



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GARY MCDOWELL  
DIRECTOR

## **Animal Care and Holding in Animal Shelters**

Animal Industry Division Policy Effective January 19, 2016

### **Background**

Animal care requirements may be found in several statutes and regulations depending on the species of animal and its location. Minimums for the care of all *animals*, defined as vertebrates other than humans, are addressed in Michigan's Penal Code, Public Act 328 of 1931.

Public Act 287 of 1969 and Regulation 151 specifically address animal housing and care at animal shelters and define the scope of *animal* as a mammal except livestock as defined in Public Act 284 of 1937, and rodents. However, many of Michigan's animal shelters find themselves housing livestock including pot-bellied pigs, chickens, ducks, goats, and pets such as lizards and parakeets that are not in the statutory scope of Public Act 287 of 1969. MDARD has traditionally held that regardless of the species, once a shelter accepts any animal, the shelter is responsible for its proper care including any testing, treatment, vaccination, or official identification (tagging) requirements for that species.

MDARD recognizes that many county, city, and other municipalities have enacted local ordinances in addition to state requirements. MDARD acknowledges that animals come under property law and there may be civil remedies as well. There may be additional local requirements for animal care, hold times for stray animals, prohibited species or breeds of animals, and humane euthanasia of animals that are sick or injured to the extent that the stray holding period would cause undue suffering. MDARD encourages local governments to maintain these ordinances and to ensure compliance whether animals under their authority are housed at an animal control shelter or an animal protection shelter.

MDARD has developed this policy to help clarify animal care and holding requirements across species in animal shelters:

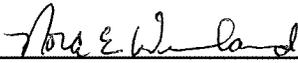
### **Policy**

1. MDARD expects that all animal shelters will seek the services of a licensed veterinarian as required by Regulation 151, Rule 36, whenever a health hazard arises including treatment or euthanasia of any animal in their care, custody, or control that is sick, ill, or injured. If the choice is to treat the animal, at least immediate palliative care must be provided so the animal is not suffering. MDARD recognizes that shelters may use multiple veterinarians and emergency animal hospitals as well as the veterinarian on file with MDARD.
2. If euthanasia is performed, MDARD expects that any animal be humanely euthanized in accordance with the American Veterinary Medical Association's current *Guidelines for the Euthanasia of Animals* and consistent with all the requirements found in Michigan's Public Health Code, Act 368 of 1978 as amended, and the Board of Pharmacy – Animal Euthanasia and Sedation Rules.
3. MDARD expects that all animal shelters and other individuals will at least provide *adequate care* to all animals in their care, custody and control as required in the Michigan Penal Code, Public Act 328 of 1931, Chapter IX Animals, MCL 750.50. "Adequate care" means the provision of all of the following in order to maintain the animal free 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 treatment directed by a licensed veterinarian):

- sufficient food,
  - potable water that is suitable for the age and species of animal that is made regularly available,
  - adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal
  - space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health
4. MDARD will enforce Regulation 151 and may seek an administrative fine or misdemeanor charges for violations including but not limited to violations regarding animal husbandry, animal care, and veterinary services pursuant to Public Act 287, Pet Shops, Dog Pounds and Animal Shelters. MDARD regards that animals found in the streets or at large and animals that are otherwise held due to the violation of a municipal ordinance or state law, are under the authority of animal control or local law enforcement officials pursuant to the definition of "animal control shelter" in Public Act 287 of 1969.
  5. Regarding hold times, MDARD will not evaluate or enforce hold times unless a shelter is engaged in the sale of dogs or cats for research. MDARD will continue to pursue enforcement of Public Act 309 of 1939, Registration and Identification of Dogs, including harboring or holding of stray dogs at an animal protection shelter:
 

**287.308 Stealing or holding dog in possession; penalty.**  
*Sec. 8. Any person who shall steal or take without the consent of the owner and without lawful authority, any dog registered under the provisions of this act, or any person excepting dog wardens who shall harbor or hold in his possession any stray dog of which he is not the owner and does not report such possession to the sheriff of the county or the police department of the city in which he is holding such dog within 48 hours after such person came in possession of said dog...shall be guilty of a misdemeanor...*
  6. MDARD acknowledges that the keeping of a stray *licensed* dog pursuant to the Dog Law of 1919, Public Act 339 of 1919 as amended, is prohibited, including keeping such a dog at an animal protection shelter without legal authorization under Section 26b:
 

**287.286b Penalty for stealing or confining licensed dog.**  
*Sec. 26b. Any person who shall steal, or confine and secrete any dog licensed under this act or kept under a kennel license, unless legally authorized to do so, or unless such confining be justifiable in the protection of person, property or game, shall be guilty of a misdemeanor...*


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 State Veterinarian and Division Director  
 Animal Industry Division

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