

DEFINITIONS OF "ANIMAL" IN PET SHOP/SHELTER LAW

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House Bill 4186 as introduced
Sponsor: Rep. Julie Alexander
Committee: Agriculture
Complete to 2-13-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4186 would change the recently amended Pet Shop-Animal Shelter Law so that two separate definitions of the term "animal" would apply in different sections of the act.

Public Act 393 of 2016 added a Section 8b, coined "Logan's Law," which allows an animal control shelter or animal protection shelter to use ICHAT to consider an individual's criminal history when that individual seeks to adopt an animal. Public Act 394 of 2016 added Section 8c, known as the "Animal Adoption Protection Act," which then allows the shelter to deny an individual from adopting an animal if the individual has been convicted of an animal abuse offense, unless a period of at least five years have elapsed since the conviction.

For those two new criminal history sections added last year, which are due to take effect March 29, the term "animal" means "a vertebrate other than a human being." HB 4186 retains that definition for those sections. (Vertebrates include mammals, birds, reptiles, amphibians, and fishes.) For the rest of the act, under HB 4186, the term "animal" refers to mammals, except rodents and livestock. This is the current definition, but without this bill, it would be eliminated when the 2016 amendments take effect.

FISCAL IMPACT:

The Michigan Department of Agriculture and Rural Development indicated the bill represents a technical correction to the Pet Shop Law and has no direct fiscal impact.¹

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ Note that the department does not currently actively regulate pet shops. A notice on the department's website, states:

Since 1969 the Michigan Department of Agriculture & Rural Development (MDARD) has licensed and regulated pet shops offering mammals other than livestock or rodents for sale. Due to state financial constraints, MDARD can no longer operate the pet shop program. Therefore, effective August 1, 2009, the department is suspending the pet shop program. In addition, MDARD will no longer accept new applications for a pet shop license. Although MDARD will no longer be regulating pet shops, all pet shop operators are advised to use the laws and regulations concerning pet shops as guidelines for animal care in their facilities. As the department is suspending the program, MDARD will also no longer be supplying pet shop health certificates effective August 1, 2009. Complainants wishing to file complaints against pet shops will be directed to local law enforcement agencies. See <http://www.michigan.gov/mdard> and search for "pet shop law."