

# HOUSE BILL No. 5209

October 19, 1989, Introduced by Reps. Law, Bandstra, Martin, Hart, Bankes, Dunaskiss, Mathieu, Hertel, Dolan, Honigman, Barns, Gire, Willis Bullard and Weeks and referred to the Committee on State Affairs.

A bill to amend the title and sections 1, 2, 6, 9, and 10 of Act No. 287 of the Public Acts of 1969, entitled "An act to regulate pet shops, dog pounds and animal shelters," section 1 as amended by Act No. 214 of the Public Acts of 1980, being sections 287.331, 287.332, 287.336, 287.339, and 287.340 of the Michigan Compiled Laws; and to add section 8a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. The title and sections 1, 2, 6, 9, and 10 of Act  
2 No. 287 of the Public Acts of 1969, section 1 as amended by Act  
3 No. 214 of the Public Acts of 1980, being sections 287.331,  
4 287.332, 287.336, 287.339, and 287.340 of the Michigan Compiled  
5 Laws, are amended and section 8a is added to read as follows:

## TITLE

1  
2 An act to regulate pet shops, dog pounds, and animal  
3 shelters; TO ESTABLISH PROCEDURES FOR ADOPTION OF DOGS AND CATS;  
4 AND TO PRESCRIBE PENALTIES AND PROVIDE REMEDIES.

5 Sec. 1. As used in this act:

6 (a) ~~"Dog pound" means a facility operated by a county,~~  
7 ~~city, village, or township to impound and care for animals found~~  
8 ~~in streets or otherwise at large contrary to any ordinance of the~~  
9 ~~county, city, village, or township or state law.~~ "ALTERATION"  
10 MEANS A PROFESSIONAL STERILIZATION PROCEDURE PERFORMED BY A  
11 LICENSED VETERINARIAN THAT RENDERS A DOG OR CAT INCAPABLE OF  
12 REPRODUCING.

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

15 (B) ~~(c)~~ "Animal" means a mammal ~~except rodents and~~ OTHER  
16 THAN A RODENT OR livestock as defined in SECTION 1 OF Act No. 284  
17 of the Public Acts of 1937, as amended, being ~~sections 287.+2+~~  
18 ~~to 287.+3+~~ SECTION 287.121 of the Michigan Compiled Laws.

19 (C) ~~(d)~~ "Animal shelter" means a facility, OTHER THAN A  
20 DOG POUND, operated by a ~~person,~~ humane society, A society for  
21 the prevention of cruelty to animals, or ~~any other nonprofit~~  
22 ~~organization~~ A PERSON, for the care of homeless animals, ANIMALS  
23 THAT ARE HELD DUE TO THE VIOLATION OF A MUNICIPAL ORDINANCE OR  
24 STATE LAW, OR ANIMALS SURRENDERED TO THE FACILITY.

25 (D) "CAT" MEANS A LIVE DOMESTIC CAT OF THE SPECIES FELIS  
26 CATUS.

1 (E) "DOG" MEANS A LIVE DOMESTIC DOG OF THE SPECIES CANIS  
2 FAMILIARIS.

3 (F) "DOG POUND" MEANS A FACILITY OPERATED BY A MUNICIPALITY  
4 FOR THE IMPOUNDMENT AND CARE OF ANIMALS FOUND IN STREETS OR AT  
5 LARGE, ANIMALS THAT ARE OTHERWISE HELD DUE TO THE VIOLATION OF A  
6 MUNICIPAL ORDINANCE OR STATE LAW, OR ANIMALS SURRENDERED TO THE  
7 FACILITY.

8 (G) ~~(e)~~ "Health certificate" means a certificate in a form  
9 prescribed by the department of agriculture in which a veterinar-  
10 ian attests to the age, sex, breed, and description of an animal,  
11 and to the fact that at the time of preparation of the certifi-  
12 cate, the veterinarian examined the animal and found the animal  
13 free from visual evidence of communicable disease.

14 (H) "MUNICIPALITY" MEANS A COUNTY, CITY, VILLAGE, OR  
15 TOWNSHIP.

16 (I) "PERSON" MEANS AN INDIVIDUAL, GROUP OF INDIVIDUALS,  
17 PARTNERSHIP, ASSOCIATION, OR CORPORATION.

18 (J) "PET SHOP" MEANS A PLACE WHERE ANIMALS ARE SOLD OR  
19 OFFERED FOR SALE, EXCHANGE, OR TRANSFER.

20 (K) "SPAY-NEUTER CLINIC" MEANS A FACILITY, OPERATED BY A  
21 HUMANE SOCIETY, MUNICIPALITY, OR A PRIVATE VETERINARY CLINIC CON-  
22 TRACTING WITH A HUMANE SOCIETY OR A MUNICIPALITY, FOR THE PER-  
23 FORMANCE OF ALTERATIONS ON CATS OR DOGS ADOPTED FROM OR TO BE  
24 ADOPTED FROM A DOG POUND OR ANIMAL SHELTER.

25 Sec. 2. ~~The agriculture~~ EXCEPT AS OTHERWISE PROVIDED IN  
26 SECTION 8A, THE department OF AGRICULTURE shall ~~issue~~  
27 PROMULGATE rules to accomplish the purposes of this act and to

1 establish minimum standards for THE housing, care, and handling  
2 of animals to insure the humane care and handling of animals.  
3 The rules shall be promulgated ~~in accordance with the provisions~~  
4 ~~of Act No. 88 of the Public Acts of 1943, as amended, being sec-~~  
5 ~~tions 24.71 to 24.80 of the Compiled Laws of 1948, and subject to~~  
6 ~~Act No. 197 of the Public Acts of 1952, as amended, being sec-~~  
7 ~~tions 24.101 to 24.110 of the Compiled Laws of 1948~~ PURSUANT TO  
8 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE  
9 PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE  
10 MICHIGAN COMPILED LAWS.

11       Sec. 6. ~~No county, city, village or township~~ A  
12 MUNICIPALITY shall NOT operate a dog pound unless ~~they first~~  
13 ~~register~~ the dog pound IS REGISTERED with the department of  
14 agriculture. ~~No person,~~ A humane society, a society for the  
15 prevention of cruelty to animals, or any other ~~nonprofit~~  
16 ~~organization~~ PERSON shall NOT operate an animal shelter unless  
17 ~~they first register~~ IT IS REGISTERED with the department of  
18 agriculture.

19       SEC. 8A. (1) EXCEPT AS OTHERWISE PROVIDED IN  
20 SUBSECTION (5), A DOG POUND OR ANIMAL SHELTER SHALL NOT PERMIT  
21 THE ADOPTION OF A DOG OR CAT BY A PERSON WITHOUT FIRST HAVING AN  
22 ALTERATION PERFORMED ON THE DOG OR CAT OR ENTERING INTO A CON-  
23 TRACT FOR THE ALTERATION OF THE DOG OR CAT WITH THE PERSON ADOPT-  
24 ING THE DOG OR CAT. THE CONTRACT SHALL STATE THAT THE ADOPTING  
25 PERSON AGREES TO HAVE AN ALTERATION PERFORMED ON THE DOG OR CAT  
26 AND SHALL OTHERWISE COMPLY WITH THIS SECTION.

1 (2) A CONTRACT WITH A DOG POUND OR ANIMAL SHELTER ENTERED  
2 INTO PURSUANT TO SUBSECTION (1) SHALL REQUIRE THE ADOPTING PERSON  
3 TO HAVE AN ALTERATION PERFORMED ON THE DOG OR CAT WITHIN 2 WEEKS  
4 AFTER THE ADOPTION DATE IF THE DOG OR CAT IS A MALE 9 MONTHS OF  
5 AGE OR OLDER OR A FEMALE 6 MONTHS OF AGE OR OLDER. IF THE DOG OR  
6 CAT TO BE ADOPTED IS A MALE UNDER 9 MONTHS OF AGE OR A FEMALE  
7 UNDER 6 MONTHS OF AGE, THE CONTRACT SHALL CONTAIN THE DATE UPON  
8 WHICH THE MALE DOG OR CAT WILL REACH 9 MONTHS OF AGE OR THE  
9 FEMALE DOG OR CAT WILL REACH 6 MONTHS OF AGE, AND SHALL REQUIRE  
10 THE PERSON ADOPTING THE DOG OR CAT TO HAVE AN ALTERATION PER-  
11 FORMED ON THE DOG OR CAT WITHIN 2 WEEKS AFTER THAT DATE.

12 (3) A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (1) SHALL  
13 REQUIRE THE ADOPTING PERSON TO LEAVE WITH THE DOG POUND OR ANIMAL  
14 SHELTER A GOOD FAITH DEPOSIT OF \$15.00 FOR THE PROMISE OF THE  
15 PERFORMANCE OF AN ALTERATION ON THE DOG OR CAT ADOPTED WITHIN THE  
16 TIME STATED IN SUBSECTION (2). IF THE PERSON FAILS TO COMPLY  
17 WITH THE TERMS OF THE CONTRACT, HE OR SHE SHALL FORFEIT THE  
18 \$15.00 DEPOSIT. ALL MONEY FORFEITED PURSUANT TO THIS SUBSECTION  
19 SHALL BE USED BY THE DOG POUND OR ANIMAL SHELTER TO FINANCE  
20 PUBLIC EDUCATION REGARDING THE VALUE OF HAVING ALTERATIONS PER-  
21 FORMED ON CATS AND DOGS.

22 (4) IF THE ADOPTING PERSON COMPLIES WITH THE TERMS OF THE  
23 CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (1), THE GOOD FAITH  
24 DEPOSIT OF \$15.00 SHALL BE REFUNDED BY THE DOG POUND OR ANIMAL  
25 SHELTER UPON SUBMISSION BY THE ADOPTING PERSON OF WRITTEN CERTI-  
26 FICATION BY A LICENSED VETERINARIAN THAT AN ALTERATION WAS  
27 PERFORMED ON THE ADOPTED DOG OR CAT. THE CERTIFICATE SHALL

1 INCLUDE THE DATE OF ALTERATION, THE NAME OF THE OWNER OF THE DOG  
2 OR CAT, THE DESCRIPTION OF THE DOG OR CAT, AND THE SIGNATURE OF  
3 THE VETERINARIAN WHO PERFORMED THE ALTERATION.

4 (5) UPON CERTIFICATION BY A LICENSED VETERINARIAN IN WRITING  
5 THAT AN ALTERATION POSES A SERIOUS MEDICAL OR HEALTH PROBLEM FOR  
6 THE DOG OR CAT, A DOG OR CAT ADOPTED PURSUANT TO THIS ACT SHALL  
7 NOT BE REQUIRED TO HAVE AN ALTERATION.

8 (6) A MUNICIPALITY, A HUMANE SOCIETY, OR A PRIVATE VETERI-  
9 NARY CLINIC CONTRACTING WITH A MUNICIPALITY OR A HUMANE SOCIETY,  
10 MAY ESTABLISH AND OPERATE A SPAY-NEUTER CLINIC.

11 Sec. 9. This act does not apply to ~~any~~ A person who  
12 breeds his OR HER own animals ~~, or to any person subject to the~~  
13 ~~provisions of Act No. 282 of the Public Acts of 1966, being sec-~~  
14 ~~tions 287.361 to 287.375 of the Compiled Laws of 1948~~ IF THE  
15 PERSON SELLS OR OTHERWISE TRANSFERS HIS OR HER OWN ANIMALS AND  
16 DOES NOT ACT AS A DOG POUND OR ANIMAL SHELTER AS DEFINED IN  
17 SECTION 1.

18 Sec. 10. (1) ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN  
19 SUBSECTIONS (2) AND (3), A person who violates ~~the provisions~~  
20 ~~of~~ this act or ~~any~~ A rule of the department of agriculture  
21 promulgated under ~~the provisions of~~ this act is guilty of a  
22 misdemeanor.

23 (2) A DOG POUND OR ANIMAL SHELTER THAT VIOLATES  
24 SECTION 8A(1) IS SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$500.00  
25 OR MORE THAN \$1,000.00.

26 (3) A PERSON WHO FAILS TO COMPLY WITH A CONTRACT FOR THE  
27 ALTERATION OF A DOG OR CAT ENTERED INTO PURSUANT TO SECTION 8A IS

1 SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$100.00 AND NOT MORE  
2 THAN \$500.00. A PERSON WHO FAILS TO COMPLY WITH A CONTRACT FOR  
3 THE ALTERATION OF A DOG OR CAT ENTERED INTO PURSUANT TO SECTION  
4 8A WHO HAS ON A PREVIOUS OCCASION FAILED TO COMPLY WITH A CON-  
5 TRACT FOR THE ALTERATION OF A DOG OR CAT ENTERED INTO PURSUANT TO  
6 SECTION 8A IS SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$300.00  
7 AND NOT MORE THAN \$500.00. IF A PERSON FAILS TO COMPLY WITH A  
8 CONTRACT FOR THE ALTERATION OF A DOG OR CAT AS DESCRIBED IN THIS  
9 SUBSECTION, A COURT WITH APPROPRIATE JURISDICTION MAY ORDER THE  
10 TRANSFER OF OWNERSHIP OF THE ADOPTED ANIMAL TO THE FACILITY FROM  
11 WHICH THE ANIMAL WAS ADOPTED, OR TO A HUMANE SOCIETY, AN ANIMAL  
12 CONTROL AGENCY, OR A LICENSED VETERINARIAN.