

Act No. 84
Public Acts of 2017
Approved by the Governor
July 12, 2017
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Reps. Alexander, Barrett, Howell, McCready and Elder

ENROLLED HOUSE BILL No. 4186

AN ACT 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:

Sec. 1. As used in this act:

(a) “Adoption” means a transfer of ownership, with or without remuneration, of an animal from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that individual. As used in this subdivision, a companion animal includes, but is not limited to, a dog that is used for hunting or as a guard dog.

(b) “Alteration” means a professional sterilization procedure performed by a veterinarian that renders a dog, cat, or ferret incapable of reproducing.

(c) “Altered”, in reference to a dog, cat, or ferret, means having undergone alteration.

(d) Except as provided in section 8b, “animal” means a mammal except livestock as defined in 1937 PA 284, MCL 287.121 to MCL 287.131, and rodents.

(e) “Animal abuse offense” means 1 or more of the following, but does not include the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock:

(i) A violation of section 49 of the Michigan penal code, 1931 PA 328, MCL 750.49.

(ii) A violation of section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50.

(iii) A violation of section 50a of the Michigan penal code, 1931 PA 328, MCL 750.50a.

(iv) A violation of section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b.

(v) A violation of section 50c of the Michigan penal code, 1931 PA 328, MCL 750.50c.

(vi) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if the violation arose out of a crime against nature with an animal.

(vii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vi).

(viii) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (vi).

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

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

(h) “Cat” means a domestic cat of any age of the species *Felis catus*.

(i) “Department” means the state department of agriculture and rural development.

- (j) "Director" means the director of the department or his or her authorized representative.
- (k) "Dog" means a domestic dog of any age of the species *Canis familiaris*.
- (l) "Ferret" means an animal of any age of the species *Mustela furo*.
- (m) "ICHAT" means the internet criminal history access tool maintained by the department of state police.
- (n) "Intact dog" means a dog that has not been altered.

(o) "Large-scale dog breeding kennel" means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding. As used in this subdivision, "housed or kept for the primary purpose of breeding" means that the female dog has previously been bred and whelped. A female dog that has not previously produced offspring shall not be considered to have been housed or kept for the primary purpose of breeding.

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

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

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

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

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

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

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

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

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

(5) For purposes of this section and section 8c only, "animal" means a vertebrate other than a human being.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor