



49651 Shenandoah Circle, Canton, MI 48187
www.attorneysforanimals.org

June 24, 2020

Senator Kevin Daley
Chair, Agriculture Committee
Michigan Senate

Via email: Elena Palombo, Committee Clerk, ofcsc@senate.michigan.gov

Re: Support in Concept, with Recommended Changes, SB 419, Agriculture Committee Meeting, June 25, 2020

Dear Sen. Daley and Committee Members:

Thank you for the opportunity to provide information to the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to **support the concept SB 419, conditioned on recommended changes.**

This bill would bring animal rescues under the regulatory authority of the Michigan Department of Agriculture and Rural Development (MDARD). We thank Sen. Lucido for this effort to bring accountability and transparency to Michigan's rescues and believe that the time has come to begin regulating them. We have had the opportunity to review the substitute bill [(S-2) Draft 4] before the committee today and appreciate that Sen. Lucido incorporated feedback from the animal welfare community into the revisions.

Animal welfare is always the primary concern of AFA's board in assessing proposed legislation. However, we believe that this bill as written is over-reaching and has the potential of negatively impacting the number of companion animals who are rescued, cared for, and re-homed in this state:

The bill authorizes direct government contact with foster care providers. Considering privacy and civil liberties, a better framework would be for MDARD to interface *only* with the animal rescue, which then interacts with the foster care provider. Page 6, line 15 through page 7, line 20 of the bill provides for inspection and enforcement of the act and its rules and standards. It anticipates inspection of the foster home by MDARD officials; it also sets up a procedure whereby the foster home/foster care provider may face administrative hearings and fines. This is not what a person signs up for when agreeing to shelter and care for homeless animals in one's own home, nor should this be expected.

The direct involvement of MDARD with foster care providers is unnecessary. Many of the animal control and animal protection ("brick and mortar") shelters that MDARD currently regulates have

foster programs and use foster homes. (In fact, there was an uptick in foster families stepping up during the early days of the #StayHomeStaySafe orders earlier this year, and the number of animals in foster care soared).ⁱ Private individuals who foster for the brick and mortar shelters are not subjected to home visits by MDARD. The agency only has direct contact with the entity it regulates.

Importantly, foster care providers remain subject to both state and local criminal laws, and the attendant procedures and due process guarantees inherent in the criminal justice system.

Apart from the concern noted above, we have no objection to the procedure outlined for inspection and enforcement.

Potential impact on the rescue, care, shelter and rehoming of companion animals in this state.

Rescues have developed independently of the brick and mortar shelters that are regulated by MDARD but often work in partnership with them. We understand that operators of rescues around the state have heard loudly and clearly (and they believe credibly) from their existing fosters that they would quit if this bill becomes law. We do not think this is an unreasonable position for these fosters to take.

The bill is well intended. There should be regulation of rescues. However, to go from the current landscape where we do not even know with certainty how many rescues exist in the state, to a full and robust regulatory and inspection scheme, is like going from 0 to 100 in a few seconds, and may have the unintended consequence of driving reputable rescues – and the devoted foster care providers who are their backbone – out of business, to the detriment of homeless animals.

The bill can be improved, and we ask that the recommendations be incorporated into a revised bill before it is reported out of this committee.

Very Truly Yours,



Beatrice M. Friedlander, JD
President

ⁱ See for example, this April 6, 2020 article about the Ingham County Animal Shelter:
<https://www.wilx.com/content/news/Pet-fostering-increases-during-Coronavirus-Pandemic-569422511.html>