

QUALIFIED PET SHOPS

House Bill 5916 as enrolled
House Bill 5917 as enrolled
Sponsor: Rep. Hank Vaupel
House Committee: Agriculture
Senate Committee: Agriculture
Complete to 2-4-19

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<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 12-28-18)

SUMMARY:

House Bills 5916 and 5917 would respectively establish standards a pet shop must meet to be considered a qualified pet shop and prohibit a local unit of government from arbitrarily banning a pet shop that meets those standards. House Bill 5917 is tie-barred to House Bill 5916, which means that it cannot take effect unless HB 5916 is also enacted. Each bill would take effect 90 days after enactment.

House Bill 5916 would amend Public Act 287 of 1969, the act regulating pet shops and animal shelters, by adding a new section providing standards of practice a pet shop must meet in order to be considered a *qualified pet shop* under the act.

To be a qualified pet shop, an owner, manager, or employee of the pet shop could not display, sell, deliver, barter, auction, broker, give away, or transfer a live dog *unless* the dog was obtained from an animal control shelter, animal protection shelter, *dog retailer*, or *qualified breeder*. (If the dog retailer had obtained the animal from a breeder, the breeder would have to be a qualified breeder.)

Dog retailer would mean a person that buys, sells, or offers to sell dogs at wholesale for resale to another person or who gives one or more dogs to a pet shop annually, but would not include an animal control shelter, an animal protection shelter, a humane society, a medical or research kennel for dogs, a pet shop, or a veterinarian.

Qualified breeder would mean either a breeder that is not a *large-scale dog breeding kennel* or is a large-scale breeding kennel that is licensed by and in good standing with the United States Department of Agriculture (USDA), as described in the bill.

Large-scale dog breeding kennel is defined in the act as a facility where more than 15 female intact dogs over the age of four months are housed or kept for the primary purpose of breeding.

The bill would also prohibit a qualified pet shop from displaying, selling, or transferring possession of a dog that is less than 8 weeks old, that does not have a health certificate or permanent implanted ID microchip, or to a child under the age of 18. If the dog was acquired from a qualified breeder or dog retailer, a qualified pet shop could not display, sell, or transfer it without providing documentation including, among other things, the breeder's name, address, and USDA license number, a copy of the breeder's most recent USDA inspection report, the birth date of the dog, and a veterinary document describing any known adverse

hereditary or congenital condition. (Altering information or providing false information would disqualify the pet shop from being considered a qualified pet shop.) A qualified pet shop would also have to make the breeder's name, address, and USDA license number and the birth date of the dog available to the general public.

Finally, the bill would exempt from the above standards a dog sold or transferred from the premises where it was bred and reared.

MCL 287.335a and proposed MCL 287.335b

House Bill 5917 would create a new act to prohibit a county, city, village, or township from enacting or enforcing an ordinance, policy, resolution, or rule that arbitrarily bans a *qualified pet shop* located in the business district of that local unit of government. Any such provision enacted after the new act took effect would be void and unenforceable. Notwithstanding the above provisions, however, a qualified pet shop would be subject to any otherwise applicable requirements of a local zoning ordinance.

The bill would define *qualified pet shop* as a pet shop in compliance with all of the requirements for qualified pet shops set forth in House Bill 5916.

FISCAL IMPACT:

The Michigan Department of Agriculture and Rural Development (MDARD) has regulatory authority over pet shops under Public Act 287 of 1969. However, the department no longer licenses pet shops and does not routinely inspect pet shops. As noted on the department's website:

MDARD's Animal Industry Division investigates reportable diseases and the importation of animals to a pet shop, but is not currently licensing pet shops.

The department's regulatory program with respect to pet shops is primarily complaint-based.

The department indicates that House Bills 5916 and 5917 would have no fiscal impact, in that the bills would not expand the department's current regulatory practices.

Vetoed 12-28-18:

In his veto message, Governor Snyder wrote that "[l]ocal control is a longstanding concept in Michigan and any concerns [House Bill 5916] might have addressed are manifestly local in nature. To the extent such concerns exist in a given local unit, local officials should be afforded the discretion to address them rather than having the State impose a one-size-fits-all approach."

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.