

2007 MI H 5738

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VERSION: Introduced

VERSION DATE: 02/14/2008

STATE OF MICHIGAN

HOUSE BILL No. 5738

February 14, 2008, Introduced by Reps. Bieda, Moss, Condino, Ebli, Pastor, Wojno, Meisner, Rocca, Kathleen Law, Corriveau, Hansen, Schuitmaker, Meadows and Vagnozzi and referred to the Committee on Regulatory Reform.

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 the title and section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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; TO REGULATE THE SALE OF DOGS AND CATS BY CERTAIN PERSONS; TO PROVIDE CERTAIN PROTECTIONS FOR PURCHASERS OF DOGS AND CATS; and to prescribe penalties and civil fines and to provide remedies.

Sec. 1. As used in this act:

(a) "Adoption" means a transfer of ownership, with or without remuneration, of a dog, cat, or ferret 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) "Animal" means a mammal except livestock as defined in 1937 PA 284, MCL 287.121 to 287.131, and rodents.

(e) "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.

(f) "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.

(G) "BREEDER" MEANS A PERSON WHO BREEDS OR RAISES DOGS OR CATS FOR SALE TO THE PUBLIC.

(H) ~~(g)~~ "Cat" means a domestic cat of any age of the species felis catus.

(I) ~~(h)~~ "Department" means the state department of agriculture.

(J) ~~(i)~~ "Director" means the director of the department or his or her authorized representative.

(K) ~~(j)~~ "Dog" means a domestic dog of any age of the species canis familiaris.

(L) ~~(k)~~ "Ferret" means an animal of any age of the species mustela furo.

(M) ~~(l)~~ "Health certificate" means a certificate in a form prescribed by the department in which a veterinarian attests to the age, sex, breed, and description of an animal, and to the fact that at the time of preparation of the certificate, the veterinarian examined the animal and found the animal free from visual evidence of communicable disease.

(N) ~~(m)~~ "Municipality" means a county, city, village, or township.

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

(P) "PET DEALER" MEANS A PERSON WHO FOR COMPENSATION BUYS OR SELLS DOGS OR CATS. PET DEALER DOES NOT INCLUDE AN ANIMAL PROTECTION SHELTER.

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

(R) ~~(p)~~ "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

SEC. 5B. (1) THIS SECTION APPLIES TO ALL OF THE FOLLOWING WHO SELL DOGS OR CATS:

(A) PET SHOPS.

(B) PET DEALERS.

(C) BREEDERS.

(D) A PERSON WHO ENGAGES IN THE SALE OF DOGS OR CATS TO THE PUBLIC FOR PROFIT.

(E) A PERSON WHO SELLS MORE THAN 1 LITTER OR 2 DOGS OR CATS OVER 6 MONTHS OF AGE PER YEAR.

(2) A DOG OR CAT IS CONSIDERED TO HAVE BEEN UNFIT FOR SALE AT THE TIME OF THE PURCHASE IF ANY OF THE FOLLOWING OCCUR:

(A) WITHIN 30 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT FROM A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1), A VETERINARIAN STATES, IN WRITING, THAT THE DOG OR CAT HAS THE PRESENCE OF SYMPTOMS OF A CONTAGIOUS OR INFECTIOUS DISEASE OR ILLNESS THAT EXISTED IN THE DOG OR CAT AT THE TIME OF PURCHASE.

(B) WITHIN 90 DAYS AFTER A PURCHASER RECEIVES THE DOG OR CAT FROM A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1), A VETERINARIAN STATES, IN WRITING, THAT THE DOG OR CAT DIED OR IS ILL DUE TO A HEREDITARY OR CONGENITAL DEFECT.

(3) IF A DOG OR CAT IS CONSIDERED TO HAVE BEEN UNFIT FOR SALE AT THE TIME OF PURCHASE AS DESCRIBED IN SUBSECTION (2), THE PERSON OR ENTITY DESCRIBED IN SUBSECTION (1) THAT SOLD THE DOG OR CAT SHALL PROVIDE THE PURCHASER OF THE DOG OR CAT WITH THE RIGHT TO DO ANY OF THE FOLLOWING:

(A) RETURN THE DOG OR CAT FOR A REFUND OF THE FULL PURCHASE PRICE.

(B) IF A REPLACEMENT DOG OR CAT IS AVAILABLE, EXCHANGE THE DOG OR CAT FOR ANOTHER DOG OR CAT OF THE PURCHASER'S CHOICE THAT IS OF EQUAL VALUE.

(C) RETAIN THE DOG OR CAT AND RECEIVE REIMBURSEMENT FOR REASONABLE VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE VETERINARY FEES SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE DOG OR CAT.

(D) IF THE DOG OR CAT DIES, RECEIVE ANOTHER DOG OR CAT OF EQUAL VALUE, IF AVAILABLE, AND RECEIVE REIMBURSEMENT FOR REASONABLE VETERINARY FEES. THE REIMBURSEMENT OF REASONABLE VETERINARY FEES SHALL NOT EXCEED THE ORIGINAL PURCHASE PRICE OF THE DOG OR CAT.

(E) IF THE DOG OR CAT DIES, RECEIVE A REFUND OF THE FULL PURCHASE PRICE.

(4) NOTHING IN THIS SECTION LIMITS THE RIGHTS OR REMEDIES THAT ARE OTHERWISE AVAILABLE TO THE PURCHASER OF A DOG OR CAT UNDER ANY OTHER LAW.