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AUTHOR: Caul

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STATE OF MICHIGAN

HOUSE BILL No. 6395

September 3, 2008, Introduced by Rep. Caul and referred to the Committee on Agriculture.

A bill 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 the title and sections 1 and 9 (MCL 287.331 and 287.339), as amended by 1997 PA 7, and by adding sections 5c, 5d, and 5e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate pet shops, animal control shelters, ~~and animal protection shelters~~, AND PET SELLERS; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; TO REGULATE THE SALE OF DOGS AND CATS BY CERTAIN PERSONS; and to prescribe penalties and civil fines and to provide remedies.

Sec. 1. As used in this act:

(a) "Adoption" means a transfer of ownership, with or without remuneration, of a dog, cat, or ferret 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 mammal except livestock as defined in 1937 PA 284, MCL 287.121 to 287.131, and rodents.

(e) "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.

(f) "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.

(g) "Cat" means a domestic cat of any age of the species felis catus.

(H) "DEALER" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1969 PA 224, MCL 287.381.

(I) ~~(h)~~ "Department" means the state department of agriculture.

(J) ~~(i)~~ "Director" means the director of the department or his or her authorized representative.

(K) ~~(j)~~ "Dog" means a domestic dog of any age of the species canis familiaris.

(L) ~~(k)~~ "Ferret" means an animal of any age of the species mustela furo.

(M) ~~(l)~~ "Health certificate" means a certificate in a form prescribed by the department in which a veterinarian attests to the age, sex, breed, and description of an animal, and to the fact that at the time of preparation of the certificate, the veterinarian examined the animal and found the animal free from visual evidence of communicable disease.

(N) ~~(m)~~ "Municipality" means a county, city, village, or township.

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

(P) "PET SELLER" MEANS A PERSON WHO SELLS OR OFFERS FOR SALE MORE THAN 2 DOGS OR CATS OR MORE THAN 1 LITTER OF DOGS OR CATS IN ANY 12-MONTH PERIOD. PET SELLER DOES NOT INCLUDE AN ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER, DEALER, OR PET SHOP.

(Q) ~~(o)~~ "Pet shop" means a place where animals are sold or offered for sale, exchange, or transfer.

(R) ~~(p)~~ "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

SEC. 5C. (1) A PET SELLER SHALL NOT SELL A DOG OR CAT IN A COUNTY UNLESS THE PET SELLER HAS OBTAINED A PET SELLER LICENSE FROM THE COUNTY ANIMAL CONTROL SHELTER LOCATED IN THE COUNTY IN WHICH THE DOG OR CAT IS TO BE SOLD AS PROVIDED IN SECTION 5E.

(2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), A PET SELLER SHALL NOT SELL OR DELIVER A DOG OR CAT WITHOUT PROVIDING TO THE PURCHASER A HEALTH CERTIFICATE FOR THE DOG OR CAT SIGNED BY A VETERINARIAN LICENSED BY THIS STATE. THE HEALTH CERTIFICATE SHALL INCLUDE A HEALTH RECORD INDICATING THE DATE AND TYPE OF VACCINATIONS WHICH HAVE BEEN GIVEN TO THE DOG OR CAT.

(3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR

PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00. IN ADDITION, WITHIN 14 DAYS OF BEING FOUND GUILTY UNDER THIS SECTION, THE PERSON SHALL OBTAIN A PET SELLER LICENSE FROM A COUNTY ANIMAL CONTROL SHELTER.

SEC. 5D. A PET SELLER SHALL COMPLY WITH THE RULES, R 285.151.21 TO R 285.151.41 OF THE MICHIGAN ADMINISTRATIVE CODE, THAT ESTABLISH STANDARDS FOR HOUSING, CARE, HANDLING, AND TRANSPORTATION OF DOGS AND CATS.

SEC. 5E. (1) A COUNTY ANIMAL CONTROL SHELTER SHALL PROVIDE OR MAKE AVAILABLE AN APPLICATION FORM FOR A PET SELLER LICENSE.

(2) AN APPLICANT FOR A PET SELLER LICENSE SHALL SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE TO HAVE A CRIMINAL HISTORY CHECK CONDUCTED AND SHALL REQUEST THAT THE DEPARTMENT OF STATE POLICE FORWARD HIS OR HER FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY CHECK. THE DEPARTMENT OF STATE POLICE SHALL CONDUCT A CRIMINAL HISTORY CHECK AND SHALL REQUEST THE FEDERAL BUREAU OF INVESTIGATION TO MAKE A DETERMINATION OF THE EXISTENCE OF ANY NATIONAL CRIMINAL HISTORY PERTAINING TO THE APPLICANT. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE COUNTY ANIMAL CONTROL SHELTER WITH A WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK IF THE CRIMINAL HISTORY CHECK CONTAINS ANY CRIMINAL HISTORY RECORD INFORMATION. THE DEPARTMENT OF STATE POLICE SHALL FORWARD THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION DETERMINATION TO THE COUNTY ANIMAL CONTROL SHELTER WITHIN 30 DAYS AFTER THE REQUEST IS MADE. THE COUNTY ANIMAL CONTROL SHELTER SHALL NOTIFY THE APPLICANT IN WRITING OF THE TYPE OF CRIME DISCLOSED ON THE FEDERAL BUREAU OF INVESTIGATION DETERMINATION WITHOUT DISCLOSING THE DETAILS OF THE CRIME. THE DEPARTMENT OF STATE POLICE MAY CHARGE A REASONABLE FEE TO COVER THE COST OF CONDUCTING THE CRIMINAL HISTORY CHECK. THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER THIS SUBSECTION SHALL BE USED ONLY FOR THE PURPOSE OF EVALUATING AN APPLICANT'S QUALIFICATIONS FOR LICENSURE FOR WHICH HE OR SHE HAS APPLIED. AS USED IN THIS SUBSECTION, "CRIMINAL HISTORY RECORD INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925 PA 289, MCL 28.241A.

(3) A COUNTY ANIMAL CONTROL SHELTER SHALL APPROVE OR DENY THE ISSUANCE OF A PET SELLER LICENSE TO AN APPLICANT UPON SUBMISSION OF A COMPLETED APPLICATION FORM AND PAYMENT OF A LICENSE FEE OF \$200.00. THE PET SELLER LICENSE IS VALID FOR A TERM OF 1 YEAR BEGINNING JANUARY 1 OF EACH YEAR.

(4) THE COUNTY ANIMAL CONTROL SHELTER MAY DENY THE ISSUANCE OR RENEWAL OF A PET SELLER LICENSE IF THE APPLICANT HAS BEEN CONVICTED OF ANY OF THE FOLLOWING:

(A) A FELONY OR MISDEMEANOR INVOLVING STATE ANIMAL ANTICRUELTY LAWS. AS USED IN THIS SUBDIVISION, "STATE ANIMAL ANTICRUELTY LAWS" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE ANIMAL WELFARE FUND ACT, 2007 PA 132, MCL 287.992.

(B) A FELONY OR MISDEMEANOR INVOLVING DOMESTIC VIOLENCE. AS USED IN THIS SUBDIVISION, "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION 1 OF

1978 PA 389, MCL 400.1501.

(5) IF THE COUNTY ANIMAL CONTROL SHELTER DENIES A PET SELLER LICENSE TO AN APPLICANT, THE COUNTY ANIMAL CONTROL SHELTER SHALL STATE THE REASONS FOR THE DENIAL IN WRITING TO THE APPLICANT.

(6) A PET SELLER LICENSE IS RENEWABLE UPON SUBMISSION OF A COMPLETED RENEWAL APPLICATION FORM AS PROVIDED OR MADE AVAILABLE BY A COUNTY ANIMAL CONTROL SHELTER AND UPON PAYMENT OF A RENEWAL LICENSE FEE OF \$100.00.

Sec. 9. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 5C, 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.

(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 governmental ordinance requires the alteration.