

SUBSTITUTE FOR
HOUSE BILL NO. 4353

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 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 8c.

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
3 remuneration, of a ~~dog, cat, or ferret~~ **AN ANIMAL** from an animal
4 control shelter or animal protection shelter to an individual for
5 the purpose of being a companion animal for that individual. As
6 used in this subdivision, a companion animal includes but is not
7 limited to a dog that is used for hunting or as a guard dog.

8 (b) "Alteration" means a professional sterilization procedure

1 performed by a veterinarian that renders a dog, cat, or ferret
2 incapable of reproducing.

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

5 (d) "Animal" means a ~~mammal except livestock as defined in~~
6 ~~1937 PA 284, MCL 287.121 to 287.131, and rodents.~~ **VERTEBRATE OTHER**
7 **THAN A HUMAN BEING.**

8 (E) "ANIMAL ABUSE OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING,
9 BUT DOES NOT INCLUDE THE LAWFUL USE OF AN ANIMAL TO HUNT OR TO
10 PARTICIPATE IN FIELD TRIALS OR THE LAWFUL KILLING OR OTHER USE OF
11 AN ANIMAL IN FARMING OR A GENERALLY ACCEPTED ANIMAL HUSBANDRY OR
12 FARMING PRACTICE INVOLVING LIVESTOCK:

13 (i) A VIOLATION OF SECTION 49 OF THE MICHIGAN PENAL CODE, 1931
14 PA 328, MCL 750.49.

15 (ii) A VIOLATION OF SECTION 50 OF THE MICHIGAN PENAL CODE,
16 1931 PA 328, MCL 750.50.

17 (iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,
18 1931 PA 328, MCL 750.50A.

19 (iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,
20 1931 PA 328, MCL 750.50B.

21 (v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,
22 1931 PA 328, MCL 750.50C.

23 (vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
24 1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME
25 AGAINST NATURE WITH AN ANIMAL.

26 (vii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY
27 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO

1 (vi) .

2 (viii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
3 IN SUBPARAGRAPHS (i) TO (vii) .

4 (F) ~~(e)~~—"Animal control shelter" means a facility operated by
5 a municipality for the impoundment and care of animals that are
6 found in the streets or at large, animals that are otherwise held
7 due to the violation of a municipal ordinance or state law, or
8 animals that are surrendered to the animal control shelter.

9 (G) ~~(f)~~—"Animal protection shelter" means a facility operated
10 by a person, humane society, society for the prevention of cruelty
11 to animals, or any other nonprofit organization for the care of
12 homeless animals.

13 (H) ~~(g)~~—"Cat" means a domestic cat of any age of the species
14 ~~felis~~**FELIS** catus.

15 (I) ~~(h)~~—"Department" means the ~~state~~ department of agriculture
16 **AND RURAL DEVELOPMENT**.

17 (J) ~~(i)~~—"Director" means the director of the department or his
18 or her authorized representative.

19 (K) ~~(j)~~—"Dog" means a domestic dog of any age of the species
20 ~~canis~~**CANIS** familiaris.

21 (L) ~~(k)~~—"Ferret" means an animal of any age of the species
22 ~~mustela~~**MUSTELA** furo.

23 (M) ~~(l)~~—"Health certificate" means a certificate in a form
24 prescribed by the department in which a veterinarian attests to the
25 age, sex, breed, and description of an animal, and to the fact that
26 at the time of preparation of the certificate, the veterinarian
27 examined the animal and found the animal free from visual evidence

1 of communicable disease.

2 (N) "ICHAT" MEANS THE INTERNET CRIMINAL HISTORY ACCESS TOOL
3 MAINTAINED BY THE DEPARTMENT OF STATE POLICE.

4 (O) ~~(m)~~"Municipality" means a county, city, village, or
5 township.

6 (P) ~~(n)~~"Person" means an individual, partnership,
7 corporation, association, governmental entity, or other legal
8 entity.

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

11 (R) ~~(p)~~"Veterinarian" means a person licensed to practice
12 veterinary medicine under article 15 of the public health code,
13 1978 PA 368, MCL 333.16101 to 333.18838.

14 SEC. 8C. (1) AN ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
15 SHELTER MAY CONSIDER AN INDIVIDUAL'S CRIMINAL HISTORY WHEN DECIDING
16 WHETHER TO ALLOW THAT INDIVIDUAL TO ADOPT AN ANIMAL. AN ANIMAL
17 CONTROL SHELTER OR ANIMAL PROTECTION SHELTER SHALL NOT ALLOW AN
18 INDIVIDUAL WHO HAS BEEN CONVICTED OF AN ANIMAL ABUSE OFFENSE TO
19 ADOPT AN ANIMAL UNLESS A PERIOD OF AT LEAST 5 YEARS HAS ELAPSED
20 SINCE THE DATE OF HIS OR HER CONVICTION. AN ANIMAL CONTROL SHELTER
21 OR ANIMAL PROTECTION SHELTER MAY CHOOSE NOT TO ALLOW AN INDIVIDUAL
22 WHO IS CHARGED WITH COMMITTING AN ANIMAL ABUSE OFFENSE AND ENTERS A
23 PLEA TO ANY OTHER CRIME IN EXCHANGE FOR DISMISSAL OF THAT CHARGE TO
24 ADOPT AN ANIMAL.

25 (2) THIS SECTION MAY BE REFERRED TO AS THE "ANIMAL ADOPTION
26 PROTECTION ACT".