

ATTORNEYS FOR ANIMALS, INC.

Respectfully submits the following position on:

HB 4898

Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We work within the legal system so animals are recognized and protected as individuals by combining advocacy, litigation and legislative efforts with education.

BILL NUMBER:

HB 4898 (McCready) Animals; animal shelters; pet shop, dog pound, and animal shelters act; modify to include large-scale commercial dog breeders and to make other general revisions. Amends secs. 1, 2, 5a, 6, 7 & 9 of [1969 PA 287](#) (MCL [287.331](#) et seq.) & adds sec. 9c.

POSITION:

Support, with recommended changes to definition

EXPLANATION OF THE POSITION:

HB 4898 seeks to fill a critical gap in Michigan animal protective law by regulating large-scale commercial dog breeding kennels (i.e. “puppy mills”). The Bill defines a “large-scale dog breeding kennel” as a facility where more than 15 intact (non-spayed) female dogs over the age of four months are housed or kept for the primary purpose of breeding. Under this Bill, a large-scale dog breeding kennel must register with the Department of Agriculture and Rural Development and cannot house more than 50 intact female dogs at any one location. The Bill also requires large-scale dog breeders to maintain and make available to the Director of the Department verifiable records that are kept for at least two years. Importantly, the Bill confers upon the Department the right to promulgate rules to establish minimum standards for the housing, care, and handling of dogs.

AFA strongly supports regulation of large-scale commercial dog breeding enterprises. Such enterprises are often characterized by deplorable conditions, where breeding dogs spend the majority of their life in small cages, deprived of adequate exercise, food, shelter, and basic veterinary care. The poor conditions associated with puppy mills are no secret and have been documented by countless news stories and documentaries. By adopting HB 4898, the State of Michigan will take a vital first step toward regulating these enterprises to ensure the safety and wellbeing of dogs commercially bred in the State.

HB 4898 also categorically prohibits pet shops and large-scale dog breeders from selling, exchanging, or offering to sell a dog or cat who is less than eight weeks old. Moreover, a pet shop and large-scale breeding operation cannot sell, exchange, transfer, or deliver a dog, cat, or ferret without providing the purchaser with a valid pet health certificate. The Bill also prohibits animal control and protection shelters, large-scale dog breeding kennels, and pet shops from (1) importing or causing to be imported dogs or cats who are less than eight weeks old; and (2) importing dogs or cats who have not been appropriately vaccinated and who are not accompanied by an interstate health certificate or certificate filled out by an accredited veterinarian.

AFA supports the aforementioned prohibitions and finds them necessary to reducing the stray cat and dog population in Michigan. Moreover, these prohibitions will also help safeguard the welfare of animals in the State by ensuring that imported animals have proper vaccinations and health certifications.

RECOMMENDED AMENDMENTS:

Upon reviewing HB 4898, there appears to be inconsistencies throughout the law where certain definitions and parts refer to “animals” where other definitions and parts refer specifically to “dog, cat, or ferret.” As to the Bill’s definitions, “adoption” only applies to dogs, cats, and ferrets. This is problematic because some shelters have and seek adoptions for other animals, including, for example, rabbits. This is also true for the Bill’s definitions of “alteration” and “altered,” which state that these words only apply to dogs, cats, and ferrets that have been rendered incapable of reproducing. Again, there appears to be no rational basis for limiting the definition to only dogs, cats, and ferrets, as rabbits are often sterilized before being adopted.

Moreover, in the section enumerating the prohibitions under the Bill, one section states that pet shops and large-scale dog breeding kennels cannot sell, exchange, transfer, or deliver a dog, cat, or ferret without providing to the purchaser a valid pet health certificate. Again, there appears to be no reason to limit such a requirement to dogs, cats, and ferrets, especially considering that a “pet health certificate” is defined as “a certificate . . . in which a veterinarian attests to the age, sex, breed, and description of *an animal* . . . any medical conditions of *the animal* . . . any medical treatment . . . that *the animal* received . . . and the fact that . . . the veterinarian . . . found *the animal* free from visual evidence of communicable disease.”

Thus, there appears to be no logical reason why the sections listed below should only apply to a dog, cat, or ferret and not to “animals” generally. For uniformity purposes, AFA recommends the following amendments:

Sec. 1. (a), page 1, line 3: “a dog, cat, or ferret” should be stricken and replaced with “an animal”.

Sec. 1. (b), page 2, line 3: “a dog, cat, or ferret” should be stricken and replaced with “an animal”.

Sec. 1. (c), page 2, line 5: “a dog, cat, or ferret” should be stricken and replaced with “an animal”.

Sec. 5a. (5), page 7, line 19: “a dog, cat, OR FERRET” should be stricken and replaced with “an animal”.

Sec. 9. (3), page 9, line 5-6: “a dog, cat, or ferret” should be stricken and replaced with “an animal”.

ADOPTED BY THE BOARD OF DIRECTORS, ATTORNEYS FOR ANIMALS, OCTOBER 5, 2015

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