

SALE OF DOGS AND CATS

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House Bill 5738

Sponsor: Rep. Steve Bieda

Committee: Regulatory Reform

Complete to 6-9-08

A SUMMARY OF HOUSE BILL 5738 AS INTRODUCED 2-14-08

The bill would amend Public Act 287 of 1969, which regulates pet shops and animal control shelters, to provide remedies to customers who purchase a dog or cat that is later deemed to have been unfit for sale at the time of purchase. The bill would apply to pet shops, pet dealers, breeders, persons selling dogs or cats to the public for profit, and persons selling more than one litter or two dogs or cats over 6 months of age per year.

The bill would define "breeder" to mean a person who breeds or raises dogs or cats for sale to the public and "pet dealer" to mean a person who for compensation buys or sells dogs or cats (the term would not include an animal protection shelter).

Under the bill, a dog or cat would be considered unfit for sale at the time of purchase if either (1) a veterinarian stated, in writing, that the presence of symptoms of a contagious or infectious disease or illness existed in the animal at the time of purchase; or (2) within 90 days of the purchaser receiving the animal, a veterinarian stated, in writing, that the animal died or was ill due to a hereditary or congenital defect.

A person subject to the act who sold a dog or cat considered to have been unfit would have to provide the purchaser with the right to do any of the following:

- Return the dog or cat for a full refund.
- Exchange the dog or cat for another of equal value, if available, of the purchaser's choice.
- Retain the dog or cat and be reimbursed for reasonable veterinarian fees up to the original purchase price of the animal.
- If the dog or cat died, receive another dog or cat of equal value, if available, and receive reimbursement of reasonable veterinarian fees not to exceed the original purchase price of the animal.
- If the dog or cat died, receive a full refund of the purchase price.

Nothing in the bill would limit the rights or remedies otherwise available to the purchaser of a cat or dog under any other law.

MCL 287.331

FISCAL IMPACT:

Pet shop licensing fees collected by the Michigan Department of Agriculture under the authority of Public Act 287 of 1969 total approximately \$30,000 per year. In accordance with Section 4 of the act, those fees are credited to the Agriculture Licensing and Inspection Fees Fund created in Section 9 of the Insect Pest and Plant Disease Act, (Public Act 189 of 1931), to be used, subject to appropriation, in administering and carrying out those duties required by law under Public Act 287 of 1969. It is not clear what impact, if any, the proposed amendments would have on fee revenue.

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