

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 148

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

5           (2) The department shall use the information provided on a  
6 report submitted under subsection (1) for purposes of determining

1 compliance under section 8a and shall not make any information  
2 provided on the report available on the department's website.

3 Sec. 12. (1) ~~Any~~ Except as provided in subsections (2) and  
4 (5), a person ~~who~~ that violates ~~any of the provisions of~~ this act  
5 is guilty of a misdemeanor.

6 (2) If a research facility violates section 8a, the  
7 department, after notice and opportunity for a hearing under the  
8 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
9 24.328, may impose an administrative fine as follows:

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

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

14 (c) If the violation involved 4 or more laboratory animals,  
15 but fewer than 10 laboratory animals, or the research facility has  
16 1 prior violation under section 8a, a fine of not more than  
17 \$3,000.00.

18 (d) If the violation involved 10 or more laboratory animals,  
19 but fewer than 25 laboratory animals, or the research facility has  
20 2 prior violations under section 8a, a fine of not more than  
21 \$5,000.00

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

25 (3) The department shall advise the attorney general of the  
26 failure of a person to pay an administrative fine under subsection  
27 (2). The attorney general shall bring an action to enforce  
28 compliance with sections 8a and 11a and recover an administrative  
29 fine under subsection (2), civil fine under subsection (5), actual

1 costs and fees, and attorney fees. The court shall triple the  
2 administrative fine under subsection (2) as part of any monetary  
3 judgment, as applicable.

4 (4) An administrative fine collected under subsection (2) must  
5 be deposited into the laboratory animal fund created under section  
6 12a.

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

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

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

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

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

24 (4) The department is the administrator of the laboratory  
25 animal fund for auditing purposes. The department shall expend  
26 money from the laboratory animal fund to administer sections 8a,  
27 11a, and 12.

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

1 law.