

Legislative Analysis



PROHIBIT USE OF DOGS AND CATS FOR EXPERIMENTAL RESEARCH UNDER CERTAIN CONDITIONS

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House Bill 4849 as introduced
Sponsor: Rep. Matt Koleszar
Committee: Agriculture
Complete to 1-22-24

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

SUMMARY:

House Bill 4849 would amend the Public Health Code to prohibit the use of certain animals by *research facilities* under certain conditions and to remove references to the Animal Research Advisory Board, which no longer exists and whose statutory responsibilities were previously transferred to the Department of Health and Human Services (DHHS) by executive order.

A *research facility* would mean a person that meets both of the following:

- Is registered or licensed with the U.S. Department of Agriculture.
- Uses or intends to use a dog or cat for experimental purposes.

The bill would add a new section, section 2675a, which would prohibit the use of a *dog* or a *cat* for an *experimental purpose* if that purpose causes pain or distress to that dog or cat and would establish penalties for entities that violate this prohibition. This section would be known as “Queenie’s Law.”

Cat would mean a domestic cat of any age of the species *Felis catus*.

Dog would mean a domestic dog of any age of the species *Canis lupus familiaris*.

Experimental purpose would mean the use of animals to conduct research, testing, or training related to the treatment of human or animal diseases and disorders.

Under the bill, the following circumstances would constitute causing pain or distress:

- The experimental purpose would, if conducted, be reportable to the U.S. Department of Agriculture under the annual report specified in 9 CFR 2.36(b)(6) or (7).¹
- The experimental purpose may cause death, injury, fear, or trauma to the dog or cat.
- The experimental purpose involves an invasive procedure, including penetrating the body, cutting body parts, performing surgery or surgical procedures, implanting a medical device, or administering an experimental agent or drug.

The following *would not* constitute a violation of this prohibition:

- An owner of a dog or cat consents to the use of the dog or cat in veterinary training or veterinary clinical research involving the treatment of an existing disease or ailment.
- The spaying or neutering of a dog or cat by a veterinarian or veterinary student or other training or medical procedures commonly performed by a veterinarian or *veterinary student* for the treatment of a dog or cat. (As used here, *veterinary student* would mean a student enrolled in a school of veterinary medicine.)

¹ <https://www.ecfr.gov/current/title-9/chapter-I/subchapter-A/part-2/subpart-C>

A research facility that violates section 2675a would be subject to a civil fine of not less than \$1,000 or more than \$5,000 for each dog or cat that is the subject of a violation and for each day the violation continues. The prosecutor of the county where the violation occurs, or the attorney general, could bring an action to collect the fine. A determination of responsibility for a violation of section 2675a would not preclude a conviction, sentence, or determination of responsibility for a violation of any other law of the state arising from the same conduct.

Finally, the bill would require DHHS to promulgate rules that establish standards pertaining to the prohibition of the use of a dog or cat for experimental purposes in a manner that causes pain or distress to the dog or cat.

MCL 333.2674 et al

FISCAL IMPACT:

House Bill 4849 would have a likely minimal fiscal impact on state expenditures to the Department of Health and Human Services. The fiscal impact of the bill would be dependent on the cost of promulgation of rules regarding the prohibition of use of dogs and cats for certain experimental purposes that cause pain or distress. The department has the authority to carry out inspections of facilities that use animals for experimentation and may choose to increase the number of unannounced inspections of those facilities which could increase costs to DHHS.

The bill also would have an indeterminate fiscal impact on the state and on local units of government that would depend on the number of research facilities found in violation and ordered to pay a civil fine of not less than \$1,000 or more than \$5,000 for each dog or cat that is the subject of a violation and for each day the violation continues. Revenue collected from payment of civil fines is used to support public and county law libraries. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine is required to be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial branch and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect, revenue for libraries, or costs to local courts cannot be made.

The bill would allow, but not require, the Department of Attorney General (AG) or a county prosecutor to bring legal action to enforce the collection of fines established in the bill. Should the AG or a county prosecutor choose to take legal action, the resulting work would likely be covered through existing staff and result in no additional costs.

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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.