287.339, and 287.339a), sections 1, 6, 7, and 9 as amended and sections 8a and 9a as added by 1997 PA 7 and section 5a as added by 1980 PA 214, and by adding sections 8b and 8c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Adoption" means a transfer of ownership, with or without
3 remuneration, of a dog, cat, or ferret from an animal control
4 shelter or animal protection shelter to an individual for the

1 purpose of being a companion animal for that individual. As used in
2 this subdivision, a companion animal includes but is not limited to
3 a dog that is used for hunting or as a guard dog.

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

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

9 (d) "Animal" means a mammal except livestock as **THAT TERM IS**
10 defined in **SECTION 1 OF** 1937 PA 284, MCL 287.121, ~~to 287.131,~~ and
11 rodents.

12 (e) "Animal control shelter" means a facility operated by a
13 municipality for the impoundment and care of animals that are found
14 in the streets or at large, animals that are otherwise held due to
15 the violation of a municipal ordinance or state law, or animals
16 that are surrendered to the animal control shelter. **ANIMAL CONTROL**
17 **SHELTER DOES NOT INCLUDE A PET SHOP THAT ALLOWS AN ANIMAL CONTROL**
18 **SHELTER TO USE PET SHOP RESOURCES INCLUDING, BUT NOT LIMITED TO,**
19 **PET SHOP PREMISES, FACILITIES, EMPLOYEES, EQUIPMENT, OR ADVERTISING**
20 **FOR PET ADOPTIONS.**

21 (f) "Animal protection shelter" means a facility operated by a
22 person, humane society, society for the prevention of cruelty to
23 animals, or any other nonprofit organization for the care of
24 homeless animals. **ANIMAL PROTECTION SHELTER DOES NOT INCLUDE A PET**
25 **SHOP THAT ALLOWS AN ANIMAL PROTECTION SHELTER TO USE PET SHOP**
26 **RESOURCES INCLUDING, BUT NOT LIMITED TO, PET SHOP PREMISES,**
27 **FACILITIES, EMPLOYEES, EQUIPMENT, OR ADVERTISING FOR PET ADOPTIONS.**

(g) "Cat" means a domestic cat of any age of the species ~~felis~~
FELIS catus.

(h) "Department" means the state department of agriculture **AND**
RURAL DEVELOPMENT.

(i) "Director" means the director of the department or his or
her authorized representative.

(j) "Dog" means a domestic dog of any age of the species ~~canis~~
CANIS familiaris.

(k) "Ferret" means an animal of any age of the species ~~mustela~~
MUSTELA furo.

~~(l) "Health certificate" means a certificate in a form
prescribed by the department in which a veterinarian attests to the
age, sex, breed, and description of an animal, and 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.~~

(l) "HOLDING PERIOD" MEANS THE MINIMUM PERIOD OF TIME, IN DAYS,
AFTER AN ANIMAL'S INTAKE INTO AN ANIMAL CONTROL SHELTER'S OR ANIMAL
PROTECTION SHELTER'S INVENTORY FOR WHICH THE ANIMAL MUST BE HELD
PRIOR TO BEING MADE AVAILABLE FOR ADOPTION, EUTHANASIA, TRANSFER,
SALE, OR OTHER DISPOSITION. FOR PURPOSES OF THIS SUBDIVISION, A DAY
IS A TIME PERIOD OF 24 HOURS DURING WHICH AN ANIMAL CONTROL SHELTER
OR ANIMAL PROTECTION SHELTER IS OPEN FOR BUSINESS OR AVAILABLE BY
APPOINTMENT AND ACCESSIBLE TO THE OWNER OF AN ANIMAL FOR ANY
PORTION OF THAT 24-HOUR PERIOD FOR THE PURPOSE OF RECLAIMING HIS OR
HER ANIMAL FROM THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
SHELTER. IF AN ANIMAL IS HELD AT AN ANIMAL CONTROL SHELTER, THE

1 HOLDING PERIOD BEGINS AT THE TIME THE ANIMAL IS ADMITTED TO THE
 2 ANIMAL CONTROL SHELTER. ALL OF THE FOLLOWING APPLY TO THE HOLDING
 3 PERIOD FOR AN ANIMAL HELD AT AN ANIMAL PROTECTION SHELTER:

4 (i) IF THE ANIMAL IS A DOG, AND IF THE ANIMAL PROTECTION
 5 SHELTER HAS A CONTRACTUAL RELATIONSHIP WITH A GOVERNMENTAL AGENCY
 6 AS DESCRIBED IN SECTION 8A, THE HOLDING PERIOD BEGINS AT THE TIME
 7 THE ANIMAL IS ADMITTED TO THE ANIMAL PROTECTION SHELTER.

8 (ii) IF THE ANIMAL IS A CAT, THE HOLDING PERIOD BEGINS AT THE
 9 TIME THE ANIMAL IS ADMITTED TO THE ANIMAL PROTECTION SHELTER.

10 (iii) IF THE ANIMAL IS A DOG, AND IF THE ANIMAL PROTECTION
 11 SHELTER DOES NOT HAVE A CONTRACTUAL RELATIONSHIP WITH A
 12 GOVERNMENTAL AGENCY AS DESCRIBED IN SECTION 8A, THE HOLDING PERIOD
 13 BEGINS AT THE TIME THE ANIMAL PROTECTION SHELTER NOTIFIES THE LAW
 14 ENFORCEMENT AGENCY THAT HAS JURISDICTION OVER ANIMAL CONTROL WITHIN
 15 THE MUNICIPALITY IN WHICH THE DOG WAS RECOVERED THAT THE ANIMAL
 16 PROTECTION SHELTER IS HOLDING THE DOG.

17 (M) "INTACT DOG" MEANS A DOG THAT HAS NOT BEEN ALTERED.

18 (N) "LARGE-SCALE DOG BREEDING KENNEL" MEANS A FACILITY WHERE
 19 MORE THAN 15 FEMALE INTACT DOGS OVER THE AGE OF 4 MONTHS ARE HOUSED
 20 OR KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

21 (O) ~~(m)~~—"Municipality" means a county, city, village, or
 22 township.

23 (P) ~~(n)~~—"Person" means an individual, partnership,
 24 corporation, association, governmental entity, or other legal
 25 entity.

26 (Q) "PET HEALTH CERTIFICATE" MEANS A CERTIFICATE IN A FORM
 27 PRESCRIBED BY THE DIRECTOR IN WHICH A VETERINARIAN ATTESTS TO THE

1 AGE, SEX, BREED, AND DESCRIPTION OF AN ANIMAL; ANY MEDICAL
 2 CONDITIONS OF THE ANIMAL; ANY MEDICAL TREATMENT AND VACCINATIONS
 3 THAT THE ANIMAL RECEIVED WHILE UNDER THE CONTROL OF A PET SHOP OR
 4 LARGE-SCALE COMMERCIAL DOG BREEDING KENNEL; AND TO THE FACT THAT AT
 5 THE TIME OF THE PREPARATION OF THE CERTIFICATE THE VETERINARIAN
 6 EXAMINED THE ANIMAL AND FOUND THE ANIMAL FREE FROM VISUAL EVIDENCE
 7 OF COMMUNICABLE DISEASE.

8 (R) ~~(e)~~ "Pet shop" means a place where animals are sold or
 9 offered for sale, exchange, or transfer.

10 (S) ~~(p)~~ "Veterinarian" means a person licensed to practice
 11 veterinary medicine under article 15 of the public health code,
 12 1978 PA 368, MCL 333.16101 to 333.18838.

13 Sec. 2. (1) The ~~agriculture department shall issue~~ **MAY**
 14 **PROMULGATE** rules to accomplish the purposes of this act and to
 15 establish minimum standards for **THE** housing, care, and handling of
 16 animals to insure the humane care and handling of animals. **THE**
 17 **DEPARTMENT MAY ALSO PROMULGATE RULES TO ESTABLISH MINIMUM STANDARDS**
 18 **FOR LARGE-SCALE DOG BREEDING KENNELS.** The rules shall be
 19 promulgated in accordance with ~~the provisions of Act No. 88 of the~~
 20 ~~Public Acts of 1943, as amended, being sections 24.71 to 24.80 of~~
 21 ~~the Compiled Laws of 1948, and subject to Act No. 197 of the Public~~
 22 ~~Acts of 1952, as amended, being sections 24.101 to 24.110 of the~~
 23 ~~Compiled Laws of 1948.~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
 24 **1969 PA 306, MCL 24.201 TO 24.328.**

25 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, UNTIL THE
 26 DEPARTMENT PROMULGATES RULES UNDER SUBSECTION (1), A LARGE-SCALE
 27 DOG BREEDING KENNEL IS SUBJECT TO R 285.151.1 TO R 285.151.41 OF

1 THE MICHIGAN ADMINISTRATIVE CODE. NOTWITHSTANDING R 285.151.25 OF
2 THE MICHIGAN ADMINISTRATIVE CODE, IN A LARGE-SCALE BREEDING KENNEL,
3 A FEMALE DOG IN ESTRUS MAY BE HOUSED WITH INTACT MALE DOGS FOR THE
4 PURPOSE OF BREEDING.

5 Sec. 5a. (1) A person who operates a pet shop shall not ~~do any~~
6 ~~of the following:~~

7 ~~—— (a) Import~~ **IMPORT** or cause to be imported into this state ~~, or~~
8 ~~offer for sale or resale,~~ a dog or cat **THAT IS** less than 8 weeks
9 old. A PERSON WHO OPERATES AN ANIMAL CONTROL SHELTER OR AN ANIMAL
10 PROTECTION SHELTER SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO
11 THIS STATE A DOG OR CAT THAT IS LESS THAN 8 WEEKS OLD UNLESS THE
12 DOG OR CAT IS IMPORTED WITH ITS DAM. A LARGE-SCALE DOG BREEDING
13 KENNEL SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS STATE A
14 DOG THAT IS LESS THAN 8 WEEKS OLD UNLESS THE DOG IS IMPORTED WITH
15 ITS DAM.

16 ~~—— (b) Import or cause to be imported into this state, or offer~~
17 ~~for sale or resale, a dog or cat unless the dog or cat has~~
18 ~~deciduous (baby) teeth visibly present.~~

19 (2) ~~(c) Sell or offer for sale~~ A PERSON WHO OPERATES A PET
20 SHOP SHALL NOT SELL, EXCHANGE, TRANSFER, OR OFFER FOR SALE,
21 EXCHANGE, OR TRANSFER A DOG OR CAT THAT IS LESS THAN 8 WEEKS OLD. A
22 LARGE-SCALE DOG BREEDING KENNEL SHALL NOT SELL, EXCHANGE, TRANSFER,
23 OR OFFER FOR SALE, EXCHANGE, OR TRANSFER A DOG THAT IS LESS THAN 8
24 WEEKS OLD.

25 (3) A PERSON WHO OPERATES A PET SHOP, AN ANIMAL CONTROL
26 SHELTER, AN ANIMAL PROTECTION SHELTER, OR A LARGE-SCALE DOG
27 BREEDING KENNEL SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS

1 STATE, OR SELL, ADOPT, EXCHANGE, OR TRANSFER, OR OFFER FOR SALE,
2 ADOPTION, EXCHANGE, OR TRANSFER a dog, unless ~~the~~ ALL OF THE
3 FOLLOWING ARE SATISFIED BEFORE THE DOG'S ENTRY INTO THIS STATE:

4 (A) THE dog has been ~~inoculated~~ VACCINATED against distemper,
5 ~~hepatitis, and leptospirosis, para influenza and, if~~ PARVOVIRUS,
6 AND CANINE ADENOVIRUS-2. THE DOG SHALL ALSO BE VACCINATED AGAINST
7 RABIES AND LEPTOSPIROSIS IF THE DOG IS 12 WEEKS OF AGE OR OLDER. IF
8 A RABIES VACCINE IS REQUIRED UNDER THIS SUBDIVISION, THE VACCINE
9 SHALL BE ADMINISTERED BY A VETERINARIAN. IF THE PERSON OPERATES A
10 PET SHOP OR IF THE PERSON IS A LARGE-SCALE DOG BREEDING KENNEL, THE
11 PERSON SHALL ADMINISTER VACCINATIONS OTHER THAN THE RABIES
12 VACCINATION TO THE DOG AS REQUIRED BY THIS SUBDIVISION NOT LESS
13 THAN 7 DAYS BEFORE THE DOG'S ENTRY INTO THIS STATE. THE DIRECTOR
14 MAY REQUIRE VACCINATIONS AGAINST OTHER DISEASES NOT SPECIFIED IN
15 THIS SUBDIVISION.

16 (B) IF indicated, THE DOG has been treated for external and
17 internal parasites ~~, not less than 7 days before the dog's entry~~
18 ~~into this state.~~ SO THAT THE DOG IS NOT CAPABLE OF SPREADING
19 EXTERNAL OR INTERNAL PARASITES TO ANOTHER ANIMAL AT THE TIME IT IS
20 IMPORTED INTO THIS STATE.

21 (C) The dog ~~shall be~~ IS accompanied by a ~~a~~ AN INTERSTATE health
22 certificate OR CERTIFICATE OF VETERINARY INSPECTION FILLED OUT AND
23 signed by a ~~a~~ AN ACCREDITED veterinarian LICENSED TO PRACTICE
24 VETERINARY MEDICINE IN THE DOG'S STATE OF ORIGIN, including records
25 of the dog's medication and immunization.

26 (4) ~~(d) Sell or offer for sale~~ A PERSON WHO OPERATES A PET
27 SHOP, AN ANIMAL CONTROL SHELTER, OR AN ANIMAL PROTECTION SHELTER

1 SHALL NOT IMPORT OR CAUSE TO BE IMPORTED INTO THIS STATE, OR SELL,
2 ADOPT, EXCHANGE, OR TRANSFER, OR OFFER FOR SALE, ADOPTION,
3 EXCHANGE, OR TRANSFER a cat, unless ~~the~~ ALL OF THE FOLLOWING ARE
4 SATISFIED BEFORE THE CAT'S ENTRY INTO THIS STATE:

5 (A) THE cat has been ~~inoculated~~ VACCINATED against feline
6 panleukopenia, ~~(cat distemper), rinotracheitis and calici viruses,~~
7 ~~and, if~~ AND FELINE HERPES VIRUS-1. THE CAT SHALL ALSO BE VACCINATED
8 AGAINST RABIES IF THE CAT IS 12 WEEKS OF AGE OR OLDER. IF A RABIES
9 VACCINE IS REQUIRED UNDER THIS SUBDIVISION, THE VACCINE SHALL BE
10 ADMINISTERED BY A VETERINARIAN. IF THE PERSON OPERATES A PET SHOP,
11 THE PERSON SHALL ADMINISTER VACCINATIONS OTHER THAN THE RABIES
12 VACCINATION TO THE CAT AS REQUIRED BY THIS SUBDIVISION NOT LESS
13 THAN 7 DAYS BEFORE THE CAT'S ENTRY INTO THIS STATE. THE DIRECTOR
14 MAY REQUIRE VACCINATIONS AGAINST OTHER DISEASES NOT SPECIFIED IN
15 THIS SUBDIVISION.

16 (B) IF indicated, THE CAT has been treated for external and
17 internal parasites ~~, not less than 7 days prior to the cat's entry~~
18 ~~into this state.~~ SO THAT THE CAT IS NOT CAPABLE OF SPREADING
19 EXTERNAL OR INTERNAL PARASITES TO ANOTHER ANIMAL AT THE TIME IT IS
20 IMPORTED INTO THIS STATE.

21 (C) The cat ~~shall be~~ IS accompanied by a ~~a~~ AN INTERSTATE health
22 certificate OR CERTIFICATE OF VETERINARY INSPECTION FILLED OUT AND
23 signed by a ~~a~~ AN ACCREDITED veterinarian LICENSED TO PRACTICE
24 VETERINARY MEDICINE IN THE CAT'S STATE OF ORIGIN, including records
25 of the cat's medication and immunization.

26 (5) ~~(e) sell~~ A PERSON WHO OPERATES A PET SHOP OR A LARGE-SCALE
27 DOG BREEDING KENNEL SHALL NOT SELL, EXCHANGE, TRANSFER, or deliver

1 a dog, ~~or cat~~, **OR FERRET** without providing to the purchaser a **VALID**
 2 **PET** health certificate. ~~signed by a veterinarian licensed by this~~
 3 ~~state, for the dog or cat. The certificate shall include a health~~
 4 ~~record indicating the date and type of vaccinations which have been~~
 5 ~~given to the dog or cat.~~ **FOR PURPOSES OF THIS SUBSECTION, A PET**
 6 **HEALTH CERTIFICATE IS ONLY VALID FOR 30 DAYS AFTER THE DATE THE**
 7 **ANIMAL WAS EXAMINED BY THE VETERINARIAN WHO SIGNED THE CERTIFICATE.**

8 (6) A PERSON SHALL NOT OPERATE A LARGE-SCALE DOG BREEDING
 9 KENNEL THAT HOUSES OR KEEPS MORE THAN 50 INTACT FEMALE DOGS OVER
 10 THE AGE OF 4 MONTHS IN ANY 1 PHYSICAL LOCATION.

11 Sec. 6. (1) A municipality shall not operate an animal control
 12 shelter unless the animal control shelter is registered with the
 13 department.

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

17 (3) A PERSON SHALL NOT OPERATE A LARGE-SCALE DOG BREEDING
 18 KENNEL UNLESS THE LARGE-SCALE DOG BREEDING KENNEL IS REGISTERED
 19 WITH THE DEPARTMENT.

20 (4) THIS ACT IS NOT INTENDED TO APPLY TO A DOG OWNER OR
 21 BREEDER THAT HOUSES 15 OR FEWER INTACT FEMALE DOGS.

22 Sec. 7. Application for registration of an animal control
 23 shelter, ~~or AN~~ animal protection shelter, **OR A LARGE-SCALE DOG**
 24 **BREEDING KENNEL** shall be on ~~forms approved~~ **A FORM PRESCRIBED** by the
 25 ~~department.~~ **DIRECTOR.**

26 Sec. 8a. ~~(1) Except as otherwise provided in this section, an~~
 27 ~~animal control shelter or animal protection shelter shall not~~

~~1 permit a person to adopt a dog, cat, or ferret that has not been
2 altered, unless that person has entered into a contract for the
3 alteration of the dog, cat, or ferret with the animal control
4 shelter or animal protection shelter. The contract shall state that
5 the adopting person agrees to have an alteration performed on the
6 dog, cat, or ferret and shall otherwise comply with this section.~~

~~7 ——— (2) A contract with an animal control shelter or animal
8 protection shelter entered into pursuant to subsection (1) shall
9 require the adopting person to have an alteration performed on the
10 dog, cat, or ferret within 4 weeks after the adoption date if at
11 the time of adoption the dog, cat, or ferret is 6 months of age or
12 older. If the dog, cat, or ferret to be adopted is under 6 months
13 of age at the time of adoption, the contract shall contain the date
14 upon which the dog, cat, or ferret will be 6 months of age, and
15 shall require the person adopting the dog, cat, or ferret to have
16 an alteration performed on the dog, cat, or ferret within 4 weeks
17 after that date. This section does not prevent a veterinarian from
18 performing an alteration on a dog, cat, or ferret that is under 6
19 months of age.~~

~~20 ——— (3) Upon certification by a veterinarian in writing that a
21 dog, cat, or ferret has a serious, permanent medical or health
22 problem that prevents an alteration, the dog, cat, or ferret
23 adopted is not required to be altered. Upon certification by a
24 veterinarian in writing that an alteration poses a serious,
25 temporary medical or health problem, the alteration may be
26 postponed. The person adopting the dog, cat, or ferret shall have
27 it reevaluated by a veterinarian at intervals not to exceed 14 days~~

1 ~~and shall have the alteration performed no later than 7 days after~~
2 ~~a veterinarian determines that the temporary problem is resolved.~~

3 ~~—— (4) Except as otherwise provided in subsection (7), a contract~~
4 ~~entered into pursuant to subsection (1) shall require the adopting~~
5 ~~person to leave with the animal control shelter or animal~~
6 ~~protection shelter, or a designee of the animal control shelter or~~
7 ~~animal protection shelter, a good faith deposit of at least \$25.00~~
8 ~~that indicates the person's intention to have the adopted dog, cat,~~
9 ~~or ferret altered within the time provided pursuant to subsection~~
10 ~~(2). If the person fails to comply with the terms of the contract,~~
11 ~~the deposit is forfeited. The good faith deposit shall be returned~~
12 ~~to the adopting person if the adopting person submits written~~
13 ~~certification from a veterinarian of either of the following:~~

14 ~~—— (a) The dog, cat, or ferret died within the time period in~~
15 ~~which the alteration was required under subsection (2).~~

16 ~~—— (b) The dog, cat, or ferret has a serious, permanent medical~~
17 ~~or health problem that prevents an alteration.~~

18 ~~—— (5) Money forfeited under subsection (4) shall be used by the~~
19 ~~animal control shelter or animal protection shelter to finance~~
20 ~~alterations, for public education regarding the value of having~~
21 ~~dogs, cats, and ferrets altered, or to otherwise ensure compliance~~
22 ~~with this section.~~

23 ~~—— (6) If the adopting person complies with the terms of a~~
24 ~~contract entered into under subsection (1), the good faith deposit~~
25 ~~of at least \$25.00 shall be refunded by the animal control shelter,~~
26 ~~animal protection shelter, or a designee of the animal control~~
27 ~~shelter or animal protection shelter, upon submission by the~~

~~adopting person of written certification by a veterinarian that the adopted dog, cat, or ferret was altered. The certificate shall include the date of alteration, the name of the owner of the dog, cat, or ferret, the description of the dog, cat, or ferret, and the signature of the veterinarian who performed the alteration.~~

~~—— (7) The good faith deposit under subsection (4) is not required if 1 or more of the following apply:~~

~~—— (a) A dog is transferred to a local, state, or federal law enforcement agency.~~

~~—— (b) A dog is transferred to an organization or trainer that trains guide or leader dogs for blind persons, hearing dogs for deaf or audibly impaired persons, or service dogs for physically limited persons.~~

~~—— (c) A dog, cat, or ferret is transferred to another animal control shelter or animal protection shelter or is transferred to a person who will transfer the animal to another animal control shelter or animal protection shelter. Before the first animal control shelter or animal protection shelter releases the animal, it shall obtain from the person to whom the animal is to be released a written statement by the second animal control shelter or animal protection shelter that it is willing to accept the animal for purposes of adoption or humane euthanasia. Promptly after receipt of the animal by the second animal control shelter or animal protection shelter, the person to whom the animal was released shall provide the first animal control shelter or animal protection shelter with a written statement by the second animal control shelter or animal protection shelter containing a~~

1 ~~description of the dog, cat, or ferret and acknowledging its~~
2 ~~receipt on a date specified in the statement.~~

3 ~~—— (8) A contract entered into pursuant to subsection (1) shall~~
4 ~~include a statement that if the terms of the contract are breached~~
5 ~~because a person adopting a dog, cat, or ferret fails to have the~~
6 ~~animal altered as required in the contract, then the person agrees~~
7 ~~to pay liquidated damages of the greater of \$100.00 or actual~~
8 ~~reasonable costs incurred by the animal control shelter or animal~~
9 ~~protection shelter to enforce the contract. Immediately before a~~
10 ~~person signs the contract, a representative of the animal control~~
11 ~~shelter or animal protection shelter shall verbally direct the~~
12 ~~person's attention to the liquidated damages agreement in the~~
13 ~~contract.~~

14 (1) A GOVERNMENT AGENCY THAT HAS JURISDICTION OVER ANIMAL
15 CONTROL WITHIN A COUNTY OR MUNICIPALITY AND AN ANIMAL PROTECTION
16 SHELTER MAY ENTER INTO A CONTRACT UNDER WHICH THE ANIMAL PROTECTION
17 SHELTER AGREES TO PROVIDE HOUSING AND CARE FOR ANIMALS UNDER THE
18 JURISDICTION OF THAT GOVERNMENT AGENCY. IF AN ANIMAL PROTECTION
19 SHELTER THAT IS NOT UNDER CONTRACT WITH A GOVERNMENT AGENCY THAT
20 HAS JURISDICTION OVER ANIMAL CONTROL WITHIN A COUNTY OR
21 MUNICIPALITY TAKES CUSTODY OF A DOG THAT WAS FOUND RUNNING AT LARGE
22 OR OTHERWISE IN VIOLATION OF A LOCAL ORDINANCE OR THE LAWS OF THIS
23 STATE, THE ANIMAL PROTECTION SHELTER SHALL, NO LATER THAN 48 HOURS
24 AFTER TAKING CUSTODY OF THE DOG, NOTIFY THE GOVERNMENT AGENCY IN
25 THAT JURISDICTION THAT THE ANIMAL PROTECTION SHELTER HAS CUSTODY OF
26 THE DOG.

27 (2) AN ANIMAL PROTECTION SHELTER THAT PROVIDES THE

1 NOTIFICATION REQUIRED UNDER SUBSECTION (1) SHALL PROVIDE FULL
2 INFORMATION ABOUT THE DOG AND ACCESS TO THE DOG TO THE GOVERNMENT
3 AGENCY TO ALLOW THAT AGENCY TO INVESTIGATE AND ENFORCE ANY
4 VIOLATIONS OF A LOCAL ORDINANCE OR A LAW OF THIS STATE.

5 SEC. 8B. (1) AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION
6 SHELTER SHALL OBSERVE A 7-DAY HOLDING PERIOD FOR AN ANIMAL WITH
7 CURRENT, TRACEABLE EVIDENCE OF OWNERSHIP. THE ANIMAL CONTROL
8 SHELTER OR AN ANIMAL PROTECTION SHELTER SHALL USE ALL REASONABLE
9 METHODS TO IDENTIFY THE OWNER OF THE ANIMAL, INCLUDING UNIVERSAL
10 MICROCHIP SCANNING EQUIPMENT AND ANY OTHER METHODS PRESCRIBED BY
11 THE DIRECTOR. THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
12 SHELTER SHALL NOTIFY THE OWNER OF AN ANIMAL USING THE MEANS
13 PROVIDED FOR IN THE IDENTIFICATION AND SHALL NOT DISPOSE OF THE
14 ANIMAL FOR AT LEAST 7 DAYS AFTER THE DATE AND TIME OF THE
15 DOCUMENTED NOTIFICATION.

16 (2) AN ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER
17 SHALL OBSERVE A 4-DAY HOLDING PERIOD FOR A DOG OR A CAT THAT DOES
18 NOT HAVE CURRENT, TRACEABLE EVIDENCE OF OWNERSHIP.

19 (3) ONCE THE APPLICABLE HOLDING PERIOD AS PROVIDED IN
20 SUBSECTIONS (1) AND (2) HAS BEEN FULFILLED, OWNERSHIP OF THE ANIMAL
21 TRANSFERS TO THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
22 SHELTER.

23 (4) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

24 (A) AN ANIMAL THAT WOULD BE SUBJECTED TO UNDUE SUFFERING IF
25 THE REQUIRED HOLDING PERIOD WAS OBSERVED.

26 (B) AN ANIMAL WHOSE OWNER REQUESTS IMMEDIATE DISPOSITION OF
27 THE ANIMAL.

1 (C) AN ANIMAL THAT WAS RELINQUISHED TO THE ANIMAL CONTROL
2 SHELTER OR ANIMAL PROTECTION SHELTER BY ITS OWNER.

3 SEC. 8C. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
4 ANIMAL CONTROL SHELTER OR AN ANIMAL PROTECTION SHELTER SHALL NOT
5 PERMIT A PERSON TO ADOPT A DOG, CAT, OR FERRET THAT HAS NOT BEEN
6 ALTERED, UNLESS THAT PERSON HAS ENTERED INTO A CONTRACT FOR THE
7 ALTERATION OF THE DOG, CAT, OR FERRET WITH THE ANIMAL CONTROL
8 SHELTER OR ANIMAL PROTECTION SHELTER. THE CONTRACT SHALL STATE THAT
9 THE ADOPTING PERSON AGREES TO HAVE AN ALTERATION PERFORMED ON THE
10 DOG, CAT, OR FERRET AND SHALL OTHERWISE COMPLY WITH THIS SECTION.

11 (2) A CONTRACT WITH AN ANIMAL CONTROL SHELTER OR AN ANIMAL
12 PROTECTION SHELTER ENTERED INTO UNDER SUBSECTION (1) SHALL REQUIRE
13 THE ADOPTING PERSON TO HAVE AN ALTERATION PERFORMED ON THE DOG,
14 CAT, OR FERRET WITHIN 4 WEEKS AFTER THE ADOPTION DATE IF AT THE
15 TIME OF ADOPTION THE DOG, CAT, OR FERRET IS 6 MONTHS OF AGE OR
16 OLDER. IF THE DOG, CAT, OR FERRET TO BE ADOPTED IS UNDER 6 MONTHS
17 OF AGE AT THE TIME OF ADOPTION, THE CONTRACT SHALL CONTAIN THE DATE
18 UPON WHICH THE DOG, CAT, OR FERRET WILL BE 6 MONTHS OF AGE, AND
19 SHALL REQUIRE THE PERSON ADOPTING THE DOG, CAT, OR FERRET TO HAVE
20 AN ALTERATION PERFORMED ON THE DOG, CAT, OR FERRET WITHIN 4 WEEKS
21 AFTER THAT DATE. THIS SECTION DOES NOT PREVENT A VETERINARIAN FROM
22 PERFORMING AN ALTERATION ON A DOG, CAT, OR FERRET THAT IS UNDER 6
23 MONTHS OF AGE.

24 (3) UPON CERTIFICATION BY A VETERINARIAN IN WRITING THAT A
25 DOG, CAT, OR FERRET HAS A SERIOUS, PERMANENT MEDICAL OR HEALTH
26 PROBLEM THAT PREVENTS AN ALTERATION, THE DOG, CAT, OR FERRET
27 ADOPTED IS NOT REQUIRED TO BE ALTERED. UPON CERTIFICATION BY A

1 VETERINARIAN IN WRITING THAT AN ALTERATION POSES A SERIOUS,
2 TEMPORARY MEDICAL OR HEALTH PROBLEM, THE ALTERATION MAY BE
3 POSTPONED. THE PERSON ADOPTING THE DOG, CAT, OR FERRET SHALL HAVE
4 IT REEVALUATED BY A VETERINARIAN AT INTERVALS NOT TO EXCEED 14 DAYS
5 AND SHALL HAVE THE ALTERATION PERFORMED NO LATER THAN 7 DAYS AFTER
6 A VETERINARIAN DETERMINES THAT THE TEMPORARY PROBLEM IS RESOLVED.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), A CONTRACT
8 ENTERED INTO UNDER SUBSECTION (1) SHALL REQUIRE THE ADOPTING PERSON
9 TO LEAVE WITH THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
10 SHELTER A GOOD-FAITH DEPOSIT OF AT LEAST \$25.00 THAT INDICATES THE
11 PERSON'S INTENTION TO HAVE THE ADOPTED DOG, CAT, OR FERRET ALTERED
12 WITHIN THE TIME PROVIDED UNDER SUBSECTION (2). IF THE PERSON FAILS
13 TO COMPLY WITH THE TERMS OF THE CONTRACT, THE DEPOSIT IS FORFEITED.
14 THE GOOD-FAITH DEPOSIT SHALL BE RETURNED TO THE ADOPTING PERSON IF
15 THE ADOPTING PERSON SUBMITS WRITTEN CERTIFICATION FROM A
16 VETERINARIAN OF EITHER OF THE FOLLOWING:

17 (A) THE DOG, CAT, OR FERRET DIED WITHIN THE TIME PERIOD IN
18 WHICH THE ALTERATION WAS REQUIRED UNDER SUBSECTION (2).

19 (B) THE DOG, CAT, OR FERRET HAS A SERIOUS, PERMANENT MEDICAL
20 OR HEALTH PROBLEM THAT PREVENTS AN ALTERATION.

21 (5) MONEY FORFEITED UNDER SUBSECTION (4) SHALL BE USED BY THE
22 ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER TO FINANCE
23 ALTERATIONS, FOR PUBLIC EDUCATION REGARDING THE VALUE OF HAVING
24 DOGS, CATS, AND FERRETS ALTERED, OR TO OTHERWISE ENSURE COMPLIANCE
25 WITH THIS SECTION.

26 (6) IF THE ADOPTING PERSON COMPLIES WITH THE TERMS OF A
27 CONTRACT ENTERED INTO UNDER SUBSECTION (1), THE GOOD-FAITH DEPOSIT

1 OF AT LEAST \$25.00 SHALL BE REFUNDED BY THE ANIMAL CONTROL SHELTER
2 OR ANIMAL PROTECTION SHELTER UPON SUBMISSION BY THE ADOPTING PERSON
3 OF WRITTEN CERTIFICATION BY A VETERINARIAN THAT THE ADOPTED DOG,
4 CAT, OR FERRET WAS ALTERED. THE CERTIFICATE SHALL INCLUDE THE DATE
5 OF ALTERATION, THE NAME OF THE OWNER OF THE DOG, CAT, OR FERRET,
6 THE DESCRIPTION OF THE DOG, CAT, OR FERRET, AND THE SIGNATURE OF
7 THE VETERINARIAN WHO PERFORMED THE ALTERATION.

8 (7) THE GOOD-FAITH DEPOSIT UNDER SUBSECTION (4) IS NOT
9 REQUIRED IF 1 OR MORE OF THE FOLLOWING APPLY:

10 (A) A DOG IS TRANSFERRED TO A LOCAL, STATE, OR FEDERAL LAW
11 ENFORCEMENT AGENCY.

12 (B) A DOG IS TRANSFERRED TO AN ORGANIZATION OR TRAINER THAT
13 TRAINS GUIDE OR LEADER DOGS FOR BLIND PERSONS, HEARING DOGS FOR
14 DEAF OR AUDIBLY IMPAIRED PERSONS, OR SERVICE DOGS FOR PHYSICALLY
15 LIMITED PERSONS.

16 (C) A DOG, CAT, OR FERRET IS TRANSFERRED TO ANOTHER ANIMAL
17 CONTROL SHELTER OR ANIMAL PROTECTION SHELTER OR IS TRANSFERRED TO A
18 PERSON WHO WILL TRANSFER THE ANIMAL TO ANOTHER ANIMAL CONTROL
19 SHELTER OR ANIMAL PROTECTION SHELTER. BEFORE THE FIRST ANIMAL
20 CONTROL SHELTER OR ANIMAL PROTECTION SHELTER RELEASES THE ANIMAL,
21 IT SHALL OBTAIN FROM THE PERSON TO WHOM THE ANIMAL IS TO BE
22 RELEASED A WRITTEN STATEMENT BY THE SECOND ANIMAL CONTROL SHELTER
23 OR ANIMAL PROTECTION SHELTER THAT IT IS WILLING TO ACCEPT THE
24 ANIMAL FOR PURPOSES OF ADOPTION OR EUTHANASIA. PROMPTLY AFTER
25 RECEIPT OF THE ANIMAL BY THE SECOND ANIMAL CONTROL SHELTER OR
26 ANIMAL PROTECTION SHELTER, THE PERSON TO WHOM THE ANIMAL WAS
27 RELEASED SHALL PROVIDE THE FIRST ANIMAL CONTROL SHELTER OR ANIMAL

1 PROTECTION SHELTER WITH A WRITTEN STATEMENT BY THE SECOND ANIMAL
 2 CONTROL SHELTER OR ANIMAL PROTECTION SHELTER CONTAINING A
 3 DESCRIPTION OF THE DOG, CAT, OR FERRET AND ACKNOWLEDGING ITS
 4 RECEIPT ON A DATE SPECIFIED IN THE STATEMENT.

5 (8) A CONTRACT ENTERED INTO UNDER SUBSECTION (1) SHALL INCLUDE
 6 A STATEMENT THAT IF THE TERMS OF THE CONTRACT ARE BREACHED BECAUSE
 7 A PERSON ADOPTING A DOG, CAT, OR FERRET FAILS TO HAVE THE ANIMAL
 8 ALTERED AS REQUIRED IN THE CONTRACT, THEN THE PERSON AGREES TO PAY
 9 LIQUIDATED DAMAGES OF THE GREATER OF \$100.00 OR ACTUAL REASONABLE
 10 COSTS INCURRED BY THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
 11 SHELTER TO ENFORCE THE CONTRACT. IMMEDIATELY BEFORE A PERSON SIGNS
 12 THE CONTRACT, A REPRESENTATIVE OF THE ANIMAL CONTROL SHELTER OR
 13 ANIMAL PROTECTION SHELTER SHALL VERBALLY DIRECT THE PERSON'S
 14 ATTENTION TO THE LIQUIDATED DAMAGES AGREEMENT IN THE CONTRACT.

15 Sec. 9. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
 16 SUBSECTION, THE licensing and registration requirements of this act
 17 do not apply to a person who breeds his or her own animals or to a
 18 person subject to 1969 PA 224, MCL 287.381 to 287.395. THE
 19 LICENSING AND REGISTRATION REQUIREMENTS OF THIS ACT APPLY TO A
 20 LARGE-SCALE DOG BREEDING KENNEL.

21 (2) Subsection (1) does not create an exemption from
 22 vaccination and licensing requirements under the dog law of 1919,
 23 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and
 24 handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

25 (3) This act does not require the alteration of a dog, cat, or
 26 ferret being reclaimed from an animal control shelter or animal
 27 protection shelter by its owner unless a local governmental

1 GOVERNMENT ordinance requires the alteration.

2 Sec. 9a. (1) AN ANIMAL CONTROL SHELTER, AN ANIMAL PROTECTION
3 SHELTER, A PET SHOP, OR A LARGE-SCALE DOG BREEDING KENNEL SHALL
4 MAINTAIN CURRENT VERIFIABLE RECORDS FOR A PERIOD OF AT LEAST 2
5 YEARS. THE RECORDS SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

6 (A) HOW THE ANIMAL WAS ACQUIRED, THE LOCATION WHERE THE ANIMAL
7 WAS FOUND OR OBTAINED, AND THE DATE AND TIME OF ACQUISITION OR
8 BIRTH.

9 (B) IF THE ANIMAL WAS ACQUIRED FROM A PERSON, THE VERIFIED
10 NAME AND ADDRESS OF THE PERSON FROM WHOM THE ANIMAL WAS ACQUIRED
11 AND THE PERSON'S RELATIONSHIP TO THE ANIMAL.

12 (C) IF THE ANIMAL WAS ACQUIRED BY ANIMAL CONTROL OR LAW
13 ENFORCEMENT PERSONNEL, THE NAME OF THE OFFICER, THE VERIFIED NAME
14 AND ADDRESS OF THE PERSON FROM WHOM THE ANIMAL WAS OBTAINED OR THE
15 LOCATION WHERE THE ANIMAL WAS OBTAINED, AND, IF APPLICABLE, THE
16 PERSON'S RELATIONSHIP TO THE ANIMAL.

17 (D) THE METHOD OR METHODS USED TO IDENTIFY THE OWNER OF THE
18 ANIMAL.

19 (E) A DESCRIPTION AND IDENTIFICATION OF THE ANIMAL, INCLUDING
20 THE ANIMAL'S IDENTIFICATION INFORMATION, SPECIES, COLOR, BREED,
21 SEX, ALTERATION STATUS, AND APPROXIMATE WEIGHT AND AGE.

22 (F) THE DATE, NATURE, AND METHOD OF DISPOSITION OF THE ANIMAL.

23 (G) IF THE ANIMAL IS ADOPTED, TRANSFERRED, OR SOLD, THE
24 VERIFIED NAME AND ADDRESS OF THE PERSON TO WHOM THE ANIMAL IS
25 ADOPTED, TRANSFERRED, OR SOLD.

26 (H) THE NUMBER OF ANIMALS ON SITE DAILY AT EACH PHYSICAL
27 LOCATION.

1 (I) THE NUMBER OF INTACT BREEDING ADULT FEMALE DOGS ON SITE
2 DAILY AT EACH PHYSICAL LOCATION. THIS SUBDIVISION ONLY APPLIES TO A
3 LARGE-SCALE DOG BREEDING KENNEL.

4 (2) THE RECORDS REQUIRED UNDER SUBSECTION (1) SHALL BE MADE
5 AVAILABLE UPON REQUEST TO THE DIRECTOR OR HIS OR HER
6 REPRESENTATIVE.

7 (3) An animal control shelter or **AN** animal protection shelter
8 shall ~~maintain written records on the~~ **ANNUALLY REPORT THE FOLLOWING**
9 **STATISTICS TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE DIRECTOR**
10 **NO LATER THAN MARCH 31 OF THE YEAR FOLLOWING THE YEAR FOR WHICH THE**
11 **STATISTICS WERE COMPILED:**

12 (A) **THE** total number of dogs ~~, AND~~ cats ~~, and ferrets~~ under 6
13 months of age. ~~, the~~

14 (B) **THE** total number of dogs ~~, AND~~ cats ~~, and ferrets~~ 6 months
15 of age and older. ~~, and all~~

16 (C) **THE TOTAL NUMBER OF ALL** other animals received, returned
17 to owners, adopted to new owners, sold, or transferred with or
18 without remuneration to any person. ~~, the~~

19 (D) **THE TOTAL** number of adopted dogs ~~, AND~~ cats ~~, and ferrets~~
20 that were altered ~~, AND~~ the **TOTAL** number of adopted dogs ~~, AND~~ cats
21 ~~, and ferrets~~ that were not altered. ~~, and the~~

22 (E) **THE TOTAL** number of dogs ~~, AND~~ cats ~~, and ferrets~~
23 euthanized annually. ~~, and shall annually provide a copy of these~~
24 ~~statistics to the department, by March 31 of the year following the~~
25 ~~year for which the statistics were compiled.~~