

HOUSE BILL NO. 4838

June 22, 2023, Introduced by Reps. Tsernoglou, McFall, Andrews, Hope, Pohutsky, Wilson, Price, Weiss, Martus, Hill, Rheingans, Conlin, McKinney, Young, Fitzgerald, MacDonell, Paiz, Brabec, Mentzer, Steckloff, Coffia, Byrnes, Hood, Dievendorf, Neeley, Scott, O'Neal, Brenda Carter, Wegela, Tyrone Carter, Farhat and Aiyash and referred to the Committee on Government Operations.

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 sections 1, 5a, and 10 (MCL 287.331, 287.335a, and 287.340), section 1 as amended by 2017 PA 84 and section 5a as amended by 2016 PA 392.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Adoption" means a transfer of ownership, with or without

1 remuneration, of an animal from an animal control shelter or animal
2 protection shelter to an individual for the purpose of being a
3 companion animal for that individual. As used in this subdivision,
4 a companion animal includes, but is not limited to, a dog that is
5 used for hunting or as a guard dog.

6 (b) "Alteration" means a professional sterilization procedure
7 performed by a veterinarian that renders a dog, cat, or ferret
8 incapable of reproducing.

9 (c) "Altered", in reference to a dog, cat, or ferret, means
10 having undergone alteration.

11 (d) Except as provided in section 8b, "animal" means a mammal,
12 except livestock as **that term is** defined in 1937 PA 284, MCL
13 287.121 to MCL 287.131, and rodents.

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

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

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

23 (iii) A violation of section 50a of the Michigan penal code,
24 1931 PA 328, MCL 750.50a.

25 (iv) A violation of section 50b of the Michigan penal code,
26 1931 PA 328, MCL 750.50b.

27 (v) A violation of section 50c of the Michigan penal code,
28 1931 PA 328, MCL 750.50c.

29 (vi) A violation of section 158 of the Michigan penal code,

1 1931 PA 328, MCL 750.158, if the violation arose out of a crime
2 against nature with an animal.

3 (vii) A violation of a local ordinance **that** substantially
4 ~~corresponding~~**corresponds** to a violation described in subparagraphs
5 (i) to (vi).

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

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

13 (g) "Animal protection shelter" means a **not-for-profit**
14 facility operated by a person, humane society, society for the
15 prevention of cruelty to animals, or any other nonprofit
16 organization for the care of homeless animals.

17 (h) "Cat" means a domestic cat of any age of the species ~~Felis~~
18 ~~eatus.~~**Felis catus.**

19 (i) "Department" means the ~~state~~ department of agriculture and
20 rural development.

21 (j) "Director" means the director of the department or ~~his or~~
22 ~~her~~**the director's** authorized representative.

23 (k) "Dog" means a domestic dog of any age of the species ~~Canis~~
24 ~~familiaris.~~**Canis lupus familiaris.**

25 (l) "Ferret" means an animal of any age of the species ~~Mustela~~
26 ~~furo.~~**Mustela furo.**

27 (m) "ICHAT" means the internet criminal history access tool
28 maintained by the department of state police.

29 (n) "Intact dog" means a dog that has not been altered.

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

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

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

12 (r) "Pet health certificate" means a certificate in a form
13 prescribed by the director in which a veterinarian attests to **all**
14 **of the following:**

15 (i) **The** species, age, sex, breed, and description of an animal.

16 ~~;~~ any

17 (ii) **Any** medical conditions of the animal. ~~;~~ any

18 (iii) **Any** medical treatment and vaccinations that the animal
19 received while under the control of a pet shop or large-scale dog
20 breeding kennel. ~~;~~ and to the

21 (iv) **The** fact that at the time of the preparation of the
22 certificate the veterinarian examined the animal and found the
23 animal free from visual evidence of communicable disease.

24 (s) "Pet shop" means a ~~place where animals are sold or offered~~
25 ~~for sale, exchange, or transfer.~~ **brick-and-mortar commercial**
26 **establishment that sells or offers for sale animals at retail, by**
27 **appointment or otherwise, that are not bred at the establishment.**

28 (t) "Rabbit" means a domestic rabbit of any age of the species
29 *Oryctolagus cuniculus domesticus*.

1 (u) ~~(t)~~ "Veterinarian" means ~~a person~~ **an individual** licensed
2 to practice veterinary medicine under part 188 of the public health
3 code, 1978 PA 368, MCL 333.18801 to 333.18838.

4 Sec. 5a. (1) ~~A person who operates~~ **Until July 1, 2025**, a pet
5 shop shall not import or cause to be imported into this state a dog
6 or cat that is less than 8 weeks old. ~~A person who operates an~~ **An**
7 animal control shelter or ~~an~~ animal protection shelter shall not
8 import or cause to be imported into this state a dog or cat that is
9 less than 8 weeks old unless the dog or cat is imported with its
10 dam. A large-scale dog breeding kennel shall not import or cause to
11 be imported into this state a dog that is less than 8 weeks old
12 unless the dog is imported with its dam.

13 (2) ~~A person who operates~~ **Until July 1, 2025**, a pet shop shall
14 not sell, exchange, transfer, or offer for sale, exchange, or
15 transfer a dog or cat that is less than 8 weeks old. A large-scale
16 dog breeding kennel shall not sell, exchange, or transfer a dog
17 that is less than 8 weeks old.

18 (3) **Beginning July 1, 2025, a pet shop shall not sell, adopt,**
19 **exchange, or transfer, or offer for sale, adoption, exchange, or**
20 **transfer, a dog, cat, or rabbit. This subsection does not prohibit**
21 **a pet shop from collaborating with and offering space to an animal**
22 **control shelter or animal protection shelter to showcase adoptable**
23 **dogs, cats, or rabbits. The pet shop shall not retain an adoption**
24 **fee or any other fee for providing space to any dog, cat, or rabbit**
25 **showcased under this subsection.**

26 (4) ~~(3) A person that operates a pet shop, an~~ **An** animal
27 control shelter, ~~an~~ animal protection shelter, or ~~a~~ large-scale dog
28 breeding kennel shall not, **and until July 1, 2025, a pet shop shall**
29 **not**, import or cause to be imported into this state, or sell,

1 adopt, exchange, or transfer, or offer for sale, adoption,
 2 exchange, or transfer a dog, unless all of the following are
 3 satisfied before the dog's entry into this state:

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

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

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

23 **(5)** ~~(4) A person who operates a pet shop, an~~ **An** animal control
 24 shelter ~~, or an~~ animal protection shelter shall not, **and until July**
 25 **1, 2025, a pet shop shall not**, import or cause to be imported into
 26 this state, or sell, adopt, exchange, or transfer, or offer for
 27 sale, adoption, exchange, or transfer a cat, unless all of the
 28 following are satisfied before the cat's entry into this state:

29 (a) The cat has been vaccinated against feline panleukopenia,

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

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

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

19 **(6)** ~~(5) A person who operates a pet shop or a~~ **A** large-scale
20 dog breeding kennel shall not sell, exchange, transfer, or deliver
21 a dog ~~, cat, or ferret~~ without providing to the purchaser a valid
22 pet health certificate. **Until July 1, 2025, a pet shop shall not**
23 **sell, exchange, transfer, or deliver a dog or cat without providing**
24 **to the purchaser a valid pet health certification. A pet shop shall**
25 **not sell, exchange, transfer, or deliver a ferret without providing**
26 **to the purchaser a valid pet health certificate.** For purposes of
27 this subsection, a pet health certificate is ~~only~~ valid for **only** 30
28 days after the date the animal was examined by the veterinarian who
29 signed the **pet health** certificate.

1 Sec. 10. (1) ~~Any~~ **Except as provided in subsection (2), a**
2 person ~~who~~ **that** violates ~~the provisions of this act or any a rule~~
3 ~~of the department of agriculture promulgated under the provisions~~
4 ~~of this act~~ is guilty of a misdemeanor.

5 (2) **A person that violates section 5a(3) is subject to a civil**
6 **fine of not more than \$500.00 for each violation. Each dog, cat, or**
7 **rabbit sold, adopted, exchanged, or transferred, or offered for**
8 **sale, adoption, exchange, or transfer in violation of section 5a(3)**
9 **is considered a separate violation under this subsection. The**
10 **prosecutor of the county in which the violation occurred or the**
11 **attorney general may bring an action to collect the fine.**