

FERRETS Act 358 of 1994

AN ACT to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

The People of the State of Michigan enact:

287.891 Definitions.

Sec. 1. (1) "Accredited veterinarian" means a veterinarian approved by the United States department of agriculture to perform specific functions required by cooperative state and federal disease control and eradication programs.

(2) "Animal" means an animal other than a human being.

(3) "Animal control officer" means an individual employed as an animal control officer pursuant to sections 29a, 29b, and 29c of the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.289a, 287.289b, and 287.289c of the Michigan Compiled Laws.

(4) "Approved vaccine" means a vaccine authorized by the state veterinarian pursuant to the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being sections 287.701 to 287.747 of the Michigan Compiled Laws.

(5) "Breeder" means a person who is a dealer as defined in the animal welfare act, Public Law 89-544, 7 U.S.C. 2131 to 2147, 2149, and 2151 to 2159, and who is regulated by the United States department of agriculture as a class A licensee, breeder, or a class B licensee, meeting the definition of dealer in §1.1, pursuant to title 9, C.F.R., subchapter A, part 1, section 1.1 and subpart F, sections 3.125 through 3.142.

(6) "Department" means the department of agriculture.

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

(8) "Ferret" means an animal of any age of the species *Mustela furo*.

(9) "Hobby breeder" means a person who owns 4 or fewer ferrets that are at least 6 months of age or a litter of ferrets that is less than 5 months of age on a temporary basis for personal recreational purposes such as competitions in shows or improving the breed, and who registers his or her ferrets with a national ferret registry organization.

(10) "Law enforcement agent" means an officer of the department of state police, a law enforcement agency of a county, township, city, or village who is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state, or a conservation officer.

(11) "Local unit of government" means a county, city, village, or township.

(12) "Official interstate health certificate" or "official certificate of veterinary inspection" means a printed form that is adopted by any state that documents the information described in this subsection and that is issued by an accredited veterinarian for animals being imported or exported from this state within 30 days before the importation or exportation of the animals it describes. A photocopy of an official interstate health certificate or official certificate of veterinary inspection is not valid. An official interstate health certificate or official certificate of veterinary inspection shall include all of the following:

(a) The complete names and addresses of the consignor and consignee and the destination address if different from the consignee address.

(b) A description of the ferret by breed, sex, age, color, markings, and other identification.

(c) The date of examination of the ferret by the accredited veterinarian preparing the certificate.

(d) The health status of the ferret by recording the results of any required tests and required vaccinations. The accredited veterinarian preparing the certificate shall certify that the ferret is free from clinical signs of infectious, contagious, or toxicological diseases.

(13) "Owner" means a person having a right of property ownership in a ferret, who keeps or harbors the ferret or has the ferret in his or her care or custody, or who permits the ferret to remain on or about premises occupied by the person. An owner does not include a veterinarian who keeps a ferret on a temporary basis for medical care or treatment.

(14) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(15) "State veterinarian" means the chief animal health official of the state as appointed by the director under section 7 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.707 of the Michigan Compiled Laws.

(16) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or under the law of another state or federal authority that is applicable to that person.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.892 Ferrets; vaccinations required; exception; bite, scratch, abrasions, or contamination; report to county health department; handling; production of rabies certificate upon request.

Sec. 2. (1) A person shall not own or harbor a ferret over 12 weeks of age unless the ferret has a current vaccination against rabies with an approved rabies vaccine administered by a veterinarian, except that rabies vaccinations are not required for research ferrets kept at research facilities registered pursuant to the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws.

(2) A person who owns or harbors a ferret that has bitten, scratched, caused abrasions or contaminated with saliva or other infectious material an open wound or mucous membrane of a human being shall report the incident within 48 hours to the county public health department.

(3) A person who owns or harbors a ferret that has potentially exposed a person or other animal to rabies by biting, scratching, causing abrasions, or contaminating open wounds or mucous membranes with saliva or other infectious material shall handle the ferret in accordance with current published guidelines of the centers of disease control and prevention.

(4) A person who owns or harbors a ferret shall produce proof of a valid rabies certificate signed by a veterinarian for the ferret upon request of a law enforcement agent or animal control officer or the director.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.893 Ferrets; breeding without license; criteria; review of veterinary care; compliance; violation as misdemeanor.

Sec. 3. (1) A hobby breeder may engage in the breeding of ferrets without a license or permit if all of the following criteria are met:

(a) Ferrets are housed indoors, and the temperature is sufficiently regulated by heating or cooling to protect the ferrets from extremes of temperature, to provide for their health, and to prevent their discomfort. Fresh air is provided by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Lighting by natural or artificial means is ample and of sufficient intensity to permit routine inspection and cleaning.

(b) Each ferret has a minimum of 2 square feet of floor space in a well-ventilated cage. Each cage is equipped with, at a minimum, a food hopper or bowl, a water bottle, a litter box, and bedding appropriate for the season. Breeding females are provided with a draft-proof nest box of not less than 1 cubic foot of space.

(c) The food is wholesome and of sufficient quantity and nutritive value to maintain all ferrets in good health. Ferrets are fed at least once a day except as dictated by veterinary treatment. Food receptacles are located so as to be accessible and placed so as to minimize contamination. Food receptacles are kept clean and sanitary at all times.

(d) Water is accessible at all times, except as dictated by veterinary treatment, for the health and comfort of the ferret. All water receptacles are kept clean and sanitary at all times.

(e) Excretia is removed from a cage and a litter box is disinfected as often as necessary to maintain ferrets in a state of good health and minimize odors.

(f) A ferret with any congenital or developmental defect is not used in a breeding program or offered for stud or hire.

(g) Beginning on the effective date of this act, a ferret is not sold by a hobby breeder without a contract of sale that provides that if for any reason the buyer of the breeder's ferret or ferrets finds that the buyer can no longer keep the ferret or ferrets, the breeder will take the ferret or ferrets back without question or conditions placed on the return of the animal. The contract shall make it clear that the buyer shall not sell, surrender, give, or otherwise transfer the ferret or ferrets to anyone except the original breeder.

(h) A ferret is not sold or offered for sale before the ferret is at least 10 weeks old.

(i) The hobby breeder establishes a program of veterinary care with a veterinarian that includes regularly scheduled visits to monitor ferret health and husbandry.

(2) The hobby breeder's veterinarian shall annually review the program of veterinary care required under subsection (1)(i).

(3) A breeder may engage in the breeding of ferrets pursuant to title 9, C.F.R., subchapter A, part 1, section 1.1 and subpart F, sections 3.125 through 3.142.

(4) A person who violates this section is guilty of a misdemeanor.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.894 Ferrets; identification; confinement; release or abandonment.

Sec. 4. (1) The director may require that a ferret be identified pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws, at the expense of the owner.

(2) An owner shall prevent a ferret from leaving the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(3) A person shall not release a ferret into the wild or abandon a ferret.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.895 Importation.

Sec. 5. (1) A person shall not import a ferret into this state unless the person has an official interstate health certificate or official certificate of veterinary inspection signed by an accredited veterinarian and a current rabies vaccination if the ferret is over 12 weeks of age, and a current distemper vaccination if the ferret is over 6 weeks of age. A record of the vaccinations including date and type administered shall be on the official interstate health certificate or official certificate of veterinary inspection. A copy of the official interstate health certificate or official certificate of veterinary inspection approved by the state veterinarian in the state of origin shall be forwarded to the state veterinarian within 10 days after the date of issuance. An official interstate health certificate may be obtained from a veterinarian or the department.

(2) A ferret under 6 weeks of age shall not be imported into this state unless it is accompanied by its natural mother.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.896 Sale or transfer.

Sec. 6. A person who sells or transfers a ferret shall furnish a ferret health information sheet provided by the director to the person to whom a ferret is sold or transferred.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.897 Quarantine.

Sec. 7. (1) The director may declare a quarantine on ferrets in any district or region of this state to control or prevent the spread of an infectious, contagious, or toxicological disease. A person shall not move a ferret that is under quarantine to other premises without permission from the director. A person shall not allow a ferret under quarantine to mingle or have contact with animals that the director has not placed under quarantine without the permission of the director. The director may prescribe procedures for the identification, inventory, separation, mode of handling, treatment, feeding, and caring for the quarantined ferrets to prevent the quarantined ferrets from infecting nonquarantined animals. A person shall not import into this state a ferret from another state or jurisdiction if that ferret is under quarantine in the other state or jurisdiction unless that person obtains prior permission from the director.

(2) A ferret found running at large in violation of a quarantine declaration may be killed by a law enforcement agent or animal control officer. The director may ask for the cooperation of a law enforcement agency or animal control agency to enforce the quarantine.

(3) A law enforcement agent or animal control officer who kills a ferret due to a quarantine under this section is not subject to liability as a result of the killing of the ferret.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.898 Licensing requirements; ordinances established by local units of government.

Sec. 8. A local unit of government by ordinance may establish licensing requirements for ferrets. The ordinance shall provide for proof of rabies vaccination, license tags, forms, and procedures as described for dogs pursuant to the dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.261 to 287.290 of the Michigan Compiled Laws.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.899 Violation as misdemeanor; penalty; actions by law enforcement agent, animal control officer, or director.

Sec. 9. (1) A person who intentionally violates a condition of a quarantine is guilty of a misdemeanor, and shall pay the costs of the quarantine and prosecution. In addition, the misdemeanor is punishable by 1 or more of the following:

(a) Imprisonment for not more than 1 year.

- (b) A fine of not more than \$5,000.00.
- (c) Community service work for not more than 500 hours.
- (d) Permanent relinquishment of the privilege of animal ownership.

(2) A person who violates this act or a rule promulgated under this act other than as provided under subsection (1) or (3) is guilty of a misdemeanor, and shall pay the costs of the prosecution. In addition, the misdemeanor is punishable by 1 or more of the following:

- (a) Imprisonment for not more than 90 days.
- (b) A fine of not less than \$500.00 or more than \$1,000.00.
- (c) Community service work of not more than 120 hours.
- (d) Permanent relinquishment of the privilege of animal ownership.

(3) A person who violates section 4(2) is guilty of a misdemeanor punishable by a fine of not more than \$100.00, and shall pay the costs of the prosecution.

(4) A law enforcement agent, an animal control officer, or the director may issue an appearance ticket, as described and authorized by sections 9a to 9g of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws, for any misdemeanor violation of this act as described in subsection (2).

(5) In addition to any other action authorized by this act, a law enforcement agent, an animal control officer, or the director may bring an action to do 1 or more of the following:

- (a) Obtain a declaratory judgment that a method, act, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.

287.900 Rules.

Sec. 10. The director may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994;—Am. 2006, Act 220, Imd. Eff. June 26, 2006.

287.901 Repeal of MCL 317.151 to 317.152.

Sec. 11. Act No. 277 of the Public Acts of 1927, being sections 317.151 to 317.152 of the Michigan Compiled Laws, is repealed.

History: 1994, Act 358, Imd. Eff. Dec. 22, 1994.