

# MICHIGAN ANIMAL CRUELTY LAWS<sup>1</sup>

## Introduction

The primary provisions pertaining to animal cruelty are found in various parts of the Penal, Animal Industry, Natural Resources and Environmental Protection, and Health Codes. The Michigan Penal Code, “Animals,” 750.49 - .70 contains most of these laws. In addition, the Natural Resources and Environmental Protections laws covering discharge of substances injurious to animals and the Health Codes govern veterinary reporting. The Animal Industry laws regulate pet shop owners, breeders, and the use of animals in research.

The summary below provides a comprehensive list of all Michigan statutes relating to animal cruelty, as well as the language contained within the statutes. Case law is provided for specific crimes where relevant and available.

## Overview of Statutory Provisions

- 1. Cruel Treatment of Animals: M.C.L.A. § 750.49**
- 2. Animal Cruelty: M.C.L.A. §§ 750.50; 750.50a; 750.50b; 750.50c; 750.51; 750.59; 750.56**
- 3. Horses: M.C.L.A. §§ 750.60; 750.63**
- 4. Law Enforcement Policies: M.C.L.A. § 750.52, 750.53, 750.54, 750.55**
- 5. Sexual Assault: M.C.L.A. § 750.158**
- 6. Pet Shops and Breeders: M.C.L.S. §§ 287.335a, 287.335, 287.333**
- 7. Animals in Research: M.C.L.A. §§ 287.384, 287.389, 287.393**
- 8. Natural Resources and Environmental Protection: M.C.L.S. § 324.3109**
- 9. Veterinary Reporting: M.C.L.S. § 333.18827**

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<sup>1</sup> Alyssa Clark produced this document as an undertaking of the George Washington University Law School’s Animal Welfare project, and worked under the guidance of the Project’s founder and faculty director, Professor Joan Schaffner.

## 1. CRUEL TREATMENT OF ANIMALS

### **M.C.L.A. § 750.49. Animals; fighting, baiting, or shooting; dogs trained for fighting; application; money seized, deposit, examination, return**

- (1) As used in this section, "animal" means a vertebrate other than a human.
- (2) A person shall not knowingly do any of the following:
  - (a) Own, possess, use, buy, sell, offer to buy or sell, import, or export an animal for fighting or baiting, or as a target to be shot at as a test of skill in marksmanship.
  - (b) Be a party to or cause the fighting, baiting, or shooting of an animal as described in subdivision (a).
  - (c) Rent or otherwise obtain the use of a building, shed, room, yard, ground, or premises for fighting, baiting, or shooting an animal as described in subdivision (a).
  - (d) Permit the use of a building, shed, room, yard, ground, or premises belonging to him or her or under his or her control for any of the purposes described in this section.
  - (e) Organize, promote, or collect money for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).
  - (f) Be present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition described in subdivisions (a) to (d), or be present at the exhibition, knowing that an exhibition is taking place or about to take place.
  - (g) Breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d). This subdivision does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing, or exporting an animal for agricultural or agricultural exposition purposes.
  - (h) Own, possess, use, buy, sell, offer to buy or sell, transport, or deliver any device or equipment intended for use in the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).
- (3) A person who violates subsection (2)(a) to (e) is guilty of a felony

#### **Applicable Case Law:**

#### **People v. Cumper, 83 Mich. App. 490 (Mich.Ct.App. 1978)**

**Facts:** Defendants were discovered in an area with bloodied dogs and were convicted of being spectators at a fight or baiting between dogs. Appealed charging that the portion of the statute imposing criminal sanction on spectators was impermissibly vague and unconstitutionally overbroad and insufficient evidence.

**Holding:** The statute is not unconstitutionally vague because it does not punish the witnessing of dogfights per se but rather punished attendance as a spectator at an event legitimately prohibited

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by law. Also, evidence including testimony of police officer who observed defendants taking part in staged dog fight was sufficient to warrant conviction of attending, being parties to or spectators at a fight or bating between dogs.

**People v. Beam, 244 Mich. App. 103 (Mich.Ct.App. 2000)**

**Facts:** A woman was mauled to death by defendant's pit bulls that had been trained to fight. Defendant was indicted for owning a dog trained or used for fighting that caused the death of a person. Defendant motioned to dismiss the case arguing the statute was unconstitutionally vague.

**Holding:** Statute was not unconstitutionally nothing in the description of "scratching," by which defendant kept his pit bulls on leashes, induced them to struggle to enter into combat, but ultimately restrained them, would leave any person of reasonable intelligence in doubt that this activity was a form of training for fighting, and thus, phrase "trained or used for fighting," within statute making it a felony to own an animal, trained or used for fighting, that caused the death of a person, was not unconstitutionally vague as applied to defendant charged with such felony.

**People v. Cyr, 113 Mich.App. 213 (Mich.Ct.App. 1982)**

**Facts:** Multiple defendants were convicted of an ongoing conspiracy to violate a dog-fighting statute and appealed conviction arguing that Wharton's rule precludes prosecution.

**Holding:** could be charged with conspiracy to violate dog-fighting statute rather than multiple substantive crimes or separate conspiracies based on each individual incident where evidence showed that defendants interacted on more than one occasion with each other and conducted ongoing dog fights, there was no central figure with unrelated, separate transactions involving defendants, and there was no evidence that each act relating to dog fighting was separate conspiracy even though there were separate substantive acts involved.

**People v. Jackson, No. 275908 WL 78526, (Mich.App. Mar 2008)**

**Facts:** Defendant was inside a garage where a dogfight was occurring. He acknowledged he was present during the dogfight, and officers testified that while standing outside the garage, they heard dogs fighting and men yelling, laughing, and making comments consistent with dog fighting. When an officer looked through a boarded window, he observed two dogs "actually intertwined, fighting with each other." When the garage was opened, officers observed defendant and others, two bloody pit bulls with extensive fresh injuries, a makeshift fighting pit, and blood on various items throughout the garage. In addition, the jury viewed photographs showing the dogs' injuries and the condition and layout of the garage.

**Holding:** From this evidence, the jury could reasonably conclude that defendant knowingly attended a dogfight.

## 2. ANIMAL CRUELTY

### **M.C.L.A. § 750.50. Definitions; crimes against animals, cruel treatment, abandonment, failure to provide adequate care, etc.; penalties; multiple prosecutions; payment of costs; exception**

(1) As used in this section and section 50b:

(a) “Adequate care” means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

(b) “Animal” means any vertebrate other than a human being.

(c) “Animal protection shelter” means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

(d) “Animal control shelter” means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.

(e) “Licensed veterinarian” means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) “Livestock” means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.

(g) “Person” means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

(h) “Neglect” means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

(i) “Sanitary conditions” means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

(j) “Shelter” means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

(i) The residence of the dog's owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

(k) “State of good health” means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

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(l) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(m) "Water" means potable water that is suitable for the age and species of animal that is made regularly available unless otherwise directed by a licensed veterinarian.

(2) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(a) Fail to provide an animal with adequate care.

(b) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(c) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(d) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(e) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(f) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(g) Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(3) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian pending the outcome of a criminal action charging a violation of this section or section 50b, before final disposition of the criminal charge, the prosecuting attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a true copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the secretary of state in an animal involved in the pending action. The forfeiture of an animal under this section encumbered by a security interest is subject to the interest of the holder of the security interest who did not have prior knowledge of, or consent to the commission of the crime. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing shall be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a

preponderance of the evidence that a violation of this section or section 50b occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that money or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section or section 50b is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

(4) A person who violates subsection (2) is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (c) and (d), if the violation involved 1 animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 93 days.

(ii) A fine of not more than \$1,000.00.

(iii) Community service for not more than 200 hours.

(b) Except as otherwise provided in subdivisions (c) and (d), if the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 1 year.

(ii) A fine of not more than \$2,000.00.

(iii) Community service for not more than 300 hours.

(c) If the violation involved 4 or more animals but fewer than 10 animals or the person had 1 prior conviction under subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 2 years.

(ii) A fine of not more than \$2,000.00.

(iii) Community service for not more than 300 hours.

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(d) If the violation involved 10 or more animals or the person had 2 or more prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 4 years.

(ii) A fine of not more than \$5,000.00.

(iii) Community service for not more than 500 hours.

(5) The court may order a person convicted of violating subsection (2) to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling shall be at the defendant's own expense.

(6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(7) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(8) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.

(9) As a part of the sentence for a violation of subsection (2), the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time , including permanent relinquishment of animal ownership.

(10) A person who owns or possesses an animal in violation of an order issued under subsection (9) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (9) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than \$500.00, or both.

(11) This section does not prohibit the lawful killing or other use of an animal, including the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(c) Horse racing. (d) The operation of a zoological park or aquarium.

(e) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324. 8336.

(f) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(g) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(h) Scientific research under 1969 PA 224, MCL 287.381 to 287.395.

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(i) Scientific research under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

(12) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

**Applicable Case Law:**

**People v. Henderson, 282 Mich.App. 307 (Mich.Ct.App. 2009)**

**Facts:** Defendants were owners and caretakers of 69 horses on a farm. Animal control conducted an inspection and seized the horses because the horses had lice, worms, parasites, hair loss and long hooves. The horses were also underfed and under watered.

**Holding:** Prosecution established by a preponderance of the evidence that owners of horses committed misdemeanor failure to provide adequate care to his horses, such that owner could be ordered for forfeit the horses; owner leased the property on which the horses were located and was responsible for paying for their care, evidence was presented that there were poor, unsanitary, or hazardous conditions on the land, in the barn, in the horse stalls because of the facts stated above.

**People v. Henry, No. 282663, 2009 WL 1314823 (Mich.App. May 7, 2009)**

**Facts:** Defendant pled guilty to animal abandonment or cruelty and was sentenced to two year's probation, with the first 45 days in jail and to pay restitution in the amount of \$9,642.10. Defendant appealed the restitution.

**Holding:** Defendant was not responsible for the restitution amount because the prosecutor did not commence a civil proceeding for the costs for care and housing for all animals seized but only brought an action against the defendant for criminal charges. Further, any costs or restitution had to be part of the criminal charge and could only be ordered for the care and housing for animals that the defendant was convicted of mistreating. MCL 750.50(5).

**M.C.L.A. § 750.50a. Conduct directed toward dogs assisting or serving blind, deaf, audibly impaired, or physically limited individuals; misdemeanor, penalties; evidence of initiated or continued conduct, rebuttable presumption; conviction and imposition of sentence; definitions**

(1) An individual shall not do either of the following:

(a) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass or injure a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual.



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(b) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual.

**No applicable case law.**

**M.C.L.A. § 750.50b. Killing, torturing, mutilating, maiming, or disfiguring animals; administering of or exposing animals to poison or poisonous substance; penalties; payment of costs of prosecution and care and housing of animal; probation; permissible killing of livestock or animals:**

- (1) As used in this section, “animal” means any vertebrate other than a human being.
- (2) Except as otherwise provided in this section, a person shall not do any of the following without just cause:
  - (a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.
  - (b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.
  - (c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.
- (3) A person who violates subsection (2) is guilty of a felony punishable by 1 or more of the following:
  - (a) Imprisonment for not more than 4 years.
  - (b) A fine of not more than \$5,000.00 for a single animal and \$2,500.00 for each additional animal involved in the violation, but not to exceed a total of \$20,000.00.
  - (c) Community service for not more than 500 hours.
- (4) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the impacted animal victim, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reasons for that action.
- (5) If a term of probation is ordered for a violation of subsection (2), the court may include as a condition of that probation that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.
- (6) As a part of the sentence for a violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time determined by the court, which may include permanent relinquishment.
- (7) A person who owns or possesses an animal in violation of an order issued under subsection (6) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (6) is also subject to the civil and criminal contempt power of the court and, if found guilty of criminal

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contempt, may be punished by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(8) This section does not prohibit the lawful killing of livestock or a customary animal husbandry or farming practice involving livestock. As used in this subsection, “livestock” means that term as defined in section 5 of the animal industry act, 1988 PA 466, MCL 287.705.

(9) This section does not prohibit the lawful killing of an animal pursuant to any of the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and orders issued under that act.

(c) Pest or rodent control regulated under part 83 or the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336.

(d) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(e) Section 19 of the dog law of 1919, 1919 PA 339, MCL 287.279.

(10) This section does not prohibit the lawful killing or use of an animal for scientific research under any of the following or a rule promulgated under any of the following:

(a) 1969 PA 224, MCL 287.381 to 287.395.

(b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, 333.7109, and 333.7333.

(11) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.1883.

### **Applicable Case Law:**

#### **People v. Fennell, 260 Mich.App. 261 (Mich.Ct.App. 2004).**

**Facts:** Defendant started a fire by throwing a firework toward the club barn across the street from his friend’s house. 19 horses died in the fire. Defendant appealed the conviction of 19 counts of willfully and maliciously torturing or killing animals.

**Holding:** Affirmed conviction; “willful” can be interpreted to describe purposeful action in the context of a crime. § 750.50b(2) is a general intent crime.

#### **M.C.L.A. § 750.50c. Intentionally killing, causing physical harm to, harassing, or interfering with police dog, police horse, or search and rescue dog**

(2) A person shall not intentionally kill or cause serious physical harm to a police dog or police horse or a search and rescue dog.

(3) A person shall not intentionally cause physical harm to a police dog or police horse or a search and rescue dog.

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(4) A person shall not intentionally harass or interfere with a police dog or police horse or search and rescue dog lawfully performing its duties.

**No applicable case law.**

**M.C.L.A. § 750.51. Confining animals on railroad cars**

No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than 36 consecutive hours without unloading the same for rest, water, and feeding, for a period of at least 5 consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention to prevent their continuous confinement beyond the period of 36 hours, except on contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals.

**No applicable case law.**

**M.C.L.A. § 750.59. Animals unfit for work, disposition and use**

Any person who shall offer for sale or sell or trade any horse or mule which by reason of debility, disease, lameness, injury or for any other cause is permanently unfit for work, except to a person or corporation operating a horse hospital, animal retreat farm or other institution or place designed or maintained for the humane keeping, treatment or killing of horses, mules or other live stock, shall be guilty of a misdemeanor.

Any person who shall lead, drive or ride any horse or mule, which by reason of debility, disease, lameness or injury, or for other causes is permanently unfit for work, on any public way for any purpose, except that of conveying such animal to a proper place for its humane keeping, or killing or for medical or surgical treatment shall be guilty of a misdemeanor.

**No applicable case law.**

**M.C.L.A. § 750.56. Definitions**

In the preceding sections of this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner", "person", and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of any persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

**No applicable case law.**

**3. HORSES**

**M.C.L.A. § 750.60. Horses' tails; docking**

(1) A person who cuts the bone of the tail of a horse for the purpose of docking the tail, or who causes or knowingly permits the cutting to be done upon the premises of which he or she is the owner, lessee, proprietor, or user, or who assists in or is present at such cutting, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00. However, this subsection does not apply to the cutting of the bone of the tail of a horse for the purpose of docking the tail when a certificate of a regularly qualified veterinary surgeon is first obtained certifying that the cutting is necessary for the health or safety of the horse.

(2) If a horse is found with its tail cut and with the wound resulting from the cutting unhealed, upon the premises of any person, those facts shall be prima facie evidence that the person occupying or using the premises on which that horse is found has committed the offense described in subsection (1).

(3) If a horse is found with its tail cut and with the wound resulting therefrom unhealed, in the charge or custody of any person, that fact shall be prima facie evidence that the person having the charge or custody of that horse has committed the offense charged in subsection (1).

**No applicable case law.**

**M.C.L.A. § 750.63. Docked horses; unlawful docking, evidence**

The driving, working, keeping, racing or using of any unregistered docked horse or horses subsequent to 90 days after this act shall take effect shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse or horses, unlawfully docked the tail of such horse or horses.

**No applicable case law.**

**4. LAW ENFORCEMENT POLICIES**

**M.C.L.A. § 750.52. Duty of public officers.**

It shall also be the duty of all sheriffs, deputy sheriffs, constables, policemen and public officers, to arrest and prosecute all persons of whose violation of the provisions of the preceding sections of this chapter they may have knowledge or reasonable notice, and for each neglect of such duty, the officer so offending shall be deemed guilty of a misdemeanor.

**No applicable case law.**

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**M.C.L.A. § 750.53. Arrest of persons; seizure of animals.**

Arrest of persons and seizure of animals-Persons found violating any of the provisions of the preceding sections of this chapter may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and which are then being used, or held for use in violation of any of the provisions of the preceding sections of this chapter, and the person making such seizure shall cause such animals or fowls to be at once delivered to a poundmaster of the city, village or township in which the same may be, and it shall be the duty of such poundmaster to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded.

**No applicable case law.**

**M.C.L.A. § 750.54. Search warrants.**

When complaint is made, on oath or affirmation, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of the preceding sections of this chapter are being, or are about to be violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable or public officer, authorizing him to search such building or place and to arrest any person or persons engaged in violating any of the provisions of the preceding sections of this chapter, as well as any person or persons there present, and aiding or abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction, to be dealt with according to law. Such officer shall, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal or to aid in the fighting or baiting of any animal; and unless within 10 days after the trial of the person or persons so arrested, the owner of said article or instrument shall show, to the satisfaction of said magistrate, that the same is not designed or adapted to the wounding or torture of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument.

**No applicable case law.**

**M.C.L.A. § 750.55. Incorporated society, representative deputy sheriff.**

Any society incorporated in this state for the purpose of preventing cruelty to animals may designate 1 or more persons in each county of the state to discover and prosecute all cases of the violation of the provisions of this chapter; and the sheriff of such county may appoint each person so designated a deputy sheriff, provided such person shall be of good moral character, and

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each person so appointed by the sheriff shall possess all the powers of a sheriff of the county in enforcement of the provisions of this chapter. The sheriff shall not be responsible for any of the acts of such person or persons, but the society, if incorporated, and if not, then the officers and members of the society, on the request of which such person was appointed, shall be liable in the degree of a principal for the acts of an agent.

**No applicable case law.**

## **5. SEXUAL ASSAULT**

**M.C.L.A. § 750.158. Crime against nature or sodomy; penalty.**

Any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal shall be guilty of a felony, punishable by imprisonment in the state prison not more than 15 years, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life.

**No applicable case law.**

## **6. PET SHOPS AND BREEDERS**

**M.C.L.S. § 287.335a. Prohibited activities for pet shop operators**

A person who operates a pet shop shall not do any of the following:

- (a) Import or cause to be imported into this state, or offer for sale or resale, a dog or cat less than 8 weeks old.
- (b) Import or cause to be imported into this state, or offer for sale or resale, a dog or cat unless the dog or cat has deciduous (baby) teeth visibly present.
- (c) Sell or offer for sale a dog, unless the dog has been inoculated against distemper, hepatitis, and leptospirosis, para influenza and, if indicated, has been treated for external and internal parasites, not less than 7 days before the dog's entry into this state. The dog shall be accompanied by a health certificate signed by a veterinarian, including records of the dog's medication and immunization.
- (d) Sell or offer for sale a cat, unless the cat has been inoculated against feline panleukopenia (cat distemper), rinotracheitis and calici viruses and, if indicated, has been treated for external and internal parasites, not less than 7 days prior to the cat's entry into this state. The cat shall be accompanied by a health certificate signed by a veterinarian, including records of the cat's medication and immunization.
- (e) Sell or deliver a dog or cat without providing to the purchaser a health certificate signed by a veterinarian licensed by this state, for the dog or cat. The certificate shall include a health record indicating the date and type of vaccinations which have been given to the dog or cat.

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**No applicable case law.**

**M.C.L.S. § 287.335. Inspection of pet shop premises**

The director of agriculture shall not issue a license to operate a pet shop until he has inspected the premises to assure that it complies with the provisions of this act and the rules of the department of agriculture.

**No applicable case law.**

**M.C.L.S. § 287.333. Licensing of pet shops, necessity**

No person shall operate a pet shop unless he has first received a license from the department of agriculture under the provisions of this act.

**No applicable case law.**

**7. ANIMALS IN RESEARCH**

**M.C.L.S. § 287.384. Unlawful sale or transportation of animals; dealers' licenses needed**

It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation to another dealer under this act any such animal, unless and until such dealer shall have obtained a license from the director in accordance with this act and such rules as the director may prescribe pursuant to this act, and such license shall not have been suspended or revoked.

**No applicable case law.**

**M.C.L.S. § 287.389. Sales by public auction or weight, prohibition; purchases, restrictions; unclaimed dogs and cats, disposal, maximum price**

Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight; or purchased by a research facility at public auction or by weight. A research facility shall not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or from a person who breeds or raises dogs or cats for sale. Any county, city, village or township operating a dog pound or animal shelter may sell for an amount not to exceed \$10.00 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility.

**No applicable case law.**

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**M.C.L.S. § 287.393. Dealers or facilities, responsibility for acts or omissions of agents or employees**

When construing or enforcing the provisions of this act, the act, omission or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission or failure of such research facility or dealer as well as of such individual.

**Applicable Case Law:**

**Youngblood v. Jackson County, 28 Mich.App. 361 (Mich.Ct.App. 1970)**

**Facts:** Citizen sought to restrain county from giving or selling dogs impounded by the county to the University of Michigan for experimental purposes on the theory that the county did not have the authority to do so.

**Holding:** The county has authority to sell impounded and unlicensed dogs to the University of Michigan for experimental purposes.

**8. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**

**M.C.L.S. § 324.3109**

(1)(d) A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to livestock, wild animals, birds, fish, aquatic life, or plants or to the growth, propagation, or the growth or propagation thereof be prevented or injuriously affected; or whereby the value of fish and game is or may be destroyed or impaired.

\*\*\*\*The discharge of any raw sewage of human origin, directly or indirectly, into any of the waters of the state shall be considered prima facie evidence of a violation of this part by the municipality in which the discharge originated unless the discharge is permitted by an order or rule of the department.

**No applicable case law.**

**9. VETERINARY REPORTING**

**M.C.L.S. § 333.18827. Veterinarian or veterinary technician; reporting animal to be abandoned, neglected, or abused; immunity.**

A veterinarian or veterinary technician who in good faith reports to a peace officer, an animal control officer, or an officer of a private organization devoted to the humane treatment of animals an animal that the veterinarian or veterinary technician knows or reasonably believes to be abandoned, neglected, or abused is immune from civil or criminal liability for making the report.



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**No applicable case law.**