

Act No. 314
Public Acts of 2023
Approved by the Governor
December 13, 2023
Filed with the Secretary of State
December 14, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Polehanki, Hertel, McMorrow, Bayer, Cavanagh, Shink, Wojno,
Klinefelt, McCann and Chang

ENROLLED SENATE BILL No. 148

AN ACT to amend 1969 PA 224, entitled “An act to license and regulate dealers in and research facilities using dogs and cats for research purposes; and to repeal certain acts and parts of acts,” by amending section 12 (MCL 287.392) and by adding sections 11a and 12a.

The People of the State of Michigan enact:

Sec. 11a. (1) By March 31 each year, a research facility that uses laboratory animals shall submit a report to, and on a form provided by, the department that includes an attestation of compliance with the requirements of this act.

(2) The department shall use the information provided on a report submitted under subsection (1) for purposes of determining compliance under section 8a and shall not make any information provided on the report available on the department’s website.

Sec. 12. (1) Except as provided in subsections (2) and (5), a person that violates this act is guilty of a misdemeanor.

(2) If a research facility violates section 8a, the department, after notice and opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may impose an administrative fine as follows:

- (a) If the violation involved 1 laboratory animal, a fine of not more than \$1,000.00.
- (b) If the violation involved 2 or 3 laboratory animals, a fine of not more than \$2,000.00.
- (c) If the violation involved 4 or more laboratory animals, but fewer than 10 laboratory animals, or the research facility has 1 prior violation under section 8a, a fine of not more than \$3,000.00.
- (d) If the violation involved 10 or more laboratory animals, but fewer than 25 laboratory animals, or the research facility has 2 prior violations under section 8a, a fine of not more than \$5,000.00.
- (e) If the violation involved 25 or more laboratory animals, or the research facility has 3 or more prior violations under section 8a, a fine of not more than \$10,000.00.

(3) The department shall advise the attorney general of the failure of a person to pay an administrative fine under subsection (2). The attorney general shall bring an action to enforce compliance with sections 8a and 11a and recover an administrative fine under subsection (2), civil fine under subsection (5), actual costs and fees, and attorney fees. The court shall triple the administrative fine under subsection (2) as part of any monetary judgment, as applicable.

(4) An administrative fine collected under subsection (2) must be deposited into the laboratory animal fund created under section 12a.

(5) A research facility that fails to submit a report under section 11a is subject to a civil fine of not more than \$2,500.00.

(6) One year after the effective date of the amendatory act that amended this section, the department may issue a warning for a violation of section 8a instead of imposing an administrative fine under subsection (2).

Sec. 12a. (1) The laboratory animal fund is created within the state treasury.

(2) The state treasurer may receive the administrative fines collected under section 12(2) for deposit into the laboratory animal fund. The state treasurer may also receive money or other assets from any other source for deposit into the laboratory animal fund. The state treasurer shall credit to the laboratory animal fund interest and earnings from fund investments.

(3) Money in the laboratory animal fund at the close of the fiscal year remains in the laboratory animal fund and does not lapse to the general fund.

(4) The department is the administrator of the laboratory animal fund for auditing purposes. The department shall expend money from the laboratory animal fund to administer sections 8a, 11a, and 12.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 149 of the 102nd Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor