



Senate Bill 971 (as introduced 6-17-20)  
Sponsor: Senator Michael MacDonald  
Committee: Judiciary and Public Safety

Date Completed: 12-7-20

## **CONTENT**

### **The bill would enact a new law to do the following:**

- **Prohibit an individual employed by, contracted by, or otherwise directed to take action on behalf of a public body from conducting a research or training activity on a dog in a manner that caused pain or distress.**
- **Prohibit an individual employed by, contracted by, or otherwise directed to take action on behalf of a public body from breeding, purchasing, transporting, housing, feeding, or maintaining a dog for use in a research or training activity that caused pain or distress.**
- **Specify that the prohibitions described above would not apply under certain circumstances.**
- **Prescribe a civil fine for a violation of the Act.**
- **Require the Attorney General to bring a civil action to recover the civil fine and costs and fees.**

The bill would take effect on October 1, 2020.

### **Definitions**

"Animal control shelter" would mean that term as defined in Section 1 of PA 287 of 1969: 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.

"Dog" would mean a live dog of the species *Canis familiaris*.

"Public body" would mean the State, a city, village, township, county, school district, public college or university, or single-purpose government agency, or any other body that is created by law.

"Veterinarian" would mean an individual licensed to practice veterinary medicine.

### **Research & Training Activities**

Under the bill, in carrying out research or training activities by a public body, an individual employed by, contracted by, or otherwise directed to take action on behalf of the public body could not do either of the following:

- Conduct a research or training activity on a dog in a manner that caused pain or distress.
- Breed, purchase, transport, house, feed, or maintain a dog for use in a research or training activity that caused pain or distress.

For purposes of this provision, a research or training activity would cause pain or distress in either of the following circumstances:

- The research or training activity, if it were conducted, would be reportable to the United States Department of Agriculture under 9 CFR 2.36(b)(6) or (7).
- The research or training activity involved a procedure that, in the absence of pain relief, would reasonably be expected to cause more than slight or momentary pain or distress, such as pain in excess of that caused by an injection or other minor procedure.

(Title 9 CFR 2.36(b)(6) requires the annual reporting of the common names and the number of animals upon which experiments, teaching, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used. Title 9 CFR 2.36(b)(7) requires the annual reporting of the common names and numbers of animals upon which testing, experiments research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would have adversely affected the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests. An explanation of the procedures producing pain or distress in these animals and the reasons those drugs were not used must be attached to the annual report.)

A procedure would be considered a painful procedure even if pain relief were administered.

The prohibition described above would not apply under either of the following circumstances:

- If a dog owner consented to the use of his or her dog in veterinary training or veterinary clinical research involving the necessary treatment of an existing disease or ailment.
- The spaying or neutering of a dog by a veterinarian or animal control shelter or other training or medical procedures commonly performed by an animal control shelter.

An individual who violated the bill would be responsible for a civil fine of not less than \$1,000 or more than \$5,000 for each dog that was the subject of a violation for each day that the violation continued. The Attorney General would have to bring a civil action to recover the fine described in above, and costs and fees, including attorney fees. A determination of responsibility for a violation of the Act would not preclude a conviction, sentence, or determination of responsibility for a violation of any other State law arising from the same conduct.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have a positive fiscal impact on State government in that bill provides for civil fines for violations. Revenue from civil fines is deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. Additionally, the bill allows the Attorney General to bring a civil action to recover the fines, as well as costs and attorney fees.

Fiscal Analyst: Bruce Baker  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.