HOUSE BILL NO. 4838


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, 5a, and 10 (MCL 287.331, 287.335a, and 287.340), section 1 as amended by 2017 PA 84 and section 5a as amended by 2016 PA 392.

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,
extcept livestock as that term is 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 that substantially corresponds to a violation described in subparagraphs (i) to (vi).

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

(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 not-for-profit 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*. *Felis catus*.

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

(j) "Director" means the director of the department or the director's authorized representative.

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

(l) "Ferret" means an animal of any age of the species *Mustela furo*. *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 all of the following:

(i) The species, age, sex, breed, and description of an animal.

(ii) Any medical conditions of the animal.

(iii) Any medical treatment and vaccinations that the animal received while under the control of a pet shop or large-scale dog breeding kennel.

(iv) 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, brick-and-mortar commercial establishment that sells or offers for sale animals at retail, by appointment or otherwise, that are not bred at the establishment.

(t) "Rabbit" means a domestic rabbit of any age of the species Oryctolagus cuniculus domesticus.
(u) "Veterinarian" means an individual licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

Sec. 5a. (1) A person who operates a pet shop shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old. A person who operates an animal control shelter or an animal protection shelter shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old unless the dog or cat is imported with its dam. A large-scale dog breeding kennel shall not import or cause to be imported into this state a dog that is less than 8 weeks old unless the dog is imported with its dam.

(2) A person who operates a pet shop shall not sell, exchange, transfer, or offer for sale, exchange, or transfer a dog or cat that is less than 8 weeks old. A large-scale dog breeding kennel shall not sell, exchange, or transfer a dog that is less than 8 weeks old.

(3) Beginning July 1, 2025, a pet shop shall not sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer, a dog, cat, or rabbit. This subsection does not prohibit a pet shop from collaborating with and offering space to an animal control shelter or animal protection shelter to showcase adoptable dogs, cats, or rabbits. The pet shop shall not retain an adoption fee or any other fee for providing space to any dog, cat, or rabbit showcased under this subsection.

(4) A person that operates a pet shop, an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall not, and until July 1, 2025, a pet shop shall not, import or cause to be imported into this state, or sell,
adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a dog, unless all of the following are satisfied before the dog's entry into this state:

(a) The dog has been vaccinated against distemper, parvovirus, and canine adenovirus-2. The dog shall also be vaccinated against rabies and leptospirosis if the dog is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian.

A person operating a pet shop or a large-scale dog breeding kennel shall ensure that vaccinations other than the rabies vaccination are administered not less than 7 days before the dog's entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the dog has been treated for external and internal parasites so that the dog is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The dog is accompanied by an interstate health certificate or certificate of veterinary inspection signed by an accredited veterinarian licensed to practice veterinary medicine in the dog's state of origin, including records of the dog's medication and immunization.

(5) A person who operates a pet shop, an animal control shelter, or an animal protection shelter shall not, and until July 1, 2025, a pet shop shall not, import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a cat, unless all of the following are satisfied before the cat's entry into this state:

(a) The cat has been vaccinated against feline panleukopenia,
calici viruses, and feline herpes virus-1. The cat shall also
be vaccinated against rabies if the cat is 12 weeks of age or
older. If a rabies vaccine is required under this subdivision, the
vaccine shall be administered by an accredited veterinarian.
A person operating a pet shop shall ensure that vaccinations other
than the rabies vaccination are administered to the cat as required
by this subdivision not less than 7 days before the cat's entry
into this state. The director may require vaccinations against
other diseases not specified in this subdivision.

(b) If indicated, the cat has been treated for external and
internal parasites so that the cat is not capable of spreading
external or internal parasites to another animal at the time it is
imported into this state.

(c) The cat is accompanied by an interstate health certificate
or certificate of veterinary inspection filled out and signed by an
accredited veterinarian licensed to practice veterinary medicine
in the cat's state of origin, including records of the cat's
medication and immunization.

(6) A person who operates a pet shop or a large-scale
dog breeding kennel shall not sell, exchange, transfer, or deliver
a dog, cat, or ferret without providing to the purchaser a valid
pet health certificate. Until July 1, 2025, a pet shop shall not
sell, exchange, transfer, or deliver a dog or cat without providing
to the purchaser a valid pet health certification. A pet shop shall
not sell, exchange, transfer, or deliver a ferret without providing
to the purchaser a valid pet health certificate. For purposes of
this subsection, a pet health certificate is only valid for only 30
days after the date the animal was examined by the veterinarian who
signed the pet health certificate.
Sec. 10. (1) Any person who violates the provisions of this act or any rule of the department of agriculture promulgated under the provisions of this act is guilty of a misdemeanor.

(2) A person that violates section 5a(3) is subject to a civil fine of not more than $500.00 for each violation. Each dog, cat, or rabbit sold, adopted, exchanged, or transferred, or offered for sale, adoption, exchange, or transfer in violation of section 5a(3) is considered a separate violation under this subsection. The prosecutor of the county in which the violation occurred or the attorney general may bring an action to collect the fine.