

**SUBSTITUTE FOR
SENATE BILL NO. 419**

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, 2, 5a, 6, 7, 8a, 8b, 8c, 9a, and 9b (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, 287.338a, 287.338b, 287.338c, 287.339a, and 287.339b), sections 1 and 8b as amended by 2017 PA 84, sections 2, 5a, 6, and 7 as amended and section 8c as added by 2016 PA 392, sections 8a and 9a as added by 1997 PA 7, and section 9b as amended by 2007 PA 79, and by adding section 8d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE



RMH

S03583'19 (S-2)



s_04655_06232020

1 An act to regulate pet shops, animal control shelters, ~~and~~
 2 animal protection shelters, **animal rescues, and large-scale**
 3 **breeders**; to establish uniform procedures and minimum requirements
 4 for **the adoption or sale** of dogs, cats, and ferrets; ~~and to~~
 5 prescribe penalties and civil fines; and to provide remedies.

6 Sec. 1. **(1) This act shall be known and may be cited as the**
 7 **"companion animal act".**

8 **(2)** As used in this act:

9 (a) "Adoption" means a transfer of ownership, with or without
 10 remuneration, of an animal from an animal control shelter, ~~or~~
 11 animal protection shelter, **or animal rescue** to an individual for
 12 the purpose of being a companion animal for that individual. As
 13 used in this subdivision, a companion animal includes, but is not
 14 limited to, **a service dog or** a dog that is used for hunting or as a
 15 guard dog.

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

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

21 (d) Except as provided in section 8b, "animal" means a mammal
 22 except livestock as **that term is** defined in 1937 PA 284, MCL
 23 287.121 to ~~MCL~~287.131, and rodents.

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

29 (i) A violation of section 49 of the Michigan penal code, 1931



1 PA 328, MCL 750.49.

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

4 (iii) A violation of section 50a of the Michigan penal code,
5 1931 PA 328, MCL 750.50a.

6 (iv) A violation of section 50b of the Michigan penal code,
7 1931 PA 328, MCL 750.50b.

8 (v) A violation of section 50c of the Michigan penal code,
9 1931 PA 328, MCL 750.50c.

10 (vi) A violation of section 158 of the Michigan penal code,
11 1931 PA 328, MCL 750.158, if the violation arose out of a crime
12 against nature with an animal.

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

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

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

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

26 (h) **"Animal rescue" means a person that acquires an animal**
27 **through purchase, adoption, owner surrender, or any other means for**
28 **the purpose of finding the animal a new home and that maintains the**



1 **animal in a foster home.**

2 (i) ~~(h)~~—"Cat" means a domestic cat of any age of the species
3 ~~Felis catus.~~ **Felis catus.**

4 (j) ~~(i)~~—"Department" means the ~~state~~ department of agriculture
5 and rural development.

6 (k) ~~(j)~~—"Director" means the director of the department or his
7 or her authorized representative.

8 (l) ~~(k)~~—"Dog" means a domestic dog of any age of the species
9 ~~Canis familiaris.~~ **Canis familiaris.**

10 (m) ~~(l)~~—"Ferret" means an animal of any age of the species
11 ~~Mustela furo.~~ **Mustela furo.**

12 (n) "Foster care provider" means a person that provides care
13 or rehabilitation to an animal in a foster home through an
14 affiliation with an animal rescue.

15 (o) "Foster home" means a private residential dwelling and its
16 surrounding grounds, or any facility that is not otherwise licensed
17 or registered under this act, and its surrounding grounds, at which
18 care or rehabilitation is provided to an animal through an
19 affiliation with an animal rescue.

20 (p) ~~(m)~~—"ICHAT" means the internet criminal history access
21 tool maintained by the department of state police.

22 (q) ~~(n)~~—"Intact dog" means a dog that has not been altered.

23 (r) ~~(o)~~—"Large-scale dog breeding kennel" means a facility
24 where more than 15 female intact dogs over the age of 4 months are
25 housed or kept for the primary purpose of breeding. As used in this
26 subdivision, "housed or kept for the primary purpose of breeding"
27 means that the female dog has previously been bred and whelped. A
28 female dog that has not previously produced offspring ~~shall~~ **is** not
29 ~~be~~ considered to have been housed or kept for the primary purpose



1 of breeding.

2 (s) ~~(p)~~ "Municipality" means a county, city, village, or
3 township.

4 (t) ~~(q)~~ "Person" means an individual, partnership,
5 corporation, association, governmental entity, or other legal
6 entity.

7 (u) ~~(r)~~ "Pet health certificate" means a certificate in a form
8 prescribed by the director in which a veterinarian attests to the
9 species, age, sex, breed, and description of an animal, ~~+~~ any
10 medical conditions of the animal, ~~+~~ **and** any medical treatment and
11 vaccinations that the animal received while under the control of a
12 pet shop or large-scale dog breeding kennel, ~~+~~ and to the fact that
13 at the time of the preparation of the certificate the veterinarian
14 examined the animal and found the animal free from **any** visual
15 evidence of **a** communicable disease.

16 (v) ~~(s)~~ "Pet shop" means a place where animals are sold or
17 offered for sale, exchange, or transfer.

18 (w) ~~(t)~~ "Veterinarian" means a person licensed to practice
19 veterinary medicine under part 188 of the public health code, 1978
20 PA 368, MCL 333.18801 to 333.18838.

21 Sec. 2. (1) ~~The~~ **Subject to subsection (3), the** department may
22 promulgate rules to accomplish the purposes of this act and to
23 establish minimum standards for the housing, care, and handling of
24 animals to insure the humane care and handling of animals. The
25 department may also promulgate rules to establish minimum standards
26 for large-scale dog breeding kennels. The **department shall**
27 **promulgate** rules ~~shall be promulgated~~ in accordance with the
28 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
29 24.328.



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

9 (3) **The rules and minimum standards promulgated under**
10 **subsection (1) shall not apply to an animal rescue or foster home.**
11 **Within 12 months after the effective date of the amendatory act**
12 **that added this subsection, the department shall promulgate rules**
13 **and minimum standards for the housing, care, and handling of**
14 **animals by animal rescues and foster homes.**

15 (4) The department may inspect a foster home for compliance
16 with this act and the rules and standards promulgated under
17 subsection (3), in accordance with the following:

18 (a) The department may not enter a foster home unless the
19 owner of the home consents.

20 (b) If the owner of the foster home does not provide consent
21 as described in subdivision (a), and the department has reason to
22 believe that the foster home is not in compliance with this act or
23 a rule or standard promulgated under subsection (3), the department
24 shall contact the animal rescue with which the foster home is
25 affiliated and direct the animal rescue to ensure compliance by the
26 foster home.

27 (c) Subject to subdivision (d), if the department determines
28 that the foster home has not come into compliance after the
29 department has contacted the animal rescue as described in



1 subdivision (b), the department may suspend or revoke the
2 registration of the animal rescue after a hearing held in
3 accordance with the administrative procedures act of 1969, 1969 PA
4 306, MCL 24.201 to 24.328.

5 (d) If the department determines that the animal rescue has
6 made a good-faith effort to ensure foster home compliance as
7 directed under subdivision (b), and the animal rescue removes the
8 foster home from the animal rescue's list of eligible foster homes,
9 the department may not suspend or revoke the registration of the
10 animal rescue.

11 (e) A foster home that fails to establish that it has come
12 into compliance, after the animal rescue with which it is
13 affiliated has made a good-faith effort to ensure that compliance
14 in response to the department's direction under subdivision (b),
15 must return all fostered animals to the animal rescue and is
16 ineligible to serve as a foster home. The foster home is subject to
17 the remedies prescribed by the department, including, but not
18 limited to, an administrative fine, after a hearing held in
19 accordance with the administrative procedures act of 1969, 1969 PA
20 306, MCL 24.201 to 24.328.

21 Sec. 5a. (1) A person ~~who~~**that** operates a pet shop shall not
22 import or cause to be imported into this state a dog or cat that is
23 less than 8 weeks old. A person ~~who~~**that** operates an animal control
24 shelter, ~~or an~~ animal protection shelter, **or animal rescue** shall
25 not import or cause to be imported into this state a dog or cat
26 that is less than 8 weeks old unless the dog or cat is imported
27 with its dam. A large-scale dog breeding kennel shall not import or
28 cause to be imported into this state a dog that is less than 8
29 weeks old unless the dog is imported with its dam.



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

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

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

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

28 (c) The dog is accompanied by an interstate health certificate
29 or certificate of veterinary inspection **completed and** signed by an



1 accredited veterinarian licensed to practice veterinary medicine in
2 the dog's state of origin, including records of the dog's
3 medication and immunization.

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

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

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

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



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

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

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

13 (3) **Beginning 6 months after the effective date of the**
 14 **amendatory act that added this subsection, or the date on which the**
 15 **department begins accepting applications for the registration of**
 16 **animal rescues under section 7, whichever is later, a person shall**
 17 **not operate an animal rescue unless the animal rescue is registered**
 18 **with the department.**

19 (4) ~~(3)~~A person shall not operate a large-scale dog breeding
 20 kennel unless the large-scale dog breeding kennel is registered
 21 with the department. The department shall charge an annual fee of
 22 \$500.00 per registration of a large-scale dog breeding kennel.

23 (5) ~~(4)~~This act is not intended to apply to a dog owner or
 24 breeder other than a person that operates a large-scale dog
 25 breeding kennel.

26 Sec. 7. (1) Application for registration of an animal control
 27 shelter, an animal protection shelter, **an animal rescue**, or a
 28 large-scale dog breeding kennel shall be on a form prescribed by
 29 the director.



1 (2) Upon submitting an application for registration under
2 subsection (1), an animal rescue shall provide a notice of
3 operations to the governmental agency that has authority over
4 animal control in the municipality where the animal rescue is
5 located.

6 Sec. 8a. (1) Except as otherwise provided in this section, an
7 animal control shelter, ~~or~~ animal protection shelter, **or animal**
8 **rescue** shall not permit a person to adopt a dog, cat, or ferret
9 that has not been altered, unless that person has entered into a
10 contract for the alteration of the dog, cat, or ferret with the
11 animal control shelter, ~~or~~ animal protection shelter, **or animal**
12 **rescue**. The contract shall state that the adopting person agrees to
13 have an alteration performed on the dog, cat, or ferret and shall
14 otherwise comply with this section.

15 (2) A contract with an animal control shelter, ~~or~~ animal
16 protection shelter, **or animal rescue** entered into ~~pursuant to~~ **under**
17 subsection (1) shall require the adopting person to have an
18 alteration performed on the dog, cat, or ferret ~~within~~ **not more**
19 **than** 4 weeks after the adoption date if at the time of adoption the
20 dog, cat, or ferret is 6 months of age or older. If the dog, cat,
21 or ferret to be adopted is under 6 months of age at the time of
22 adoption, the contract shall contain the date upon which the dog,
23 cat, or ferret will be 6 months of age, and shall require the
24 person adopting the dog, cat, or ferret to have an alteration
25 performed on the dog, cat, or ferret ~~within~~ **not more than** 4 weeks
26 after that date. This section does not prevent a veterinarian from
27 performing an alteration on a dog, cat, or ferret that is under 6
28 months of age.

29 (3) Upon certification by a veterinarian in writing that a



1 dog, cat, or ferret has a serious ~~and~~ permanent medical or health
 2 problem that prevents an alteration, the dog, cat, or ferret **to be**
 3 adopted is not required to be altered. Upon certification by a
 4 veterinarian in writing that an alteration poses a serious ~~and~~
 5 temporary medical or health problem, the alteration may be
 6 postponed. The person adopting the dog, cat, or ferret shall have
 7 it reevaluated by a veterinarian at intervals not to exceed 14 days
 8 and shall have the alteration performed no later than 7 days after
 9 a veterinarian determines that the temporary problem is resolved.

10 (4) Except as otherwise provided in subsection (7), a contract
 11 entered into ~~pursuant to~~ **under** subsection (1) shall require the
 12 adopting person to leave with the animal control shelter, ~~or~~ animal
 13 protection shelter, **or animal rescue**, or a designee of the animal
 14 control shelter, ~~or~~ animal protection shelter, **or animal rescue** a
 15 ~~good faith~~ **good-faith** deposit of ~~at least~~ **not less than** \$25.00 that
 16 indicates the person's intention to have the adopted dog, cat, or
 17 ferret altered within the time provided ~~pursuant to~~ **under**
 18 subsection (2). If the person fails to comply with the terms of the
 19 contract, the deposit is forfeited. The ~~good faith~~ **good-faith**
 20 deposit shall be returned to the adopting person if the adopting
 21 person submits written certification from a veterinarian of either
 22 of the following:

23 (a) The dog, cat, or ferret died ~~within~~ **during** the time period
 24 in which the alteration was required under subsection (2).

25 (b) The dog, cat, or ferret has a serious ~~and~~ permanent
 26 medical or health problem that prevents an alteration.

27 (5) Money forfeited under subsection (4) shall be used by the
 28 animal control shelter, ~~or~~ animal protection shelter, **or animal**
 29 **rescue** to finance alterations, for public education regarding the



1 value of having dogs, cats, and ferrets altered, or to otherwise
2 ensure compliance with this section.

3 (6) If the adopting person complies with the terms of a
4 contract entered into under subsection (1), the ~~good faith~~**good-**
5 **faith** deposit ~~of at least \$25.00~~**described in subsection (4)** shall
6 be refunded by the animal control shelter, animal protection
7 shelter, **or animal rescue**, or **by** a designee of the animal control
8 shelter, ~~or~~ animal protection shelter, **or animal rescue** upon
9 submission by the adopting person of written certification by a
10 veterinarian that the adopted dog, cat, or ferret was altered. The
11 certificate shall include the date of alteration, the name of the
12 owner of the dog, cat, or ferret, ~~the~~**a** description of the dog,
13 cat, or ferret, and the signature of the veterinarian who performed
14 the alteration.

15 (7) The ~~good faith~~**good-faith** deposit ~~under~~**described in**
16 subsection (4) is not required if 1 or more of the following apply:

17 (a) A dog is transferred to a local, state, or federal law
18 enforcement agency.

19 (b) A dog is transferred to an organization or trainer that
20 trains guide or leader dogs for blind persons, hearing dogs for
21 deaf or audibly impaired persons, or service dogs for physically
22 limited persons.

23 (c) A dog, cat, or ferret is transferred to another animal
24 control shelter, ~~or~~ animal protection shelter, **or animal rescue** or
25 is transferred to a person ~~who~~**that** will transfer the animal to
26 another animal control shelter, ~~or~~ animal protection shelter, **or**
27 **animal rescue**. Before the first animal control shelter, ~~or~~ animal
28 protection shelter, **or animal rescue** releases the animal, it shall
29 obtain from the person to whom the animal is to be released a



1 written statement by the second animal control shelter, ~~or~~ animal
 2 protection shelter, **or animal rescue** that it is willing to accept
 3 the animal for purposes of adoption or humane euthanasia. Promptly
 4 after receipt of the animal by the second animal control shelter,
 5 ~~or~~ animal protection shelter, **or animal rescue** the person to whom
 6 the animal was released shall provide the first animal control
 7 shelter, ~~or~~ animal protection shelter, **or animal rescue** with a
 8 written statement by the second animal control shelter, ~~or~~ animal
 9 protection shelter, **or animal rescue** containing a description of
 10 the dog, cat, or ferret and acknowledging its receipt on a date
 11 specified in the statement.

12 (8) A contract entered into ~~pursuant to~~ **under** subsection (1)
 13 shall include a statement that if the terms of the contract are
 14 breached because a person adopting a dog, cat, or ferret fails to
 15 have the animal altered as required in the contract, ~~then~~ the
 16 person agrees to pay liquidated damages of the greater of \$100.00
 17 or actual reasonable costs incurred by the animal control shelter,
 18 ~~or~~ animal protection shelter, **or animal rescue** to enforce the
 19 contract. Immediately before a person signs the contract, a
 20 representative of the animal control shelter, ~~or~~ animal protection
 21 shelter, **or animal rescue** shall verbally direct the person's
 22 attention to the liquidated damages agreement in the contract.

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

28 (2) An animal control shelter, ~~or~~ animal protection shelter,
 29 **or animal rescue** does not violate this act if the animal control



1 shelter, ~~or~~ animal protection shelter, **or animal rescue** searches
 2 for an individual on ICHAT **as** allowed under subsection (1) and the
 3 search fails to disclose that the individual has a prior criminal
 4 history for an animal abuse offense.

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

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

16 (5) For purposes of this section and section 8c, ~~only,~~
 17 "animal" means a vertebrate other than a human being.

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



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

3 Sec. 8d. All of the following apply to an animal rescue and
4 the foster homes with which the animal rescue is affiliated:

5 (a) An animal rescue shall not breed rescued animals.

6 (b) An animal rescue shall maintain a list of foster homes
7 affiliated with the animal rescue that includes all of the
8 following:

9 (i) The name and phone number of the foster home owner.

10 (ii) The street address for each foster home at which animals
11 are housed.

12 (iii) The name, breed or species, physical description, age, and
13 sex of each animal fostered at a foster home.

14 (c) An animal rescue shall maintain records for a period of at
15 least 2 years after the date of disposition of an animal. The
16 records shall include all of the following:

17 (i) The name and address of any person from whom an animal is
18 acquired, where the animal was acquired, and the date on which the
19 animal was acquired.

20 (ii) A description of the animal, including the animal's
21 identification information, color, breed or species, sex,
22 alteration status, and approximate weight and age.

23 (iii) The date and method of the disposition of the animal. If
24 the animal is adopted, transferred, or sold, the records shall
25 include the verified name and address of the person to whom the
26 animal is adopted, transferred, or sold.

27 Sec. 9a. (1) ~~An~~ A person that operates 1 or more animal
28 control ~~shelter or shelters~~, animal protection ~~shelter shelters~~, or
29 animal rescues shall compile and maintain written records on the



1 total number of dogs, cats, and ferrets under 6 months of age, the
 2 total number of dogs, cats, and ferrets 6 months of age and older,
 3 and, **if applicable**, all other animals received, returned to owners,
 4 adopted to new owners, sold, or transferred with or without
 5 remuneration to any person, the number of adopted dogs, cats, and
 6 ferrets that were altered, the number of adopted dogs, cats, and
 7 ferrets that were not altered, and the number of dogs, cats, and
 8 ferrets euthanized annually, ~~and for all shelters and rescues~~
 9 **operated by that person. The person** shall annually provide a copy
 10 of these statistics to the department, **in a manner prescribed by**
 11 **the department.** ~~by March 31 of the year following the year for~~
 12 ~~which the statistics were compiled.~~

13 (2) For each dog, cat, and ferret purchased or otherwise
 14 acquired, held, transported, sold, or disposed of by an animal
 15 control shelter, animal protection shelter, or animal rescue, the
 16 owner or operator of the animal control shelter, animal protection
 17 shelter, or animal rescue shall keep and maintain the following
 18 information in a manner prescribed by the department:

19 (a) The name and address of the person from whom the animal
 20 was acquired and the name and address of the person to whom the
 21 animal was sold or otherwise disposed of.

22 (b) The date the animal was first acquired.

23 (c) A description of the animal, including the breed or
 24 species, sex, color, and approximate weight.

25 (d) Any available identification information for the animal.

26 (e) The date, nature, and method of disposition of the animal,
 27 including, but not limited to, sale, death, euthanasia, or
 28 donation.

29 (3) An animal control shelter, animal protection shelter, or



1 animal rescue shall maintain the records described in subsection
 2 (2) for not less than 2 years and shall make the records available
 3 to the director or his or her authorized representative upon
 4 request.

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

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

12 (b) Impose an administrative fine of not more than \$1,000.00
 13 for each violation. The director shall advise the attorney general
 14 of the failure of a person to pay an administrative fine under this
 15 section. The attorney general shall bring a civil action to recover
 16 the administrative fine and costs and fees. The administrative fine
 17 shall be deposited in the agriculture licensing and inspection fees
 18 fund created in section 9 of the insect pest and plant disease act,
 19 1931 PA 189, MCL 286.209.

20 (2) In addition to any other action authorized by this act,
 21 the director may bring an action to do 1 or more of the following:

22 (a) Obtain a declaratory judgment that a method, act, or
 23 practice is in violation of this act.

24 (b) Obtain an injunction against a person ~~who~~**that** is
 25 engaging, or about to engage, in a method, act, or practice that
 26 violates this act.

27 (3) If a person fails to comply with a contract for the
 28 alteration of a dog, cat, or ferret as required under section 8a, a
 29 court with appropriate jurisdiction may order transfer of ownership



1 of the adopted animal only to 1 of the following:

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

3 (b) A veterinarian, animal control shelter, ~~or~~ animal
4 protection shelter, **or animal rescue** willing to accept the animal
5 and either humanely euthanize the animal or adopt the animal to an
6 owner who agrees to have the animal altered.

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