

Act No. 392
Public Acts of 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Reps. Santana and Kosowski

ENROLLED HOUSE BILL No. 4353

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

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) “Adoption” means a transfer of ownership, with or without remuneration, of an animal from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that individual. As used in this subdivision, a companion animal includes, but is not limited to, a dog that is used for hunting or as a guard dog.

(b) “Alteration” means a professional sterilization procedure performed by a veterinarian that renders a dog, cat, or ferret incapable of reproducing.

(c) “Altered”, in reference to a dog, cat, or ferret, means having undergone alteration.

(d) “Animal” means a vertebrate other than a human being.

(e) “Animal abuse offense” means 1 or more of the following, but does not include the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock:

(i) A violation of section 49 of the Michigan penal code, 1931 PA 328, MCL 750.49.

(ii) A violation of section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50.

(iii) A violation of section 50a of the Michigan penal code, 1931 PA 328, MCL 750.50a.

(iv) A violation of section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b.

(v) A violation of section 50c of the Michigan penal code, 1931 PA 328, MCL 750.50c.

(vi) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if the violation arose out of a crime against nature with an animal.

(vii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vi).

(viii) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (vi).

(f) “Animal control shelter” means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.

(g) “Animal protection shelter” means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

(h) “Cat” means a domestic cat of any age of the species *Felis catus*.

(i) “Department” means the state department of agriculture and rural development.

(j) “Director” means the director of the department or his or her authorized representative.

(k) “Dog” means a domestic dog of any age of the species *Canis familiaris*.

(l) “Ferret” means an animal of any age of the species *Mustela furo*.

(m) “ICHAT” means the internet criminal history access tool maintained by the department of state police.

(n) “Intact dog” means a dog that has not been altered.

(o) “Large-scale dog breeding kennel” means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding. As used in this subdivision, “housed or kept for the primary purpose of breeding” means that the female dog has previously been bred and whelped. A female dog that has not previously produced offspring shall not be considered to have been housed or kept for the primary purpose of breeding.

(p) “Municipality” means a county, city, village, or township.

(q) “Person” means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(r) “Pet health certificate” means a certificate in a form prescribed by the director in which a veterinarian attests to the species, age, sex, breed, and description of an animal; any medical conditions of the animal; any medical treatment and vaccinations that the animal received while under the control of a pet shop or large-scale dog breeding kennel; and to the fact that at the time of the preparation of the certificate the veterinarian examined the animal and found the animal free from visual evidence of communicable disease.

(s) “Pet shop” means a place where animals are sold or offered for sale, exchange, or transfer.

(t) “Veterinarian” means a person licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

Sec. 2. (1) The department may promulgate rules to accomplish the purposes of this act and to establish minimum standards for the housing, care, and handling of animals to insure the humane care and handling of animals. The department may also promulgate rules to establish minimum standards for large-scale dog breeding kennels. The rules shall be promulgated in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) Except as otherwise provided in this subsection, until the department promulgates rules under subsection (1), a large-scale dog breeding kennel is subject to R 285.151.1 to R 285.151.41 of the Michigan administrative code. Notwithstanding R 285.151.25 of the Michigan administrative code, in a large-scale dog breeding kennel, a female dog in estrus may be housed with intact male dogs for the purpose of breeding.

Sec. 5a. (1) A person who operates a pet shop shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old. A person who operates an animal control shelter or an animal protection shelter shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old unless the dog or cat is imported with its dam. A large-scale dog breeding kennel shall not import or cause to be imported into this state a dog that is less than 8 weeks old unless the dog is imported with its dam.

(2) A person who operates a pet shop shall not sell, exchange, transfer, or offer for sale, exchange, or transfer a dog or cat that is less than 8 weeks old. A large-scale dog breeding kennel shall not sell, exchange, or transfer a dog that is less than 8 weeks old.

(3) A person that operates a pet shop, an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall not import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a dog, unless all of the following are satisfied before the dog’s entry into this state:

(a) The dog has been vaccinated against distemper, parvovirus, and canine adenovirus-2. The dog shall also be vaccinated against rabies and leptospirosis if the dog is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian. A person operating a pet shop or a large-scale dog breeding kennel shall ensure that vaccinations other than the rabies vaccination are administered not less than 7 days before the dog’s entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the dog has been treated for external and internal parasites so that the dog is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The dog is accompanied by an interstate health certificate or certificate of veterinary inspection signed by an accredited veterinarian licensed to practice veterinary medicine in the dog's state of origin, including records of the dog's medication and immunization.

(4) A person who operates a pet shop, an animal control shelter, or an animal protection shelter shall not import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a cat, unless all of the following are satisfied before the cat's entry into this state:

(a) The cat has been vaccinated against feline panleukopenia, calici viruses, and feline herpes virus-1. The cat shall also be vaccinated against rabies if the cat is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian. A person operating a pet shop shall ensure that vaccinations other than the rabies vaccination are administered to the cat as required by this subdivision not less than 7 days before the cat's entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the cat has been treated for external and internal parasites so that the cat is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The cat is accompanied by an interstate health certificate or certificate of veterinary inspection filled out and signed by an accredited veterinarian licensed to practice veterinary medicine in the cat's state of origin, including records of the cat's medication and immunization.

(5) A person who operates a pet shop or a large-scale dog breeding kennel shall not sell, exchange, transfer, or deliver a dog, cat, or ferret without providing to the purchaser a valid pet health certificate. For purposes of this subsection, a pet health certificate is only valid for 30 days after the date the animal was examined by the veterinarian who signed the certificate.

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

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

(3) A person shall not operate a large-scale dog breeding kennel unless the large-scale dog breeding kennel is registered with the department. The department shall charge an annual fee of \$500.00 per registration of a large-scale dog breeding kennel.

(4) This act is not intended to apply to a dog owner or breeder other than a person that operates a large-scale dog breeding kennel.

Sec. 7. Application for registration of an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall be on a form prescribed by the director.

Sec. 8c. (1) An animal control shelter or animal protection shelter may consider an individual's criminal history when deciding whether to allow that individual to adopt an animal. An animal control shelter or animal protection shelter may choose not to allow an individual who has been convicted of an animal abuse offense to adopt an animal unless a period of at least 5 years has elapsed since the date of his or her conviction. An animal control shelter or animal protection shelter may choose not to allow an individual who is charged with committing an animal abuse offense and enters a plea to any other crime in exchange for dismissal of that charge to adopt an animal.

(2) This section may be referred to as the "animal adoption protection act".

Sec. 9. (1) Except as otherwise provided in this subsection, the licensing and registration requirements of this act do not apply to a person who breeds his or her own animals or to a person subject to 1969 PA 224, MCL 287.381 to 287.395. The licensing and registration requirements of this act apply to a large-scale dog breeding kennel.

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

(3) This act does not require the alteration of a dog, cat, or ferret being reclaimed from an animal control shelter or animal protection shelter by its owner unless a local government ordinance requires the alteration.

Sec. 9c. (1) A large-scale dog breeding kennel shall maintain current verifiable records for a period of at least 2 years. The records shall include all of the following information:

(a) The verified name and address of the person from whom the dog was acquired, where the dog was acquired, and the date that the dog was acquired.

(b) A description and identification of the dog, including the dog's identification information, color, breed, sex, alteration status, and approximate weight and age.

(c) The date and method of disposition of the dog. If the dog is adopted, transferred, or sold, the records shall also include the verified name and address of the person to whom the dog is adopted, transferred, or sold.

(d) The number of dogs on site daily at each physical location.

(e) The number of intact breeding adult female dogs on site daily at the physical location.

(f) Breeding records for each female intact dog that include the approximate date the dog was bred and the birth date and size of each litter during the time that the dog was at the physical location.

(2) A large-scale dog breeding kennel shall make the records required under subsection (1) available to the director or his or her representative on request.

Sec. 9d. No later than 18 months after the effective date of the amendatory act that added this section and annually thereafter until September 30, 2019, the department shall prepare and submit a report to the senate and house standing committees on appropriations. The report required under this section shall include, but is not limited to, all of the following information:

(a) The number of registrations issued to large-scale dog breeding kennels under section 6(3).

(b) The approximate number of breeding animals housed at each large-scale dog breeding kennel described in subdivision (a).

(c) The number of inspections of large-scale dog breeding kennels performed by the department or a partner of the department.

(d) The number of complaints received regarding large-scale dog breeding kennels.

(e) The number of pending or assessed penalties arising from the complaints described in subdivision (d).

(f) Recommendations regarding all of the following:

(i) Department staffing levels.

(ii) Annual registration fees for large-scale dog breeding kennels.

(iii) Best practices for working with partners to assist in identifying and resolving noncompliant large-scale dog breeding kennels.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor