

PET SHOPS, DOG POUNDS, AND ANIMAL SHELTERS (EXCERPT)
Act 287 of 1969

287.338a Animal control shelter or animal protection shelter; alteration of dog, cat, or ferret.

Sec. 8a. (1) Except as otherwise provided in this section, an animal control shelter or animal protection shelter shall not permit a person to adopt a dog, cat, or ferret that has not been altered, unless that person has entered into a contract for the alteration of the dog, cat, or ferret with the animal control shelter or animal protection shelter. The contract shall state that the adopting person agrees to have an alteration performed on the dog, cat, or ferret and shall otherwise comply with this section.

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

(3) Upon certification by a veterinarian in writing that a dog, cat, or ferret has a serious, permanent medical or health problem that prevents an alteration, the dog, cat, or ferret adopted is not required to be altered. Upon certification by a veterinarian in writing that an alteration poses a serious, temporary medical or health problem, the alteration may be postponed. The person adopting the dog, cat, or ferret shall have it reevaluated by a veterinarian at intervals not to exceed 14 days and shall have the alteration performed no later than 7 days after a veterinarian determines that the temporary problem is resolved.

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

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

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

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

(6) If the adopting person complies with the terms of a contract entered into under subsection (1), the good faith deposit of at least \$25.00 shall be refunded by the animal control shelter, animal protection shelter, or a designee of the animal control 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 description of the dog, cat, or ferret and acknowledging its receipt on a date specified in the statement.

(8) A contract entered into pursuant to subsection (1) shall include a statement that if the terms of the contract are breached because a person adopting a dog, cat, or ferret fails to have the animal altered as

required in the contract, then the person agrees to pay liquidated damages of the greater of \$100.00 or actual reasonable costs incurred by the animal control shelter or animal protection shelter to enforce the contract. Immediately before a person signs the contract, a representative of the animal control shelter or animal protection shelter shall verbally direct the person's attention to the liquidated damages agreement in the contract.

History: Add. 1997, Act 7, Eff. Jan. 1, 1998.