



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**PET SHOP REGULATION:
ANNUAL LICENSURE, ETC.**

House Bill 6289

Sponsor: Rep. Laura M. Toy

Committee: Commerce

Complete to 12-2-02

A SUMMARY OF HOUSE BILL 6289 AS INTRODUCED 9-17-02

The bill would amend Public Act 287 of 1969, which regulates pet shops and animal shelters, to require that pet shops obtain an annual license. Currently the act requires a pet shop to be licensed by the Department of Agriculture in order to operate. There is a \$150 licensing fee. The bill would require annual licensure, with licenses to expire each January 1. The fee for initial licensure would be \$100 and the fee for each renewal would be \$75. Pet shops would be required to submit a renewal application along with the fee, and the department would renew the license unless the shop was in violation of the act, rules promulgated under the act, or an order issued under the act.

The bill also contains the following provisions.

Inspections. The bill also would specifically require the department to conduct inspections of the premises of licensed pet shops and registered animal control shelters and animal protection shelters. The department, on its own initiative or in response to complaints, would investigate persons operating or appearing to operate a pet shop without being licensed or a shelter without being registered.

Inoculations. The Department of Agriculture would be required to develop, maintain, and update annually (no later than January 1) a list of required inoculations, and distribute the updated list to licensed pet shops. The current separate listings of inoculations for dogs and cats would be deleted from the act. A licensee would have to provide the required inoculations to dogs, cats, and ferrets at the earliest of the following: 1) before sale; 2) before being offered for sale; or 3) not less than seven days before importation for sale through the pet shop.

Enforcement. Currently, the act allows the director of the Department of Agriculture to suspend or revoke a registration or to impose an administrative fine when a person is found to have violated the act (subsequent to an opportunity for a hearing). The fine can be no more than \$1,000. The bill would specify that the minimum fine would be \$300. Also, the department director would be authorized when faced with violations to issue orders, and to issue a warning instead of a fine if the director determined that a violation occurred despite the exercise of due care or if the violation did not result in substantial harm to human or animal health. The bill would specify that the remedies and sanctions would be independent and cumulative, and that the use of a remedy or sanction would not bar other lawful remedies and sanctions and would not limit criminal or civil liability. Currently, the act allows the director to bring an action to obtain an injunction against a person engaging in or about to engage in a violation of the act. The bill

House Bill 6289 (12-2-02)

would specify that such an action is to be brought in a court of competent jurisdiction in the county in which the violation occurred or was about to occur.

The bill would also authorize the director to obtain a civil fine of not more than \$5,000 for each violation and to issue an appearance ticket under the Code of Criminal Procedure, with a fine of not less than \$300 or more than \$1,000, or imprisonment of not less than 30 days, or both.

Misdemeanor Penalties. Currently, the act says that a person who violates the act or a rule promulgated under the act is guilty of a misdemeanor. The bill would specify that a person could be fined not more than \$1,000 for a first violation, and that for a second or subsequent violation, the fine would have to be at least twice the amount for the previous violation. Further, the court could allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a violation committed knowingly and with malicious intent.

Definition of "Person". Currently, the act defines a person to mean an individual, partnership, corporation, association, governmental entity, or other legal entity. The bill would add cooperatives and joint ventures to the list.

MCL 287.331 et al.

House Bill 6289 (12-2-02)

Analyst: C. Couch

■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.