

DOGS AND CATS USED IN RESEARCH (TEDDY'S LAW)

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House Bills 4277 and 4278 as introduced

Sponsor: Rep. Veronica A. Paiz

Committee: Regulatory Reform

Complete to 5-15-23

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

SUMMARY:

House Bills 4277 and 4278 would each amend 1969 PA 224, which licenses and regulates research facilities that use dogs and cats for research purposes and dealers in those animals. Among other things, the acts would do the following:

- Require a research facility to offer a dog or cat no longer needed for research to an animal control shelter or animal protection shelter before euthanizing it. (HB 4278)
- Provide immunity to a research facility that offers a dog or cat to a shelter, and to a shelter that receives a dog or cat from a research facility, from civil liability related to transporting and receiving the animal under certain conditions. (HB 4278)
- Provide that the above provisions are called "Teddy's Law." (HB 4278)
- Establish administrative fines for a violation of HB 4278, with fine revenue to be deposited in the proposed Laboratory Animal Fund. (HB 4277)
- Require a research facility to report annually on the number of dogs and cats it released to a shelter in the previous year. (HB 4277)

House Bill 4278 would require a *research facility* to offer a *laboratory animal* that is no longer needed for *laboratory research* to an *animal control shelter* or *animal protection shelter* for adoption before euthanizing the animal. A research facility could enter into a written agreement with a shelter to carry out the purposes of this provision.

Research facility would mean a school, hospital, laboratory, institution, organization, or person that is licensed under 1969 PA 224 or otherwise registered with the U.S. Department of Agriculture, that uses or intends to use a laboratory animal in laboratory research, and that does either or both of the following:

- Purchases or transports laboratory animals.
- Receives funds from the state, a local government, or an agency or instrumentality of the state or a local government to finance its operations through grants, loans, or other funds.

Laboratory animal would mean a dog or cat (of any age) that is used or intended to be used for laboratory research at a research facility.

Laboratory research would mean research, tests, or experiments conducted for education, scientific, medical, or experimental purposes.

Animal control shelter would mean a facility registered under 1969 PA 287 that is operated by a county, city, village, or township for the impoundment or care of an animal for any of the following reasons:

- The animal was found in the streets or at large.

- The animal was otherwise held due to a violation of a municipal or state law.
- The animal was surrendered to the animal control shelter.

Animal protection shelter would mean a facility registered under 1969 PA 287 that is operated by any of the following:

- A ***person***.
- A humane society.
- A society for the prevention of cruelty to animals.
- Any other nonprofit organization for the care of homeless animals.

Person would mean an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

A research facility that provides a laboratory animal to a shelter as described above would be immune from civil liability for the transfer of the animal or resulting from the transfer as long as the facility acted in good faith concerning the animal’s health and physical condition.

Similarly, an animal control shelter or animal protection shelter that receives a transfer of a laboratory animal from a research facility as described above would be immune from civil liability for the transfer of the animal or resulting from the transfer as long as the shelter acted in good faith concerning the animal’s health and physical condition.

The provisions described above would be known as “Teddy’s Law.”

The bill also would require the Department of Agriculture and Rural Development (MDARD) to maintain a list of all research facilities operating in Michigan and make the list available on its website.

MCL 287.381 and 287.387 and proposed MCL 287.388a

House Bill 4277 would allow MDARD to impose an administrative fine, after notice and opportunity for a hearing, on a research facility that violates the Teddy’s Law provisions of House Bill 4881. The fine would be deposited into the Laboratory Animal Fund (see below). The amount of the fine would be based on the number of laboratory animals involved in the violation, as well as any prior violations of those provisions, as follows:

- One animal and no prior violation: up to \$1,000.
- Two or three animals and no prior violation: up to \$2,000.
- Four to nine animals and no prior violation, or any number of animals and one prior violation: up to \$3,000.
- Ten to 24 animals and no prior violation, or any number of animals and two prior violations: up to \$5,000.
- More than 24 animals and no prior violation, or any number of animals and three or more prior violations: up to \$10,000.

One year after the bill’s effective date, MDARD could issue a warning for a violation of House Bill 4881 instead of imposing an administrative fine as described above.

If a person failed to pay an administrative fine imposed as described above, MDARD would have to advise the attorney general, who would have to bring a civil action to recover the fine, as well as costs and fees.

Laboratory Animal Fund

The bill would create the Laboratory Animal Fund in the state treasury. The state treasurer could receive the administrative fines described above for deposit into the fund, as well as money or other assets from any other source, and would have to credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year would remain in the fund and would not lapse to the general fund. MDARD would be the administrator of the fund for auditing purposes and would have to spend money from the fund to administer the Teddy's Law provisions of House Bill 4881.

Report

Finally, the bill would require a research facility that uses laboratory animals to submit a report to MDARD by March 31 of each year that includes the following information regarding the previous calendar year:

- The total number of laboratory animals released by the research facility.
- The name and address of each animal control shelter or animal protection shelter to which a laboratory animal was released.

MCL 287.392 and proposed MCL 287.391a and 287.392a

The bills are tie-barred to each other, which means that neither bill will go into effect unless the other bill is also enacted.

FISCAL IMPACT:

The Michigan Department of Agriculture and Rural Development (MDARD) has authority over administration of 1969 PA 224, the act that provides for the licensing and regulation of research facilities using dogs and cats for research purposes. As described above, the bills would establish new authorities and responsibilities for MDARD under that act. MDARD has estimated that administering the new program responsibilities would require one full-time equated position and funding of \$200,000. Although the bill establishes a restricted fund in support of those regulatory activities, the only fund source appears to be administrative fines assessed for violations of the "Teddy's Law" provisions. Identification of violations appears to be complaint-based. The amount of fine revenue each year would likely be variable and cannot be readily estimated.

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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.