

DISPOSITION OF ABANDONED ANIMALS

House Bill 4903 as introduced First Analysis (10-27-99)

**Sponsor: Rep. Gerald Law
Committee: Health Policy**

THE APPARENT PROBLEM:

Occasionally, pet owners fail to retrieve animals left at veterinary clinics and hospitals, or refuse to pay for services rendered. Part 188 of the Public Health Code provides a mechanism by which veterinarians may dispose of an animal if it has been abandoned for at least ten days. After the ten-day period has expired, a veterinarian must send a written notice of the intent to dispose of the animal by certified mail to the pet owner. A second notice must be sent ten or more days after the first. Five days after the second notice is sent, the veterinarian may dispose of the animal. Though the veterinarian may euthanize the animal, it is reported that most of the time vets either place the abandoned animal in a home or transfer the animal to an animal shelter.

According to veterinarians, the problem with the current law lies in the length of time - 25 days - before a vet is allowed to dispose of or transfer an abandoned animal to a shelter. At times, it is clear almost immediately that an animal has been abandoned. For instance, a pet owner on occasion will leave a phone number to a disconnected line, or an address to that of a vacant lot. In such situations, it can be a hardship for a veterinarian to house and care for the animal until the expiration of the 25-day time period. For some, it is because their business may be too small and not have sufficient space to house the animal; for others, the animal may be overly aggressive and pose a danger to staff. If the animal is in poor condition and needs costly treatment to be kept alive, the vet may incur large expenses for which he or she is not reimbursed. It has been proposed that the law be changed to shorten the period of time that a veterinarian must wait before disposing of an abandoned animal.

THE CONTENT OF THE BILL:

The bill would amend Part 188 of the Public Health Code, entitled "Veterinary Medicine", to revise the

definition of abandonment of an animal by its owner. Under the bill, an "owner" would be the actual owner of an animal, an agent of the owner, or a person with the apparent authority to act as the owner of an animal or agent of an owner. "Animal" is currently defined in the code as an animal other than a human being and includes all fowl, birds, fish, and reptiles, wild or domestic, living or dead, which could be carriers of infectious diseases. An animal would be considered "abandoned by its owner" if any of the following occurred:

- *An owner failed to reclaim an animal from a veterinarian at the scheduled time or at the completion of treatment, boarding, or other services.
- * An owner refused to accept custody of an animal that had been left with a veterinarian for treatment, boarding, or other services.
- * The owner failed to provide payment for treatment, boarding, or other services as agreed upon by the owner and the veterinarian.

Currently, a veterinarian may dispose of an animal in his or her care if the animal had been abandoned for at least ten days. The code requires a veterinarian to send a written notice by certified mail to the owner of the intent to dispose of the animal. A second notice must be sent until ten days after the first notice was sent. Five days after the second notice is sent, the veterinarian may dispose of the animal. The bill instead would allow the veterinarian to send out the first notice as soon as the animal was not picked up at the scheduled time, and to send out the second notice five days later. As is current law, the animal could be disposed of five days after the second notice was sent.

MCL 333.18802 and 333.18838

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no fiscal impact on either state or local government. (10-18-99)

ARGUMENTS:**For:**

Under current law, a veterinarian must wait at least 25 days before he or she can dispose of an animal that has been abandoned by its owners. Sometimes, such an animal may be dangerous and so can pose a threat to the safety of the staff. Other times, the animal may be in poor health and need expensive treatment to even stay alive. Even when it is clear that an animal has been deserted, such as when a false address or disconnected phone number is given, a vet cannot put to sleep a seriously ill or dangerous animal, nor can he or she transfer the animal to an animal shelter where a new home may be found for it, until the 25-day period has expired. This often leads to unnecessary costs that a veterinarian must absorb, and presents a hardship for the animal as well. Further, some small veterinarian practices simply do not always have the room to house a deserted animal for the full period. The bill would still require a vet to send two notices of the intent to dispose of the animal, but would remove the initial 10-day waiting period and shorten the time between the first and second notice by 5 days. Thus, under the bill, a vet could send out the first notice as soon as it became apparent that the animal had been deserted. However, by keeping the two-notice requirement, a vet would still have to wait at least one and a half weeks before disposing of the animal. This should be a sufficient length of time for an owner to make arrangements to retrieve the animal, yet ease the burden currently placed on veterinarians in situations in which an animal truly has been deserted.

POSITIONS:

The Department of Agriculture supports the bill. (10-21-99)

The Michigan Humane Society supports the bill. (10-21-99)

The Michigan Veterinary Medical Association supports the bill. (10-19-99)

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