

**PET SHOPS, DOG POUNDS, AND ANIMAL SHELTERS**  
**Act 287 of 1969**

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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

*The People of the State of Michigan enact:*

\*\*\*\*\* 287.331 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.331.amended \*\*\*\*\*

**287.331 Definitions.**

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) "Department" means the state department of agriculture.

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

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

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

(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.

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

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

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

(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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

\*\*\*\*\* 287.331.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**287.331.amended Definitions.**

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 (vii).
- (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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

\*\*\*\*\* 287.332 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.332.amended \*\*\*\*\*

### **287.332 Rules; promulgation.**

Sec. 2. The agriculture department shall issue rules to accomplish the purposes of this act and to establish minimum standards for housing, care and handling of animals to insure the humane care and handling of animals. The rules shall be promulgated in accordance with the provisions of 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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.

**Administrative rules:** R 285.151.1 et seq. of the Michigan Administrative Code.

\*\*\*\*\* 287.332.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

### **287.332.amended Rules; promulgation.**

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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

**Administrative rules:** R 285.151.1 et seq. of the Michigan Administrative Code.

### **287.333 License required.**

Sec. 3. No person shall operate a pet shop unless he has first received a license from the department of agriculture under the provisions of this act.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.

### **287.334 Application for pet shop licenses; fee; deposit; filing of completed license application; report; "completed application" defined.**

Sec. 4. (1) Applications for pet shop licenses shall be on a form as provided or made available by the director. Beginning October 1, 2003 through September 30, 2012, the director shall issue pet shop licenses for a term of 1 year beginning January 1 of each year. After September 30, 2012, the director shall issue a pet shop license upon application and payment of a license fee of \$150.00.

(2) Subject to subsection (6) and until September 30, 2012, the department shall charge a fee of \$200.00 for an initial application for a pet shop license and a fee of \$100.00 for renewal of a pet shop license.

(3) Until September 30, 2012 and except as otherwise provided for in this section, a pet shop license is renewable by submission of a completed renewal application provided or made available by the department and payment of the renewal fee described in subsection (2).

(4) The department shall deposit all license fees, inspection fees, other noncriminal fines or fees, and administrative fines received pursuant to this act into the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

(5) Beginning July 23, 2004, the department shall issue an initial or renewal pet shop license not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(6) If the department fails to issue or deny a license within the time required by this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this subsection does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(7) Beginning October 1, 2005, the director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with agriculture issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (5).

(b) The number of applications denied.

(c) The number of applicants not issued a license within the 90-day time period and the amount of money returned to licensees and registrants under subsection (6).

(8) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or

similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan. In the case of an initial application, completed application includes the completion of construction or renovation of any facility and the passing of a satisfactory inspection.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 2003, Act 83, Imd. Eff. July 23, 2003;—Am. 2004, Act 280, Imd. Eff. July 23, 2004;—Am. 2007, Act 79, Imd. Eff. Sept. 30, 2007.

### **287.335 Inspection of pet shop premises.**

Sec. 5. The director of agriculture shall not issue a license to operate a pet shop until he has inspected the premises to assure that it complies with the provisions of this act and the rules of the department of agriculture.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.

\*\*\*\*\* 287.335a THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.335a.amended \*\*\*\*\*

### **287.335a Prohibited conduct.**

Sec. 5a. A person who operates a pet shop shall not do any of the following:

(a) Import or cause to be imported into this state, or offer for sale or resale, a dog or cat less than 8 weeks old.

(b) Import or cause to be imported into this state, or offer for sale or resale, a dog or cat unless the dog or cat has deciduous (baby) teeth visibly present.

(c) Sell or offer for sale a dog, unless the dog has been inoculated against distemper, hepatitis, and leptospirosis, para influenza and, if indicated, has been treated for external and internal parasites, not less than 7 days before the dog's entry into this state. The dog shall be accompanied by a health certificate signed by a veterinarian, including records of the dog's medication and immunization.

(d) Sell or offer for sale a cat, unless the cat has been inoculated against feline panleukopenia (cat distemper), rinotracheitis and calici viruses and, if indicated, has been treated for external and internal parasites, not less than 7 days prior to the cat's entry into this state. The cat shall be accompanied by a health certificate signed by a veterinarian, including records of the cat's medication and immunization.

(e) Sell or deliver a dog or cat without providing to the purchaser a health certificate signed by a veterinarian licensed by this state, for the dog or cat. The certificate shall include a health record indicating the date and type of vaccinations which have been given to the dog or cat.

**History:** Add. 1980, Act 214, Imd. Eff. July 18, 1980.

\*\*\*\*\* 287.335a.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

### **287.335a.amended Prohibited conduct.**

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.

**History:** Add. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

\*\*\*\*\* 287.336 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.336.amended \*\*\*\*\*

#### **287.336 Animal control shelter; registration.**

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

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

\*\*\*\*\* 287.336.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

#### **287.336.amended Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration.**

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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

\*\*\*\*\* 287.337 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.337.amended \*\*\*\*\*

#### **287.337 Animal control shelter or animal protection shelter; registration application; forms.**

Sec. 7. Application for registration of an animal control shelter or animal protection shelter shall be on forms approved by the department.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

\*\*\*\*\* 287.337.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

#### **287.337.amended Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration application; form.**

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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

### **287.338 Animal control shelter or animal protection shelter; inspection; compliance.**

Sec. 8. The department shall not register an animal control shelter or animal protection shelter unless the department first inspects it to ensure that it complies with this act and the rules promulgated under this act.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

### **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.

\*\*\*\*\* 287.338b.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**287.338b.added Animal control shelter or animal protection shelter; use of ICHAT to determine prior criminal history for animal abuse offense; subsection (1) inapplicable to pet shop; section to be referred to as "Logan's law."**

Sec. 8b. (1) Before allowing an individual to adopt an animal, an animal control shelter or animal protection shelter may conduct a search using ICHAT to determine whether that individual has a prior criminal history for an animal abuse offense.

(2) An animal control shelter or animal protection shelter does not violate this act if the animal control shelter or animal protection shelter searches for an individual on ICHAT allowed under subsection (1) and the search fails to disclose that the individual has a prior criminal history for an animal abuse offense.

(3) Subsection (1) does not apply to a pet shop that allows an animal protection shelter to use pet shop resources, including, but not limited to, the pet shop's premises, facilities, employees, equipment, and advertising for pet adoptions, or to a pet shop that works with an animal protection shelter but does not perform adoptions except as an agent of the animal protection shelter. A pet shop described in this subsection is not an animal protection shelter and is not liable for any pet adoptions performed by an animal protection shelter.

(4) This section may be referred to as "Logan's law".

**History:** Add. 2016, Act 393, Eff. Mar. 29, 2017.

\*\*\*\*\* 287.338c.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**287.338c.added Consideration of individual's criminal history; decision to not allow individual to adopt animal; section to be referred to as "animal adoption protection act."**

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".

**History:** Add. 2016, Act 392, Eff. Mar. 29, 2017.

\*\*\*\*\* 287.339 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2017: See 287.339.amended \*\*\*\*\*

**287.339 Animal breeders and animal researchers; applicability of act.**

Sec. 9. (1) 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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

\*\*\*\*\* 287.339.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**287.339.amended Person breeding his or her own animals or person subject to MCL 287.381 to 287.395; applicability of 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.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

**287.339a Animal control shelter or animal protection shelter; maintenance of records.**

Sec. 9a. An animal control shelter or animal protection shelter shall maintain written records on the total number of dogs, cats, and ferrets under 6 months of age, the total number of dogs, cats, and ferrets 6 months of age and older, and all other animals received, returned to owners, adopted to new owners, sold, or transferred with or without remuneration to any person, the number of adopted dogs, cats, and ferrets that were altered, the number of adopted dogs, cats, and ferrets that were not altered, and the number of dogs, cats, and ferrets euthanized annually, and shall annually provide a copy of these statistics to the department, by March 31 of the year following the year for which the statistics were compiled.

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

**287.339b Violation of act or rule; sanctions; court action or order.**

Sec. 9b. (1) If a person violates this act or a rule promulgated under this act, the director, after notice and an opportunity for an evidentiary hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do either or both of the following:

(a) Suspend or revoke a license or registration issued to the person under this act.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation. The director shall advise the attorney general of the failure of a person to pay an administrative fine under this section. The attorney general shall bring a civil action to recover the administrative fine and costs and fees. The administrative fine shall be deposited in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209.

(2) In addition to any other action authorized by this act, 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 in 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.

(3) If a person fails to comply with a contract for the alteration of a dog, cat, or ferret as required under section 8a, a court with appropriate jurisdiction may order transfer of ownership of the adopted animal only to 1 of the following:

(a) The facility from which the animal was adopted.

(b) A veterinarian, animal control shelter, or animal protection shelter willing to accept the animal and either humanely euthanize the animal or adopt the animal to an owner who agrees to have the animal altered.

**History:** Add. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2007, Act 79, Imd. Eff. Sept. 30, 2007.

\*\*\*\*\* 287.339c.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

**287.339c.added Large-scale dog breeding kennel; records.**

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.

**History:** Add. 2016, Act 392, Eff. Mar. 29, 2017.

\*\*\*\*\* 287.339d.added THIS ADDED SECTION IS EFFECTIVE MARCH 29, 2017 \*\*\*\*\*

#### **287.339d.added Report.**

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.

**History:** Add. 2016, Act 392, Eff. Mar. 29, 2017.

#### **287.340 Violations; penalty.**

Sec. 10. Any person who violates the provisions of this act or any rule of the department of agriculture promulgated under the provisions of this act is guilty of a misdemeanor.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.