



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 5916 (Substitute H-2 as passed by the House)  
House Bill 5917 (Substitute H-3 as passed by the House)  
Sponsor: Representative Hank Vaupel  
House Committee: Agriculture  
Senate Committee: Agriculture

Date Completed: 12-11-18

**CONTENT**

**House Bill 5916 (H-2) would amend Public Act 287 of 1969, which governs pet shops, animal control shelters, and animal protection shelter, to do the following:**

- Specify that in order to be a qualified pet shop, an owner, manager, or employee of the pet shop could not display, offer for sale, broker, give away, transfer, or sell a live dog from the shop to a person unless it was obtained from one of the sources specified in the bill.
- Specify that in order to be a qualified pet shop, an owner, manager, or employee of the pet shop could not display, offer for sale, broker, give away, transfer, or sell a dog unless it met certain requirements.
- Specify that in order to be a qualified pet shop, an owner, manager, or employee of the pet shop could not deliver, barter, auction, broker, give away, transfer, or sell a dog acquired from a qualified breeder or a dog retailer unless he or she provided to the person acquiring the dog, before the transaction, documentation that included the information specified by the bill.
- Specify that the bill would not apply to a dog that was being sold, delivered, bartered, auctioned, given away, brokered, or transferred from the premises where the dog was bred and reared.

**House Bill 5917 (H-3) would create a new law to prohibit a local unit of government from enacting or enforcing an ordinance, policy, resolution, or rule that arbitrarily banned a qualified pet shop located in that local unit of government.**

House Bill 5917 (H-3) is tie-barred to House Bill 5916. Each bill would take effect 90 days after its enactment.

**House Bill 5916 (H-2)**

The bill specifies that in order to be a qualified pet shop, an owner, manager, or employee of a pet shop could not display, offer for sale, deliver, barter, auction, broker, give away, transfer, or sell a live dog from the shop to a person unless it was obtained from one of the following sources:

- An animal control shelter.
- An animal protection shelter.

- A dog retailer, provided that, if the dog retailer originally obtained the dog from a breeder, the breeder was a qualified breeder.
- A qualified breeder.

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

"Qualified breeder" means either of the following: a) a breeder that keeps, houses, and maintains female adult dogs that is not a large-scale dog breeding kennel; or b) a large dog breeding kennel located inside or outside of the State that meets all of the following requirements: i) the large-scale breeding kennel is licensed by the USDA under Federal law and, if applicable, registered with MDARD; ii) the USDA has not issued the kennel a finally determined report of a direct noncompliance violation under the Animal Welfare Act for two years before offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog; and iii) the kennel has not had three or more finally determined reports of noncompliance documented in any report for 12 months before offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog.

To be a qualified pet shop, an owner, manager, or employee of a pet shop could not deliver, barter, auction, broker, give away, transfer, or sell any of the following:

- A dog that was less than eight weeks old.
- A dog without a pet health certificate.
- A dog that did not have a permanent implanted identification microchip.
- A dog to an individual was younger than 18 years old, as verified by photo identification.

Also, to be a qualified pet shop, the owner, manager, or employee could not deliver, barter, auction, broker, give away, transfer, or sell a dog acquired from a qualified breeder or a dog retailer unless he or she provided to the person acquiring the dog, before the transaction, documentation that included all of the following:

- The name and address of the breeder who bred the dog.
- The United States Department of Agriculture (USDA) license number of the breeder that bred the dog, if applicable, and a copy of the most current unredacted USDA inspection report for the breeder.
- The dog's birth date, if known.
- The date that the pet shop took possession of the dog.
- A document signed by a veterinarian that described any known congenital or hereditary condition that adversely affected the dog's health at the time of examination.
- A dog acquired from a qualified breeder or a dog retailer unless the name, address, and USDA license number of the breeder, and the dog's birth date were available to the general public at the pet shop.
- A certification signed by the owner, manager, or employee certifying that all of the above information was accurate.

A pet shop would have to keep a copy of the certification for at least two years from the date of acquisition. The owner, manager, or employee would have to make a copy of the certification available for inspection or duplication by MDARD or an animal control officer of the municipality in which the pet shop was located. To be a qualified pet shop, an owner, manager, or employee could not alter or provide false information on a document provided a certification provided as described above.

The bill would not apply to a dog that was being sold, delivered, bartered, auctioned, given away, brokered, or transferred from the premises where the dog was bred and reared.

### **House Bill 5917 (H-3)**

The proposed Act would prohibit the governing body of a local unit of government from enacting or enforcing an ordinance, policy, resolution, or rule that arbitrarily banned a qualified pet shop located in a business district of that local unit of government. Any provision in an ordinance, policy, resolution, or rule adopted by governing body of a local unit of government on or after the Act's effective date that violated the Act would be void and unenforceable. "Qualified pet shop" would mean a pet shop that complied with all of the requirements in Section 5b of Public Act 287 of 1969 (which House Bill 5916 (H-2) would amend).

Notwithstanding the above provisions, a qualified pet shop would be subject to any otherwise applicable requirements of a zoning ordinance adopted by a local unit of government under the Michigan Zoning Enabling Act.

MCL 287.335a (H.B. 5916)

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

### **House Bill 5916 (H-2)**

The bill would have a minimal fiscal impact on the Department of Agriculture and Rural Development (MDARD) and local governments. The MDARD and local governments do not license or routinely inspect pet shops the role of these governmental units with respect to pet shops is primarily complaint based.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.