

# HOUSE BILL No. 4353

March 18, 2015, Introduced by Reps. Santana and Kosowski and referred to the Committee on Judiciary.

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

1 limited to a dog that is used for hunting or as a guard dog.

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

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

7 (d) "Animal" means a ~~mammal~~ VERTEBRATE OTHER THAN A HUMAN  
8 BEING except livestock as defined in ~~1937 PA 284, MCL 287.121 to~~  
9 ~~287.131, and rodents.~~ SECTION 5 OF THE ANIMAL INDUSTRY ACT, 1988 PA  
10 466, MCL 287.705.

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

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

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

20 (iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,  
21 1931 PA 328, MCL 750.50A.

22 (iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,  
23 1931 PA 328, MCL 750.50B.

24 (v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,  
25 1931 PA 328, MCL 750.50C.

26 (vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,  
27 1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME

1 **AGAINST NATURE WITH AN ANIMAL.**

2           (vii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY  
3 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vi).

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

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

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

15           (H) ~~(g)~~—"Cat" means a domestic cat of any age of the species  
16 felis catus.

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

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

21           (K) ~~(j)~~—"Dog" means a domestic dog of any age of the species  
22 canis familiaris.

23           (L) ~~(k)~~—"Ferret" means an animal of any age of the species  
24 mustela furo.

25           (M) ~~(l)~~—"Health certificate" means a certificate in a form  
26 prescribed by the department in which a veterinarian attests to the  
27 age, sex, breed, and description of an animal, and to the fact that

1 at the time of preparation of the certificate, the veterinarian  
2 examined the animal and found the animal free from visual evidence  
3 of communicable disease.

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

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

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

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

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

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

27 (2) THIS SECTION MAY BE REFERRED TO AS THE "ANIMAL ADOPTION

1 PROTECTION ACT".