

HOUSE BILL No. 4465

February 25, 2009, Introduced by Reps. Lund, Lori, Meltzer, Daley, Kurtz, Tyler and Hansen and referred to the Committee on Agriculture.

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending section 8a (MCL 287.338a), as added by 1997 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 (2) A contract with an animal control shelter or animal
2 protection shelter entered into pursuant to subsection (1) shall
3 require the adopting person to have an alteration performed on the
4 dog, cat, or ferret within 4 weeks after the adoption date if at
5 the time of adoption the dog, cat, or ferret is 6 months of age or
6 older. If the dog, cat, or ferret to be adopted is under 6 months
7 of age at the time of adoption, the contract shall contain the date
8 upon which the dog, cat, or ferret will be 6 months of age, and
9 shall require the person adopting the dog, cat, or ferret to have
10 an alteration performed on the dog, cat, or ferret within 4 weeks
11 after that date. This section does not prevent a veterinarian from
12 performing an alteration on a dog, cat, or ferret that is under 6
13 months of age.

14 (3) Upon certification by a veterinarian in writing that a
15 dog, cat, or ferret has a serious, permanent medical or health
16 problem that prevents an alteration, the dog, cat, or ferret
17 adopted is not required to be altered. Upon certification by a
18 veterinarian in writing that an alteration poses a serious,
19 temporary medical or health problem, the alteration may be
20 postponed. The person adopting the dog, cat, or ferret shall have
21 it reevaluated by a veterinarian at intervals not to exceed 14 days
22 and shall have the alteration performed no later than 7 days after
23 a veterinarian determines that the temporary problem is resolved.

24 (4) Except as otherwise provided in subsection (7), a contract
25 entered into pursuant to subsection (1) shall require the adopting
26 person to leave with the animal control shelter or animal
27 protection shelter, or a designee of the animal control shelter or

1 animal protection shelter, a good faith deposit of at least \$25.00
2 that indicates the person's intention to have the adopted dog, cat,
3 or ferret altered within the time provided pursuant to subsection
4 (2). If the person fails to comply with the terms of the contract,
5 the deposit is forfeited. The good faith deposit shall be returned
6 to the adopting person if the adopting person submits written
7 certification from a veterinarian of either of the following:

8 (a) The dog, cat, or ferret died within the time period in
9 which the alteration was required under subsection (2).

10 (b) The dog, cat, or ferret has a serious, permanent medical
11 or health problem that prevents an alteration.

12 (5) Money forfeited under subsection (4) shall be used by the
13 animal control shelter or animal protection shelter to finance
14 alterations, for public education regarding the value of having
15 dogs, cats, and ferrets altered, or to otherwise ensure compliance
16 with this section.

17 (6) If the adopting person complies with the terms of a
18 contract entered into under subsection (1), the good faith deposit
19 of at least \$25.00 shall be refunded by the animal control shelter,
20 animal protection shelter, or a designee of the animal control
21 shelter or animal protection shelter, upon submission by the
22 adopting person of written certification by a veterinarian that the
23 adopted dog, cat, or ferret was altered. The certificate shall
24 include the date of alteration, the name of the owner of the dog,
25 cat, or ferret, the description of the dog, cat, or ferret, and the
26 signature of the veterinarian who performed the alteration.

27 (7) The good faith deposit under subsection (4) is not

1 required if 1 or more of the following apply:

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

4 (b) A dog is transferred to an organization or trainer that
5 trains guide or leader dogs for blind persons, hearing dogs for
6 deaf or audibly impaired persons, or service dogs for physically
7 limited persons.

8 (c) A dog, cat, or ferret is transferred to another animal
9 control shelter or animal protection shelter or is transferred to a
10 person who will transfer the animal to another animal control
11 shelter or animal protection shelter. Before the first animal
12 control shelter or animal protection shelter releases the animal,
13 it shall obtain from the person to whom the animal is to be
14 released a written statement by the second animal control shelter
15 or animal protection shelter that it is willing to accept the
16 animal for purposes of adoption or humane euthanasia. Promptly
17 after receipt of the animal by the second animal control shelter or
18 animal protection shelter, the person to whom the animal was
19 released shall provide the first animal control shelter or animal
20 protection shelter with a written statement by the second animal
21 control shelter or animal protection shelter containing a
22 description of the dog, cat, or ferret and acknowledging its
23 receipt on a date specified in the statement.

24 **(D) A DOG, CAT, OR FERRET IS TEMPORARILY TRANSFERRED, FOR A**
25 **PERIOD OF TIME NOT TO EXCEED 90 DAYS, TO A PERSON WHO WILL PROVIDE**
26 **SHELTER FOR THE DOG, CAT, OR FERRET BEFORE IT IS ADOPTED BY THAT**
27 **PERSON OR ANOTHER PERSON.**

1 (8) A contract entered into pursuant to subsection (1) shall
2 include a statement that if the terms of the contract are breached
3 because a person adopting a dog, cat, or ferret fails to have the
4 animal altered as required in the contract, then the person agrees
5 to pay liquidated damages of the greater of \$100.00 or actual
6 reasonable costs incurred by the animal control shelter or animal
7 protection shelter to enforce the contract. Immediately before a
8 person signs the contract, a representative of the animal control
9 shelter or animal protection shelter shall verbally direct the
10 person's attention to the liquidated damages agreement in the
11 contract.