

USE OF DOGS AND CATS FOR RESEARCH

Act 224 of 1969

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.

History: 1969, Act 224, Eff. Mar. 20, 1970.

The People of the State of Michigan enact:

287.381 Regulation of dealers and facilities using animals in research; definitions.

Sec. 1. When used in this act:

- (a) "Person" includes any individual, partnership, association or corporation.
- (b) "Director" means the director of the department of agriculture.
- (c) "Cat" means any live domestic cat (*felis catus*) for use or intended to be used for research, tests or experiments at research facilities.
- (d) "Dog" means any live dog of the species *canis familiaris* for use or intended to be used for research tests or experiments at research facilities.
- (e) "Research facility" means any school, hospital, laboratory, institution, organization or person that uses or intends to use dogs or cats in research, tests or experiments, and that (1) purchases or transports such animals, or (2) receives any funds from the state or local government or any agency or instrumentality thereof to finance its operations by means of grants, loans or otherwise.

(f) "Dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys or sells dogs or cats for research purposes and does not mean a person who breeds or raises dogs or cats for sale to a research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.382 License; application, fee.

Sec. 2. An application for a license shall be accompanied by a \$25.00 fee to be deposited by the director into the general fund.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.383 License; issuance; qualifications; "good moral character" defined.

Sec. 3. (1) The director shall issue a license to an applicant after determining:

- (a) The applicant or the officers and directors thereof are of good moral character.
- (b) The applicant or any officer or director thereof has never been convicted of cruelty to animals or a violation of this act.
- (c) An inspection has been made of the premises and the premises conform to this act and the rules of the agriculture commission, and are a suitable place in which to conduct the business.
- (d) The business is to be conducted in a permanent structure or building.

(2) As used in subsection (1), "good moral character" means good moral character as defined and determined under Act No. 381 of the Public Acts of 1974, as amended, being sections 338.41 to 338.47 of the Michigan Compiled Laws.

History: 1969, Act 224, Eff. Mar. 20, 1970;—Am. 1978, Act 303, Imd. Eff. July 10, 1978.

287.384 Unlawful sale or transportation of animals; dealers' licenses needed.

Sec. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation to another dealer under this act any such animal, unless and until such dealer shall have obtained a license from the director in accordance with this act and such rules as the director may prescribe pursuant to this act, and such license shall not have been suspended or revoked.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.385 Rules; promulgation.

Sec. 5. The director is authorized to promulgate rules in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, as are necessary to govern the handling of dogs and cats by dealers and research facilities, to promote their health, well-being and safety.

History: 1969, Act 224, Eff. Mar. 20, 1970.

Administrative rules: R 285.150.1 et seq. of the Michigan Administrative Code.

287.386 Identification or marking of dogs and cats.

Sec. 6. All dogs and cats delivered for transportation, transported, purchased or sold to research facilities shall be marked or identified in such manner as the director may prescribe.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.387 Records of purchases, sales, transportation.

Sec. 7. Research facilities and dealers shall make and keep such records with respect to their purchase, sale, transportation and handling of dogs and cats, as the director may prescribe.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.388 Disposition of dogs or cats; time; notice; record; exceptions.

Sec. 8. A dealer, a county, city, village, or township operating a dog pound or animal shelter shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the pound or shelter shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a pound or shelter shall be required to maintain a record on each identifiable dog or cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition.

This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

History: 1969, Act 224, Eff. Mar. 20, 1970;—Am. 1973, Act 31, Imd. Eff. June 14, 1973;—Am. 1974, Act 132, Imd. Eff. May 29, 1974.

287.389 Sales by public auction or by weight; disposal of unclaimed dogs and cats, maximum price.

Sec. 9. Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight; or purchased by a research facility at public auction or by weight. A research facility shall not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or from a person who breeds or raises dogs or cats for sale. Any county, city, village or township operating a dog pound or animal shelter may sell for an amount not to exceed \$10.00 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.390 License; suspension or revocation; grounds, notice, reinstatement.

Sec. 10. (1) The license may be suspended or revoked by the director of agriculture for any of the following reasons:

- (a) The incompetence or untrustworthiness of the holder.
- (b) Wilful falsification of any matter or statement contained in the application.
- (c) The licensee or any director or officer thereof has been convicted of cruelty to animals or a violation of the provisions of this act.

(d) The licensee does not conform to the provisions of this act or the rules of the agriculture commission.

(2) Written notice of the suspension or revocation shall be given by the director of agriculture within 10 days to the licensee.

(3) A person whose license has been suspended may apply, after 90 days from the date of the suspension, for reinstatement of the license.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.391 Bill of sale; form.

Sec. 11. The purchase of any dog or cat by the licensee or research facility shall be evidenced by a bill of sale signed by the seller. The bill of sale shall be a form approved by the director of agriculture and shall certify that the seller is the lawful owner of the dog or cat and that ownership is transferred to the licensee or research facility.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.392 Violations, penalty.

Sec. 12. Any person who violates any of the provisions of this act is guilty of a misdemeanor.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.393 Dealers or facilities; responsible for acts of agents or employees.

Sec. 13. When construing or enforcing the provisions of this act, the act, omission or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission or failure of such research facility or dealer as well as of such individual.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.394 Effect on other acts.

Sec. 14. The provisions of this act shall be in addition to and not in contravention of the provisions of Act No. 339 of the Public Acts of 1919, as amended, being sections 287.261 to 287.290 of the Compiled Laws of 1948.

History: 1969, Act 224, Eff. Mar. 20, 1970.

287.395 Repeal.

Sec. 15. Act No. 282 of the Public Acts of 1966, being sections 287.361 to 287.375 of the Compiled Laws of 1948, is repealed.

History: 1969, Act 224, Eff. Mar. 20, 1970.

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