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December 18, 2018

VIA ELECTRONIC AND REGULAR MAIL

Governor Rick Snyder
State of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Re: HB 5916 and HB 5917

Dear Governor Snyder:

On behalf of our hundreds of thousands of supporters, **we respectfully urge you to veto HB 5916 and HB 5917** because they are not good for Michigan's people or animals.

The Michigan Humane Society (MHS) is the largest and oldest animal welfare organization in the state with hundreds of thousands of constituents and supporters state wide. MHS works to improve and save lives through compassionate care, community engagement and advocacy for animals. MHS is a private, nonprofit organization and is not affiliated with any national humane organizations nor any local or regional humane societies or SPCAs. We are opposed to these bills for two primary reasons.

First, we are opposed to the purpose of these bills, which is to make it easier for pet shops to sell puppies sourced from wholesale breeding operations (puppy mills). While HB 5916 purports to impose standards that would apply to pet stores sourcing puppies from wholesalers, those standards rely in large part on the USDA licensure and regulation process. The USDA regulation process is not as thorough, consistent, or stringent as it needs to be to protect animals in wholesale breeding facilities. For example, the number of cases initiated by the USDA for alleged violations of the Animal Welfare Act for the first three quarters of 2018 is down 93% compared to 2017.¹ In exchange for this statewide standard, HB 5917 prohibits local governments from banning qualified pet shops.

In the absence of effective federal oversight, we believe that it is best for local units of government to regulate the sale of puppies from wholesalers should they choose to do so. Puppy mill puppies often suffer from disease, parasites, and behavioral and genetic problems, and they are sold to unsuspecting members of the public through pet shops. Some of these diseases can be transmitted to humans, and there have been many cases of people contracting illnesses, such as the recent case of a man who bought a puppy from a pet shop and contracted campylobacter (a gastrointestinal bacterial infection) from the puppy.²

¹ United States Department of Agriculture, Animal and Plant Health Inspection Services, *Animal Care Enforcement Summary (AWA and HPA)*, https://www.aphis.usda.gov/aphis/ourfocus/business-services/ies/ies_performance_metrics/ies-ac_enforcement_summary (October 11, 2018).

² *Lawsuit filed against Novi Petland after man purchases sick dog, ends up in hospital*, The Oakland Press, https://www.theoaklandpress.com/news/local/lawsuit-filed-against-novi-petland-after-man-purchases-sick-dog/article_6d5653d4-f417-11e8-8e36-33d381fa12d8.html (November 30, 2018).

The mission of the Michigan Humane Society is to improve and save lives through compassionate care, community engagement, and advocacy for animals.

Second, in addition to our concerns regarding the lack of effective regulation of wholesale breeders and their pet shop outlets under HB 5916, we believe HB 5917 is fatally flawed from a drafting perspective and will require clarification in the courts if it is signed into law. The final version of HB 5917 reads as follows:

- (1) The governing body of a local unit of government shall not enact or enforce an ordinance, policy, resolution, or rule that arbitrarily bans a qualified pet shop located in a business district of that local unit of government.
- (2) Any provision in an ordinance, policy, resolution, or rule adopted by the governing body of a local unit of government on or after the effective date of this act that violates this act is void and unenforceable.

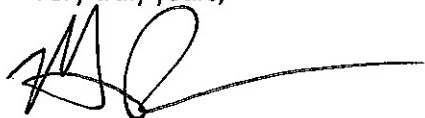
While subsection (2) appears to allow enforcement of ordinances existing before this act's effective date, subsection (1) contradicts that conclusion. Those communities that have enacted ordinances prohibiting pet shops from selling puppies from puppy mills will likely face litigation if they choose to enforce those ordinances, even though the statute does not clearly prohibit such enforcement. For those communities that have not yet prohibited the retail sale of puppy mill puppies but wish to do so to protect their citizens, they will face the challenge of determining whether their ordinances constitute a "ban" and are "arbitrary," both terms that without further definition in the statute will require judicial definition through litigation.

In their haste to move these ill-conceived bills through the legislative process in the last 7 months, the bills' proponents have failed to draft them carefully and, if signed into law, these bills will undoubtedly result in litigation to resolve this contradictory and vague language.

We respectfully request that you refuse to sign these philosophically and technically flawed bills into law. The issue of whether pet shops should be able to sell puppies sourced from puppy mills is a matter of local control and should be left in the hands of individual communities, which are in the best position to act in their citizens' best interests.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Matt Pepper', with a long horizontal line extending to the right.

Matt Pepper
President & CEO