

# Legislative Analysis



## TEDDY'S LAW

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<http://www.house.mi.gov/hfa>

**House Bill 4881 as introduced**  
**Sponsor: Rep. Kevin Hertel**

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

**House Bill 4882 (proposed substitute H-1)**  
**Sponsor: Rep. Tommy Brann**

**Committee: Regulatory Reform**  
**Complete to 2-22-22**

## SUMMARY:

Among other things, the bills would each amend the same act to do the following:

- Require a research facility to offer a cat or dog no longer needed for research to an animal control shelter or animal protection shelter before euthanizing it. (HB 4881)
- Provide civil immunity to a research facility who offers a dog or cat to a shelter, and to a shelter that receives a dog or cat from a research facility, from liability related to transporting the animal and receiving the animal, under certain conditions. (HB 4881)
- Establish administrative fines for a violation of the provisions of HB 4881 and deposit fine revenue into a new fund. (HB 4882)
- Require an annual report by research facilities regarding the number of dogs and cats released to a shelter. (HB 4882)
- Provide that proposed section 8a be known as "Teddy's Law." (HB 4881)
- Revise the act's title. (HB 4881)
- Revise current terms and define new ones. (HB 4881)

**House Bill 4881** would amend 1969 PA 224, which licenses and regulates research facilities using dogs and cats for research purposes and dealers that deliver, transport, or sell dogs or cats for laboratory purposes. The new section 8a proposed by the bill would be known as "Teddy's Law."

### Title

The bill would significantly revise the act's title to provide that it is an act to license and deliver, transport, board, buy, or sell dogs or cats for laboratory research purposes; to regulate research facilities that use dogs or cats for laboratory research; to require research facilities to offer laboratory animals no longer used for laboratory research to certain animal protection shelters for adoption before euthanizing; to require research facilities to submit annual reports; to provide immunity from civil liability under certain conditions; and to repeal acts and parts of acts.

Significant amendments to the act include the following:

- Require research facilities and dealers to keep any information required by the Michigan Department of Agriculture and Rural Development (MDARD) in addition to the records required currently.

- Require MDARD to maintain and make available on its website a list of all research facilities operating in the state.
- Require a research facility to offer a *laboratory animal* (defined to mean a dog or cat used or intended to be used for laboratory research at a research facility) that is no longer needed for laboratory research to an animal control shelter or animal protection shelter (defined in the bill) for adoption before euthanizing it. Allow a research facility to enter into a written agreement with a shelter to carry the purposes of this provision.
- Grant civil immunity from liability to a research facility that provides a laboratory animal to a shelter for the transfer or the result of the transfer of the animal, if the research facility acted in good faith concerning the animal's health and physical condition.
- Grant civil immunity from liability to an animal control shelter or animal protection shelter that receives a transfer of a laboratory animal from a research facility for or resulting from the transfer of the animal, if the shelter acted in good faith concerning the health and physical condition of the laboratory animal.

### Definitions

The bill would revise several definitions and add new ones as follows:

***Animal control shelter*** would mean a facility registered under section 6 of 1969 PA 287 and is operated by a municipality 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 section 6 of 1969 PA 287 and 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.

***Cat*** would be revised to mean a domestic cat of any age of the species *Felis catus* and ***dog*** would be revised to mean a domestic dog of any age of species *Canis lupus familiaris*.

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

***Municipality*** would mean a county, city, village, or township.

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

***Research facility*** would be revised to mean a school, hospital, laboratory, institution, organization, or person that is licensed or otherwise registered with the U.S. Department of Agriculture, that uses or intends to use a laboratory animal in laboratory research that purchases or transports laboratory animals and/or receives funds from Michigan, a local government, or

an agency or instrumentality of Michigan or a local government to finance its operations through grants, loans, or other funds.

MCL 287.381 and 287.387 and proposed MCL 287.388a

**House Bill 4882** would add a new section to the same act. By March 31 of each year, a research facility that uses laboratory animals would be required to submit a report to MDARD that includes the following information regarding the previous 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.

#### Penalties

A research facility that violates section 8a as proposed by HB 4881 could be subject to a departmental fine based on the number of laboratory animals involved after notice and opportunity for a hearing, as follows:

- 1 animal—Not more than \$1,000.
- 2 or 3 animals—Not more than \$2,000.
- At least 4 but fewer than 10 animals, or the research facility has one prior violation of section 8a—Not more than \$3,000.
- At least 10 animals but fewer than 25, or the research facility has two prior violations of section 8a—Not more than \$5,000.
- 25 or more animals, or the research facility has three or more prior violations of section 8a—Not more than \$10,000.

MDARD would be required to advise the attorney general of the failure of a person to pay an administrative fine imposed under the bill. The attorney general would be required to bring a civil action to recover the fine that had been imposed, as well as costs and fees.

#### Laboratory Animal Fund

The Laboratory Animal Fund would be created within the state treasury, but MDARD would be the administrator of the fund for auditing purposes and would expend money from the fund to administer the provisions of proposed section 8a of HB 4881.

The state treasurer could receive fine revenue collected from the administrative fines described above, and could also receive money or other assets from any other source for deposit into the fund. Interest and earnings from investments would have to be credited to the fund. Money in the fund at the close of the fiscal year would remain in the fund and not lapse to the general fund.

MCL 287.392 and proposed MCL 287.391a and 287.392a

#### Tie-bar

The bills are tie-barred to each other. A bill cannot become law unless the bill to which it is tie-barred is also enacted.

**FISCAL IMPACT:**

A fiscal analysis is in progress.

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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.