

Position Paper

House Bill 4663

The intention of this bill is to regulate the acquisition of **random source** dogs and cats for use by research facilities and educational institutions. These are defined as schools, hospitals, laboratories, institutions, organizations or persons. All are organizations that are engaged in finding solutions to health problems of the human species as well as the canine and feline species. The inclusion of schools on the list places the procurement of dogs and cats for the educational process more difficult and expensive.

Consider the unintended consequences the bill is likely to produce (or is it possibly the actual intent of the bill). Examine the distinction between a **random source** and a **purpose bred source** of animals (not defined) for experimentation. Under the provisions of Sec. 8 (2) REGARDLESS OF WHETHER THE PERSON IS LICENSED TO PURCHASE, OBTAIN, OR RESELL RANDOM SOURCE ANIMALS BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND SUBJECT TO SUBSECTION (3) A **PERSON SHALL NOT DO ANY OF THE FOLLOWING:**

- (A) PURCHASE OR OTHERWISE ACQUIRE A **RANDOM SOURCE ANIMAL** FOR THE PURPOSE OF RESALE FOR EXPERIMENTATION.
- (B) SELL OR **OTHERWISE MAKE AVAILABLE** A RANDOM SOURCE ANIMAL FOR THE PURPOSE OF EXPERIMENTATION.

It is highly likely that this proposed legislation is totally contrary to federal law and the preemption powers granted to Congress via the Supremacy Clause of the Constitution. The intent of Congress was to provide source animals for valuable and necessary research through a system of federally licensed and regulated Class B Dealers. This proposed legislation attempts to create a *de facto* prohibition against Class B Dealers doing any business in Michigan. As written, this proposed legislation is an attempt to stop all important and necessary animal research in Michigan, or alternatively, make its cost prohibitive. Because many Michigan businesses, such as drug and chemical companies are **REQUIRED** by federal law to conduct animal research, federal law provides an absolute bar to any state attempts to enforce this proposed legislation. Because the federal government occupies the field, the courts would likely find that the federal interests leave no room for state action which attempts to restrict Class B Dealers in such a manner.

A **random source animal** definition (Sec. 1 (J) in this bill, in our opinion, lacks clarity in its drafting. It does not adequately distinguish between a **purpose bred source** (ones obtained directly from the person who bred and raised the dog and cat) and a **random source** (ones obtained from an auction, shelter, stray, or even an owner who wishes to donate the dog or cat for research purposes.

The consequences of this legislation will be to place restrictions and financial stress upon the ultimate abilities of medical research facilities to find causes and solutions for those abnormalities and diseases that result in discomfort, debilitating and deadly conditions of humans, dogs, cats and even other species.

It prohibits a dealer, or a county, city, village, or township operating a dog pound (not defined) or animal control shelter or animal protection shelter to sell or **otherwise dispose** of a dog or cat for research to advance medical knowledge. There is a basic financial and moral consequence to this restriction. Approximately 50,000 random source animals are euthanized in shelters in Michigan each year. These would be unavailable for research purposes. State statutes would require these random source dogs and cats to be destroyed before serving a final, important service. Another 50,000 animals would have to be bred for use in research and teaching facilities. This means that two (2) animals are deliberately destroyed when only one (1) random source animal would accomplish the same end. We fail to understand why the result of the enactment of HB 4663 would result in humane treatment of our animal resources. Breeding dogs and cats to meet the needs of medical research could possibly be lessened by using random sources of dogs and cats.

If this bill is enacted, it will be impossible to use random source animals for experimentation. It even prohibits individual owners of animals from donating dogs and cats to research institution. The only dogs and cats obtainable will be from a **purpose bred source**. It seems to us the bill effectively eliminates any random source dogs and cats for use in medical research.

The Michigan Association for Pure Bred Dogs and the Michigan Hunting Dog Federation are composed of the members of over 150 dog clubs in Michigan who strongly support the welfare of dogs and share our home and our resources for their pleasures and the contributions they make in our lives. Their health is one of our prime concerns and we believe research will improve their health – certainly a humane objective. We **OPPOSE** House Bill 4663 for the following reasons:

Until new procedures are developed that will adequately replace the use of animals in research, we believe that the best interest for the future of the health and welfare of dogs and cats and well as humans lies in the prudent uses of testing and research for cures that will increase the usefulness of ourselves and our pets that provide us with companionship.

We believe it is inhumane to have to destroy 2 dogs or cats while only one would achieve the same goal.

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