

**MICHIGAN ASSOCIATION FOR PURE BRED DOGS
POSITION PAPER
MICHIGAN HOUSE BILL 5263**

The intent of this legislation is to define and eliminate the use of "Random Source Animals," specifically dogs and cats for use, or intended to be used, in research, tests, or experimentation in any school, hospital, laboratory, or institutions that purchase, transport for research, test, or experiments and receives any funds from this state or local government or any agency or instrumentality of this state or a local government to finance its operations by means of grants, loans, or otherwise.

This is an especially broad and sweeping provision that needs to be carefully considered before its enactment.

The Michigan Association for Pure Bred Dogs and the Michigan Hunting Dog Federation, both alliances of dog clubs in Michigan, oppose the enactment of this bill for a number of reasons.

This proposed bill is a significant impediment to the state's research and educational institutions that are trying to find solutions to health problems of both veterinary medicine and human medicine. Their efforts to improve the knowledge and understanding of the causes and cures of animal health problems as well as that of human medicine will become much more difficult and expensive.

The enactment of this bill into law will not be helpful in achieving solutions to critical diseases and medical procedures that benefit society's health issues. The medical knowledge that we need to restore humans, dogs, and cats to healthy states cannot be obtained exclusively with simulated or computerized procedures. Veterinarians and physicians need to practice their learning skills for new surgical procedures or organ transplant techniques on living tissue that accurately responds to their surgical actions.

Random source animals that are acquired from shelters in which euthanasia is the only outcome could be used to make a distinct contribution to advancing medical practice. Animal owners who are negligent in the care of their pets fear that their pet will be cruelly treated by becoming a subject of research. By contrast, responsible pet owners control their pets from running free, risking death from accidents, creating problems in the neighborhood, and thus ending up in animal control shelters. Those who value their pets make diligent efforts to check with the animal control shelters and humane society shelters to recover their lost animal.

If their pet is that important they can check with the animal control shelters and humane society shelters to recover their lost animal. Further, modern microchip technology greatly increases the chances of return. **Some groups supporting this bill make wild public claims that most random source animals used in research are "stolen," and should never be used because their source of origin is unknown.** But, in fact, pets that are properly microchipped by responsible owners cannot generally be turned over by shelters for research purposes without proper releases.

Shelter animals that cannot be returned to their owners, should be evaluated as prospective adoptable pets and allow the humane societies and pet adoption agencies to find appropriate homes. If these goals cannot be obtained, they should be available for research use rather than destroying them and forcing medical research agencies to raise another set of animals (purpose bred) to achieve their needs. This is essentially sacrificing two animals when only one is necessary - the random source animal.

The National Association for Biomedical Research estimates that about half the dogs and cats used in research in 1996 were bred for research, and the other half were "random source" animals. Purpose-bred animals tend to be young, share a common genetic background, and be small in size. These characteristics make them suitable for some kinds of research, but unsuitable for others. In particular, when scientists want to study heart disease, organ system failure, bone defects, or joint disorders, they need to use animals that are large, physiologically mature, or even elderly, and that represents a genetically diverse population.

Every year, 6-10 million unwanted dogs and cats are killed in our nation's pounds. Less than 1% of these animals would be needed to provide the random source dogs and cats required for medical research. (These data came from the American Physiological Society.)

The restrictions on the use of random source animals becomes a wasted resource. A resource that is not properly utilized when we now have the opportunity to find cures for cancer and heart disease. Now is not the time to take away valuable tools for scientific breakthroughs that will benefit not only mankind but our pets, as well.

Some of the specific provisions we find confusing and questionable in the bill include:

Definitions – Present Law:

287.381. Section 1. (c) "**cat**" means any live domestic cat (felis catus) **for use or intended to be used** for research, tests or experiments at a research facility.

Section 1. (d) "**dog**" means any live dog of the species canis familiaris **for use or intended to be used** for research, tests or experiments at a research facility.

Note 1 - How do you deal with "intended to be used" in the enforcement of this act. How does the accused defend against this charge?

Note 2 – What constitutes research? Dog food companies that do nothing more than FEED DOGS AND CATS are conducting "research." A great deal of animal research is ongoing and non-terminal. Indeed, "research" would include any type of non-invasive, non-painful, non-terminal "tests."

Definitions – HB 5263

287.381. Section 1. (H) "RANDOM SOURCE ANIMAL" MEANS A DOG OR CAT OBTAINED FROM AN AUCTION SALE OR FROM **ANY PERSON WHO DID NOT BREED AND RAISE THE DOG OR CAT ON THE PERSON'S PREMISES.**

Sec. 8.1: 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.

In reality, there are only two sources of dogs or cats available for research:

(1) **Purpose Bred dogs and cats** that are marketed to research facilities by commercial providers who are the official **BREEDERS** of the animals.

(2) **Random Source dogs and cats** that are privately owned. **Once the breeder sells a dog or cat, it becomes a random source animal.** This constitutes about 90% + of Michigan's dog population. The owner who did not breed the animal would be prohibited from donating his animal to a research institution. Many clinical research projects depend upon the long-term involvement of the animal owner – this legislation would prohibit that mutual relationship.

Consider the definition of "Dealer" in Sec. 1 (f) "Dealer" means a person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats for research purposes and **does not mean a person who breeds or raises dogs or cats for sale to a research facility.**

It is not clear in this definition: Does the definition of "Random Source Animal" apply only to animals that come from a "Dealer?"

Section 8. (2) SUBSECTION (1) APPLIES REGARDLESS OF WHETHER THE PERSON IS LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE TO PURCHASE AND RESELL RANDOM SOURCE ANIMALS.

Does this mean the Michigan statute will override the Animal Welfare Act?

The ultimate consequences of this bill is given in Sec. 9 (3) A RESEARCH FACILITY OR DEALER SHALL NOT OBTAIN A DOG OR CAT FROM AN ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER.

In our opinion, this effort of the Humane Society of the United States to end the use of random source animals to advance treatments, cures, and relief of suffering of animals is not in the best interest of the relationship of animals and man. It was tried in the 2003-2004 Session of the Michigan Legislature. SB 542 & SB 543 did not get beyond the assignment to the Senate Committee on Local, Urban, and State Affairs.

This attempt to end utilization of an important source for dogs and cats to advance the understanding and relieving of the suffering of all animals, both human, agricultural, wildlife and especially the companion animals that provide mankind with service and pleasure.

For these reasons, the **Michigan Association For Pure Bred Dogs** and the **Michigan Hunting Dog Federation** do not believe this bill should be enacted into law.

Prepared by:

Al W. Stinson, D.V.M., M.S.
1915 Epley Rd.
Williamston, Mi 48895-9488
Phone 517-655-5363
Fax 517-655-3724
E-Mail: LSFC2@aol.com

October 30. 2007

For More information on Responsible Dog Ownership and Responsible Canine Legislation:

<http://www.mapbd.org/>