

HOUSE BILL No. 4186

February 9, 2017, Introduced by Reps. Alexander, Barrett, Howell, McCready and Elder 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 sections 1 and 8b (MCL 287.331 and 287.338b), section 1 as amended by 2016 PA 392 and section 8b as added by 2016 PA 393.

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 an animal from an animal control shelter or animal
4 protection shelter to an individual for the purpose of being a
5 companion animal for that individual. As used in this subdivision,
6 a companion animal includes, but is not limited to, a dog that is
7 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"~~ **EXCEPT AS PROVIDED IN SECTION 8B, "ANIMAL"** means
6 a ~~vertebrate other than a human being.~~ **MAMMAL EXCEPT LIVESTOCK AS**
7 **DEFINED IN 1937 PA 284, MCL 287.121 TO MCL 287.131, AND RODENTS.**

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

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

13 (h) "Cat" means a domestic cat of any age of the species *Felis*
14 *catus*.

15 (i) "Department" means the state department of agriculture and
16 rural development.

17 (j) "Director" means the director of the department or his or
18 her authorized representative.

19 (k) "Dog" means a domestic dog of any age of the species *Canis*
20 *familiaris*.

21 (l) "Ferret" means an animal of any age of the species *Mustela*
22 *furo*.

23 (m) "ICHAT" means the internet criminal history access tool
24 maintained by the department of state police.

25 (n) "Intact dog" means a dog that has not been altered.

26 (o) "Large-scale dog breeding kennel" means a facility where
27 more than 15 female intact dogs over the age of 4 months are housed

1 or kept for the primary purpose of breeding. As used in this
2 subdivision, "housed or kept for the primary purpose of breeding"
3 means that the female dog has previously been bred and whelped. A
4 female dog that has not previously produced offspring shall not be
5 considered to have been housed or kept for the primary purpose of
6 breeding.

7 (p) "Municipality" means a county, city, village, or township.

8 (q) "Person" means an individual, partnership, corporation,
9 association, governmental entity, or other legal entity.

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

19 (s) "Pet shop" means a place where animals are sold or offered
20 for sale, exchange, or transfer.

21 (t) "Veterinarian" means a person licensed to practice
22 veterinary medicine under part 188 of the public health code, 1978
23 PA 368, MCL 333.18801 to 333.18838.

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

1 (2) An animal control shelter or animal protection shelter
2 does not violate this act if the animal control shelter or animal
3 protection shelter searches for an individual on ICHAT allowed
4 under subsection (1) and the search fails to disclose that the
5 individual has a prior criminal history for an animal abuse
6 offense.

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

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

17 (5) **FOR PURPOSES OF THIS SECTION AND SECTION 8C ONLY, "ANIMAL"**
18 **MEANS A VERTEBRATE OTHER THAN A HUMAN BEING.**

19 Enacting section 1. This amendatory act takes effect March 29,
20 2017.