# Table of Contents

The Michigan Board of Veterinary Medicine ................................................. 3

Public Health Code ....................................................................................... 4 – 8

Board of Veterinary Medicine General Rules ............................................... 9 – 13

Board of Veterinary Medicine Public Conduct at Meetings ....................... 14

Board of Veterinary Medicine Veterinary Technician Licensure ................ 15 – 16

Discipline and What Happens When an Allegation is Filed ....................... 17 – 20

Civil Liability Questions & Answers .............................................................. 21 – 22

Licensing and Controlled Substance Questions & Answers ....................... 23 – 26

The Michigan Penal Code ............................................................................ 27 – 37
The Michigan Board of Veterinary Medicine regulates licensing of veterinarians in Michigan. It consists of nine voting members: five veterinarians, one veterinary technician and three public members. The board oversees approximately 3,450 veterinarians and 1,450 veterinary technicians. The Michigan Board of Veterinary Medicine was originally formed with the enactment of Public Act 156 of 1956. On September 30, 1978, this authority was transferred to the Public Health Code, Public Act 368 or 1978, as amended.

The current members are:

Lynn Happel, DVM, Chair
Caledonia
Term Expires: 12-31-16
Professional Member

Anne Rice, DVM
Williamston
Term Expires: 12-31-18
Professional Member

Amy Hicswa, DVM
Middleville
Term Expires: 12-31-18
Professional Member

Dwight McNally, DVM
Saginaw
Term Expires: 12-31-17
Professional Member

Michael Bell
Beverly Hills
Term Expires: 12-31-17
Public Member

Peter Levine
Flint
Term Expires: 12-31-17
Public Member

Marianne Tear, LVT
Chesterville
Term Expires: 12-31-16
Professional Member

James Averill, DVM
State Veterinarian
Ex-Officio Member

Colleen Thorp-Stout, DVM
Alanson
Term Expires: 12-31-18
Professional Member

Renee Werth
Eaton Rapids
Term Expires: 12-31-15
Public Member

The board meets four times a year at 611 West Ottawa Street, Lower Parking Level, Lansing. The current schedule is available at the board’s web site at http://www.michigan.gov/documents/lara/lara_vet_bdmeet2015_464781_7.pdf.

The board’s web site offers extensive information about licensing and regulation of veterinarians in Michigan.
The practice of veterinary medicine, as defined in the Public Health Code, means prescribing or administering a drug, medicine, treatment or method of procedure; performing an operation or manipulation; applying an apparatus or appliance; or giving an instruction or demonstration designed to alter an animal from its normal condition; curing, ameliorating, correcting, reducing, or modifying a disease, deformity, defect, wound, or injury in or to an animal; diagnosing or prognosing, or both, a disease, deformity or defect in an animal by a test, procedure, manipulation, technique, autopsy, biopsy, or other examination.

The Public Health Code mandates certain responsibilities and duties for a health professional licensing board. Underlying all duties is the responsibility of the Board to promote and protect the public's health, safety, and welfare. This responsibility is implemented by the Board by ascertaining minimal entry level competency of health practitioners. The Board also has the obligation to take disciplinary action against licensees who have adversely affected the public's health, safety, and welfare.

### 333.18801 Meanings of words and phrases; general definitions and principles of construction.

Sec. 18801.

(1) For purposes of this part the words and phrases defined in sections 18802 to 18805 have the meanings ascribed to them in those sections.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

Compiler's Notes: For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at § 338.3501 of the Michigan Compiled Laws.
Popular Name: Act 368

### 333.18802 Definitions; A to S.

Sec. 18802.

(1) "Abandoned by its owner" means any of the following:

(a) Failure of an owner to return to regain custody of an animal left in the custody of a veterinarian by its owner for treatment, boarding, or other services at the scheduled time for the animal's return or at completion of the services.

(b) Refusal of an owner to accept custody of an animal left in the custody of a veterinarian by its owner for treatment, boarding, or other services at the scheduled time for the animal's return or at completion of the services.

(c) Failure of an owner to provide payment for treatment, boarding, or other services on an animal left in the custody of a veterinarian by its owner as agreed upon by the owner and the veterinarian.

(2) "Animal" means an animal other than a human being and includes all fowl, birds, fish, and reptiles, wild or domestic, living or dead, which may be carriers of infectious diseases.
(3) "Owner" means the actual owner of an animal, an agent of the owner of the animal, or a person with the apparent authority to act as the owner or as the agent of the owner of an animal.

(4) "Supervision" includes that degree of close physical proximity necessary for the supervising veterinarian to observe and monitor the performance of a veterinary technician.

333.18805 Definitions; P to V.

Sec. 18805.

(1) "Practice as a veterinary technician" means the practice of veterinary medicine based on less comprehensive knowledge and skill than that required of a veterinarian and performed under supervision of a veterinarian.

(2) "Practice of veterinary medicine" means:

(a) Prescribing or administering a drug, medicine, treatment, or method of procedure; performing an operation or manipulation; applying an apparatus or appliance; or giving an instruction or demonstration designed to alter an animal from its normal condition.

(b) Curing, ameliorating, correcting, reducing, or modifying a disease, deformity, defect, wound, or injury in or to an animal.

(c) Diagnosing or prognosing, or both, a disease, deformity, or defect in an animal by a test, procedure, manipulation, technique, autopsy, biopsy, or other examination.

(3) "Veterinarian" means an individual licensed under this article to engage in the practice of veterinary medicine.

333.18808 Veterinary technician; health profession subfield.

Sec. 18808.

Practice as a veterinary technician is a health profession subfield of the practice of veterinary medicine.

333.18811 Veterinarian or veterinary technician; license or authorization required; prohibited conduct.

Sec. 18811.

(1) A person shall not engage in the practice of veterinary medicine unless licensed or otherwise authorized by this article.

(2) After July 1, 1979, an individual shall not practice as a veterinary technician without a license.
(3) A veterinary technician shall not diagnose animal diseases, prescribe medical or surgical treatment, or perform as a surgeon.

Popular Name: Act 368

333.18812 Limited license for practice apart from veterinary education; requirements; graduates of nonapproved veterinary education programs.

Sec. 18812.

(1) A limited license for practice apart from veterinary education shall require that the individual be a senior student in an approved school of veterinary medicine and be under the supervision of a veterinarian licensed by this state.

(2) Graduates of nonapproved veterinary education programs may be granted a limited license under section 16182(1).

Popular Name: Act 368

333.18814 Conduct not considered practice of veterinary medicine.

Sec. 18814.

An individual is not engaging in the practice of veterinary medicine in this state who:

(a) Administers to livestock owned by that individual, except when the title is vested in him or her for the purpose of circumventing this act.

(b) Conducts experimentation and scientific research in the development of methods, techniques, or treatments directly or indirectly applicable to the problems of medicine and who in connection therewith uses animals.

(c) Conducts routine vaccination and pullorum testing of poultry under supervision of the national poultry improvement plan as administered by the official state agency and the United States department of agriculture.

(d) Is a regularly employed veterinarian of the United States department of agriculture or a full-time veterinary food inspector while engaged in the inspection of animals as food for human consumption.

Popular Name: Act 368

333.18821 Michigan board of veterinary medicine; creation; membership; waiver.

Sec. 18821.

(1) The Michigan board of veterinary medicine is created in the department and shall consist of the following 9 members who shall meet the requirements of part 161: 5 veterinarians, 1 veterinary technician, and 3 public members. The chief of the animal health division of the department of agriculture is an ex officio member without vote.

(2) The requirement of section 16135(d) that a board member shall have practiced that profession for 2 years immediately before appointment is waived until September 30, 1980 for members of the board who are licensed in a health profession subfield created by this part
333.18822 Animal diseases; advising department of agriculture.

Sec. 18822. In addition to the functions set forth in part 161, upon request, the board shall advise the department of agriculture in matters pertaining to animal diseases.

333.18826 Veterinarian or veterinary technician; civil liability for acts or omissions; immunity; applicability; notice.

Sec. 18826. (1) A veterinarian or veterinary technician is not liable for civil damages as a result of the acts or omissions described in subsection (2) if both of the following apply:

(a) The animal has been brought to the veterinarian or veterinary technician by a person other than the owner of the animal.

(b) The veterinarian or veterinary technician does not know who owns the animal or is unable to contact the owner of the animal before a decision must be made with respect to emergency treatment or euthanasia.

(2) The immunity granted by this section applies to both of the following:

(a) An injury to an animal or death of an animal that results from acts or omissions by the veterinarian or veterinary technician in providing treatment to the animal.

(b) The euthanasia of a seriously injured or seriously ill animal.

(3) This section does not apply to an act or omission by a veterinarian or veterinary technician amounting to gross negligence or willful and wanton misconduct in providing treatment to an animal.

(4) A veterinarian or veterinary technician shall notify the animal control authority in the county in which the animal is found of the disposition of the treatment rendered to the animal before the end of the first business day following the day treatment is rendered.

333.18827 Veterinarian or veterinary technician; reporting animal to be abandoned, neglected, or abused; immunity.

Sec. 18827. A veterinarian or veterinary technician who in good faith reports to a peace officer, an animal control officer, or an officer of a private organization devoted to the humane treatment of animals an animal that the veterinarian or veterinary technician knows or reasonably believes to be abandoned, neglected, or abused is immune from civil or criminal liability for making the report.
333.18835 Grounds for fine, reprimand, or probation; grounds for denying, limiting, suspending, or revoking license.

Sec. 18835.

In addition to the grounds set forth in part 161, the disciplinary subcommittee may fine, reprimand, or place a licensee on probation, or deny, limit, suspend, or revoke the license of a veterinarian for fraudulent use or misuse of a health certificate, inspection certificate, vaccination certificate, test chart, meat inspection stamp, or other blank form used in the practice of veterinary medicine that might lead to the dissemination of disease, unlawful transportation of diseased animals, or the sale of inedible products of animal origin for human consumption.

Popular Name: Act 368

333.18838 Disposal of abandoned animal; notices; costs; relinquishment of rights by owner.

Sec. 18838.

(1) A veterinarian may dispose of an animal placed in the veterinarian's custody for treatment, boarding, or other care and abandoned by its owner by sending the notices required by this section. The veterinarian shall send a first written notice of an intent to dispose of the animal by certified mail to the owner, at his or her last known address and a second written notice not less than 5 days after sending the first notice. Upon the expiration of 5 days after sending the second written notice to the owner, a veterinarian may dispose of the animal.

(2) The disposal of an animal does not release the owner from payment of costs incurred, including the disposal.

(3) This section does not prevent the owner or agent from mitigating additional costs by removing the animal from custody of the veterinarian.

(4) In the case of an animal abandoned by its owner, the owner is considered to have relinquished all rights to the animal.

Popular Name: Act 368
PART 1. GENERAL PROVISIONS

R 338.4901 Definitions.
Rule 1. As used in these rules:

(a) "Board" means board of veterinary medicine.
(b) "Client" means an owner, as defined in section 18802(3) of the code, or a responsible party.
(c) "Code" means 1978 PA 368, MCL 333.1101.
(d) "Department" means the department of community health.
(e) "Patient" means an animal, as defined in section 18802(2) of the code.


R 338.4902 Licensure by examination; requirements.
Rule 2. An applicant for a Michigan veterinary license by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall meet both of the following requirements:

(a) Either graduated from a board-approved veterinary college or obtained a certificate from the educational commission for foreign veterinary graduates of the American veterinary medical association.
(b) Achieved a score of pass on the North American veterinary licensing examination developed by the national board of veterinary medical examiners.


R 338.4903 Examinations; approval and adoption.
Rule 3. The board approves and adopts the North American veterinary licensing examination developed by the national board of veterinary medical examiners.


R 338.4904 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4905 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4906 Licensure by endorsement; requirements.
Rule 6. (1) An applicant for a Michigan veterinary license by endorsement shall submit a completed application on a form provided by the department with the requisite fee. An applicant shall meet the requirements of the code and the administrative rules promulgated pursuant to the code.
(2) An applicant shall have either graduated from a board-approved veterinary college or obtained a certificate from the educational commission for foreign veterinary graduates of the American Veterinary Medical Association.
(3) If the applicant was first licensed in another state of the United States and engaged in the practice of veterinary medicine for a minimum of 5 years immediately preceding the date of filing an application for Michigan veterinary licensure, it will be presumed that the applicant meets the requirements of section 16186(1)(a) of the code.
(4) If an applicant does not meet the requirements of subrule (3) of this rule, the applicant shall have been first licensed in another state of the United States after he or she achieved a score of pass on the North American veterinary licensing examination developed by the national board of veterinary medical examiners.

(5) In addition to meeting the requirements of either subrule (3) or (4) of this rule, the applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a veterinarian, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.


R 338.4907 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4908 Approval of veterinary colleges; adoption of standards.
(2) The standards for accrediting colleges of veterinary medicine adopted by the American Veterinary Medical Association Council on Education may be obtained, at no cost, from the American Veterinary Medical Association, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173 or at the association's website at http://www.avma.org. A copy of the handbook is available for inspection and distribution at cost from the Board of Veterinary Medicine, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.


R 338.4909 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4910 Supervision of veterinary student by veterinarian.
Rule 10. Supervision of a veterinary student by a veterinarian as required in section 18812 of the code is that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the student and to ensure that the activities of the student are within the scope of the orders, assignments, or prescriptions of the veterinarian.

History: 1981 AACS; 1990 AACS.

R 338.4911 Veterinary examination of patient when procedures are delegated; veterinarian observation of delegatee's performance.
Rule 11. A veterinarian shall not delegate the performance of acts, tasks, or functions that fall within the practice of veterinary medicine unless the veterinarian has first examined the patient on which the delegated procedures are to be performed and determined the need for such veterinary services. The delegating veterinarian shall observe and monitor the performance of the delegated procedures to the extent necessary to ensure that the activities of the delegatee are within the scope of the orders, assignments, or prescriptions of the veterinarian.


R 338.4912 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4913 Veterinary facilities; sanitation requirements; inspection report; notice of complaint.
Rule 13. (1) A departure from the provisions of this rule is deemed to constitute a departure from, or failure to conform to, minimal standards of acceptable and prevailing veterinary medical practice.
(2) A veterinary facility shall be maintained in a sanitary manner.
(3) The determination of whether a veterinary facility is maintained in a sanitary manner shall include, without limitation, consideration of whether the following requirements have been met:
(a) The facility shall be maintained in a clean and orderly condition.
(b) Floors, walls, windows, exam tables, and all equipment and storage cabinets shall be kept clean.
(c) Some form of sterilization shall be employed on all surgical instruments that is consistent with the standards of veterinary practice.
(d) Kennels in a facility or connected with a facility shall be kept clean. Excrement shall be promptly removed and disposed of in a proper manner. Enclosed facilities shall be properly screened and ventilated.
(4) The board or its designated agent may inspect any facility during regular business hours. The inspection function may be delegated to a representative of the state department of public health, to a representative of the local department of health, or to a licensed veterinarian selected by the board.

History: 1981 AACS.

R 338.4914 Clinical academic limited licenses.
Rule 14. (1) An applicant for a clinical academic limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, the applicant shall have been appointed to the academic faculty of a board-approved Michigan college of veterinary medicine.
(2) A clinical academic limited license authorizes the holder thereof to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the board. The holder of a clinical academic limited license shall not do either of the following:
(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.
(b) Hold himself or herself out to the public as being engaged in the private practice of veterinary medicine.

History: 1981 AACS; 1990 AACS.

R 338.4914a Educational limited licenses.
Rule 14a. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall meet both of the following requirements:
(a) Achieve a score of pass on the North American veterinary licensing examination developed by the national board of veterinary medical examiners.
(b) Admitted as a student to a postgraduate training program at a college of veterinary medicine approved by the board.
(2) The holder of an educational limited license shall not do either of the following:
(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.
(b) Hold himself or herself out to the public as being engaged in the private practice of veterinary medicine.


R 338.4915 Relicensure.
Rule 15. (1) An applicant for relicensure whose license has been lapsed for less than 3 years under section 16201(3) of the code may be relicensed after submitting a completed application on a form provided by the department with the requisite fee. The applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
(2) An applicant for relicensure whose license has been lapsed for 3 years or more under section 16201(3) of the code may be relicensed after submitting a completed application on a form provided by the department with the requisite fee and satisfying either of the following requirements:
(a) If the applicant had been licensed in another state of the United States and had legally engaged in the practice of veterinary medicine within the 3-year period immediately preceding the date of the application for relicensure, then the applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
(b) If the applicant had not engaged in the practice of veterinary medicine within the 3-year period immediately preceding the date of the application for relicensure, then the applicant shall do both of the following:

(i) Have his or her licensure verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as veterinarian, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(ii) Take or retake the North American veterinary license examination developed by the National Board of Veterinary Medical Examiners (NBVME) and achieve a score of pass as recommended by the NBVME.


R 338.4916 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4917 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4918 Assessment of fines.

Rule 18. When a fine has been designated as an available sanction for violation of sections 16221 to 16226 of the code, in the course of assessing a fine, the board may take into consideration the following factors without limitation:

(a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the board.

(b) The willfulness of the conduct found to be part of the violation determined by the board.

(c) The public harm, actual or potential, caused by the violation found by the board.

(d) The cost incurred in investigating and proceeding against the licensee.


R 338.4919 Rescission.


History: 1981 AACS.

R 338.4920 Safeguards for drugs used in practice of veterinary medicine.

Rule 20. (1) If drugs are dispensed in the manufacturer's original container, the original instructions shall be included.

(2) If drugs are dispensed in other than the manufacturer's original container, both of the following provisions shall apply:

(a) The container shall be equipped with a child-safe lock mechanism, if appropriate.

(b) The veterinarian's own label shall be affixed to the container and shall include all of the following information:

(i) The date the drug was dispensed.

(ii) The name of the patient.

(iii) The name of the client.

(iv) Complete instructions for use of the drug.

(v) The name of the drug.

(vi) The strength for unit dose.

(vii) The quantity dispensed.

(viii) The withholding time for food-producing animals and poultry.

(ix) The expiration date of the drug, when appropriate.

(x) The veterinarian's name or clinic's name, telephone number, and any appropriate precautionary statements, such as "Keep out of reach of children."

History: 1990 AACS.

R 338.4921 Medical records; requirements.
Rule 21. (1) A veterinarian who practices veterinary medicine in Michigan shall maintain a medical record for each patient that accurately reflects the veterinarian's evaluation and treatment of the patient. Entries in the patient record shall be made in a timely fashion. The patient record shall contain documentation of a valid veterinarian-patient-client relationship.

(2) A record shall be maintained on either a herd or flock, or an individual patient. Records shall be legible and shall be retrievable. A record shall be maintained in either a written, electronic, audio, or photographic format.

(3) A record for an individual patient, group, herd, or flock shall document all of the following:
   (a) Identification that may include, but not be limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species of the patient, as available.
   (b) Date of the last veterinary service.
   (c) Name, address, and telephone number of the client.
   (d) Location of patients, if not at the location of the veterinary practice.
   (e) Reason for the contact including, but not limited to, the case history, problem and/or signs of a problem, and whether the contact was a routine health visit or an emergency call.
   (f) Vaccination history, when appropriate and if known.
   (g) Results of the physical examination and a list of abnormal findings.
   (h) Laboratory reports and other reports, when appropriate.
   (i) Diagnostic procedures utilized and the reports that pertain to these procedures.
   (j) Procedures performed including, but not limited to, surgery and rectal palpations.
   (k) Daily progress notes, if hospitalized.
   (l) Documentation of informed consent, if appropriate.
   (m) Documentation of diagnostic options and treatment plans.
   (n) Records of any client communication deemed relevant.
   (o) Documentation of prescribed medication.

(4) Records shall be maintained for a minimum of 3 years from the date of the last veterinary service.


R 338.4922 Veterinarian-client-patient relationship; requirements.
Rule 22. All of the following requirements shall be met for a veterinarian-client-patient relationship to exist:
   (a) A veterinarian shall assume responsibility for making clinical judgments regarding the health of the patient and the need for medical treatment, and a client shall have agreed to follow the veterinarian's instructions.
   (b) A veterinarian shall have sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. "Sufficient knowledge," as used in this subrule, means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the patient by virtue of an examination of the patient, or by medically appropriate and timely professional visits to where the patient is kept.
   (c) A veterinarian shall be readily available, or shall arrange for emergency coverage, for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.


R 338.4923 Dispensing or prescribing a prescription product; veterinarian-client-patient relationship required.
Rule 23. (1) If a veterinarian recommends a specific medication for a patient, the veterinarian shall honor a client's request for a prescription in lieu of dispensing a prescription product.

(2) Without a veterinarian-client-patient relationship, a veterinarian's merchandising or use of veterinary prescription drugs, including the extra-label use of any pharmaceutical, may be considered unprofessional conduct in violation of section 16221 of the code.


R 338.4924 Terminating a veterinarian-client-patient relationship.
Rule 24. (1) A veterinarian may terminate a veterinarian-client-patient relationship by notifying the client that the veterinarian no longer wishes to serve that patient and client.

(2) If the veterinarian-client-patient relationship has been terminated but an ongoing medical or surgical condition exists, the patient shall be referred to another veterinarian for diagnosis, care, and treatment. The former attending veterinarian shall continue to provide life-saving support, as needed, during the transition period.

R 338.3801 Public conduct at meetings.
Rule 1. (1) A person shall be provided an opportunity to address the board at an open meeting in accordance with this rule.
(2) The chairperson shall provide a reasonable opportunity for members of the public to address the board on an agenda item if a request to speak is given to the administrative secretary or chairperson prior to board consideration of the item.
(3) The chairperson shall provide a reasonable opportunity for members of the public to address the board on a subject which is not an agenda item if a request to speak is given to the administrative secretary or chairperson prior to the conclusion of the meeting.
(4) In accordance with procedural due process of law, members of the public shall not be permitted to address the board on pending disciplinary cases.
(5) The chairperson may impose reasonable limitations on the time allotted for comments by members of the public.
(6) The chairperson shall conduct the public participation portion of the open meeting in an orderly and decorous fashion.
(7) A group of 5 or more persons should give advance notice of their intention to attend a board meeting so that an effort can be made to provide adequate space. The chairperson may limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

History: 1954 ACS 96, Eff. Sept. 9, 1978; 1979 AC.
R 338.4971   Definitions.
Rule 1. As used in these rules:
   (a) "Board" means the board of veterinary medicine.
   (b) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws.
   (c) "Department" means the department of licensing and regulation.


R 338.4972   Licensure by examination; requirements.
Rule 2. (1) An applicant for a Michigan veterinary technician license by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall meet all of the requirements of this rule.
(2) An applicant shall have graduated from a program for training veterinary technicians that is approved by the board.
(3) An applicant shall have achieved a converted score of not less than 75 on the veterinary technician national examination developed by the professional examination service.
(4) An applicant shall have achieved a converted score of not less than 75 on the board's veterinary technician practical examination.


R 338.4973   Eligibility for examination.
Rule 3. To assure eligibility for the examination, an applicant shall submit a completed application on a form provided by the department, together with the requisite fee, not less than 30 days before the date of the examination. To be eligible for examination, an applicant shall establish that he or she has either graduated from, or is a student in good standing in the final year of, a program for training veterinary technicians that is approved by the board.


R 338.4974 Rescinded.


R 338.4975 Rescinded.


R 338.4976   Licensure by endorsement; requirements.
Rule 6. (1) An applicant for a Michigan veterinary technician license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall meet the requirements of this rule.
(2) An applicant shall have been first licensed, registered, or certified in another state after achieving a converted score of not less than 75 on the veterinary technician national examination developed by the professional examination service.

(3) If an applicant was first licensed, registered, or certified in another state on or after January 1, 1986, the applicant shall have graduated from a program for training veterinary technicians that is approved by the board.

(4) In addition to meeting the examination requirements of subrule (2) of this rule, an applicant who was first licensed, registered, or certified in another state less than 3 years before the date of filing an application for Michigan veterinary technician licensure shall have achieved a converted score of not less than 75 on the board's veterinary technician practical examination.


R 338.4977 Rescinded.


R 338.4978 Approval of veterinary technician training programs; standards adopted by reference.
Rule 8. (1) The board approves and adopts herein by reference the standards for accrediting programs for training veterinary technicians adopted by the American veterinary medical association committee on veterinary technician activities and training dated September, 1989, entitled "Essentials of an Acceptable Program for Training Veterinary Technicians." The board shall consider any program for training veterinary technicians that is accredited by the American veterinary medical association committee on veterinary technician activities and training as a program for training veterinary technicians approved by the board.

(2) The standards for accrediting programs for training veterinary technicians adopted by the American veterinary medical association committee on veterinary technician activities and training are available for inspection at the office of the Michigan Board of Veterinary Medicine, 611 West Ottawa, Lansing, Michigan 48909. Copies may be obtained at no cost from either the office of the board or the American Veterinary Medical Association, 930 North Meacham Road, Schaumburg, Illinois 60196.


R 338.4979 Rescinded.


R 338.4980 Rescinded.


R 338.4981 Rescinded.


R 338.4982 Relicensure.
Rule 12. An applicant for relicensure pursuant to section 16201(3) of the code shall submit an application on a form provided by the department, together with the requisite fee, and meet either of the following requirements:

(a) The applicant shall present evidence that he or she has legally engaged in practice as a veterinary technician within the 3-year period preceding the date of filing the application.

(b) The applicant shall take or retake the board's veterinary technician practical examination and achieve a converted score of not less than 75.
DISCIPLINE

The chair of every health professions board is required to appoint a disciplinary subcommittee which “shall consist of 2 public members and 3 professional members from the board or task force.” The chair of the board may not serve on the subcommittee. The chair of the disciplinary subcommittee is appointed by the chair of the board but must be a public member.

The department of health and human services is empowered to “investigate activities related to the practice of a health profession by a licensee . . .” by “hold[ing] hearings, administer[ing] oaths, and order[ing] relevant testimony to be taken . . .” It is then required to “report its findings to the appropriate disciplinary subcommittee.” The “appropriate disciplinary subcommittee” is directed to “proceed under [MCL 333.16226]” if it finds a violation has occurred.

A final decision of the disciplinary subcommittee finding a violation must be by a majority vote of the members appointed and serving on the disciplinary subcommittee. Some types of sanctions require that at least one of the public members of the disciplinary committee be part of the majority.

The disciplinary committee can impose a fine up to $250,000.00. It can also require completion of “an educational program, a training program, or a treatment program, a mental, physical, or professional competence examination, or a combination of those programs and examinations.” A second offense within two years can result in suspension or revocation of the person’s license.

In addition, a veterinarian can also be subject to discipline for “fraudulent use or misuse of a health certificate, inspection certificate, vaccination certificate, test chart, meat inspection stamp, or other blank form used in the practice of veterinary medicine that might lead to the dissemination of disease, unlawful transportation of diseased animals, or the sale of inedible products of animal origin for human consumption.”

The imposition of sanctions involves applying two sections of the Public Health Code at the same time. Section 16621 describes violations of the code, which section 16626 identifies the possible penalties.
WHAT HAPPENS AFTER AN ALLEGATION IS FILED?

The Legal Affairs Division, Allegations Section within the Bureau of Professional Licensing starts a process which could result in a disciplinary action against the licensee or registrant.

The steps in this process are described below. If the case is closed at any step in this process, the Allegations Section will notify you.

The allegation is reviewed. The Allegations Section reviews your allegation. This is to determine if there may be a violation of the Public Health Code. Based on the nature of the case and the review, the Allegations Section may:

- authorize the allegation for investigation, or
- close the allegation with no further action

If the allegation involves possible impairment due to substance use or mental health disorders, the Allegations Section may refer the case to the Health Professional Recovery Program (HPRP). This program is designed to protect the public while helping the health care provider to address their impairment.

The allegation is investigated. If an investigation is authorized, trained investigation staff generally:

- interview the person filing the allegation;
- interviews the licensed or registered health care professional;
- identifies and interviews other persons who may be able to provide additional information, such as coworkers or employers; and
- collects any other evidence which is needed for the case.

The investigation is completed. Once the investigation is completed, the investigator will make a recommendation based on their investigation of the matter. The investigator could recommend: 1) That the file be closed if their investigation failed to substantiate the allegation; 2) Referral for expert review to determine if the conduct as alleged was below the minimal standards for the profession; or, 3) Recommend that the file be transferred for drafting of an administrative complaint (the formal charging document).

If the file is recommended for closure and the department supports this recommendation, the file will be closed and the complainant will be notified in writing of this decision.

If the file is recommended for expert review, the file will be transferred to the section responsible for identifying an appropriate expert reviewer. The expert sought typically will be someone with the same or similar education, training and experience as the licensee or registrant who was investigated. If the expert determines that the conduct as alleged was below minimal standards for the profession, the file will be transferred for drafting of an administrative complaint. If the expert determines that the conduct was within the minimal standards for the profession, the file will be closed and the complainant notified in writing of this decision.

An administrative complaint is filed. If the State of Michigan believes that evidence exists that shows a violation of the Public Health Code, a formal administrative complaint will be
issued against the licensee or registrant. The administrative complaint is the formal charging document that outlines the alleged violation(s) found. Once the administrative complaint is served, the licensee/registrant has 30 days in which to respond in writing or the matter will result in automatic sanctions.

If the State of Michigan believes there is an imminent threat to the public's health, safety or welfare, the State of Michigan, with support from the chairperson of the licensee or registrant's board, can summarily suspend a license or registration. If a **Summary Suspension** is issued against a licensee or registrant, they cannot practice their profession until the matter is resolved through the administrative hearing process.

**A compliance conference is held.** Once an administrative complaint has been issued and the licensee/registrant responds, a compliance conference is scheduled. This compliance conference provides an opportunity for the licensee/registrant to negotiate a settlement that is agreeable to both the licensee/registrant and the department prior to having the matter proceed to an administrative hearing. If a proposed settlement is reached, that settlement will then be forwarded to the disciplinary subcommittee (DSC) for their review. The proposed settlement may include:

- Imposition of a monetary fine
- A period of probation
- A reprimand
- Restrict the licensee's/registrant's practice
- Issue a condition for continued licensing, such as additional education, community service, etc.
- Suspend or revoke the person's license to practice in Michigan
- Dismiss the complaint against the licensee

The DSC must approve any settlement before a settlement can be considered legal and binding. If the DSC approves the proposed settlement, the licensee/registrant is bound by the terms that were negotiated and the file is closed.

If the DSC rejects the proposed settlement, they may propose a counter-offer for the parties to consider. If the counter-offer is acceptable to the licensee/registrant, the order will become binding. If the counter-offer is rejected by the licensee/registrant, or if no settlement is reached at the compliance conference, the matter will proceed to an administrative hearing.

**An administrative hearing is conducted.** An administrative hearing is similar to proceedings involving criminal or civil actions except that the administrative law judge (ALJ) acts as both judge and jury. During this proceeding, witnesses for both parties are called to testify, evidence is presented and legal procedural issues are addressed. An assistant attorney general represents the State of Michigan and the licensee/registrant has the right to seek and be represented by legal counsel, at their expense.

After the hearing is concluded, the ALJ will issue a **Proposal for Decision** that addresses the findings of fact and conclusions of law involved in the case and the ALJ's determination as to
whether or not a violation of the Public Health Code was proven. This *Proposal for Decision* is then presented to the appropriate DSC for their review and determination.

**The DSC reviews the decision.** The DSC will consider the *Proposal for Decision* at their next regularly scheduled meeting. Under state law, the DSC has the authority to accept the ALJ's decision and issue sanctions if violations are substantiated. Alternatively, they can dismiss the administrative complaint if the State of Michigan was unable to prove the allegations made in the administrative complaint.

The DSC also has the option of reversing the ALJ and rendering their own findings of fact and conclusions of law if they disagree with the ALJ's decision.
CIVIL LIABILITY
QUESTIONS & ANSWERS

Q: Can I be liable if a client’s pet injures another client?
A: Generally no. The owner of the animal is usually responsible for damage caused by the animal. There are some situations, however, in which a vet might possibly be sued.

If you know that an animal has a problem that could be dangerous and you do not take reasonable steps to protect people from it, you might be considered responsible. For example, if you know that a particular client’s dog tends to nip people’s legs or that another client’s dog likes to knock over small children, you might be expected to ensure that the animal is caged in the waiting room or to have the client wait with the dog in a separate area.

Second, you could be liable if you did, or didn’t, do something that allowed an injury to occur. For example, an office that does not enforce a policy that animals in the waiting area must be leashed or in carriers might be found liable if an unrestrained dog injured a client.

Finally, if you are boarding a dog and it bites a person, other than one of your employees, you might be liable as a “keeper” of the dog, but only if you knew that the dog was dangerous.

Q: If a client’s dog bites an employee, can the employee sue the client?
A: Generally, yes. If the employee was doing something to the dog that could be considered “provoking” it, even unintentionally, however, the owner would likely be found not to be liable. On the other hand, if the owner knows that the dog is likely to bite under specific circumstances and fails to let the vet know about it, the owner may be liable for his failure to provide a warning.

Q: If a client is injured by his own animal at the clinic, can the client sue the vet?
A: This situation has not arisen enough for a definite answer, but it is possible, if the right combination of circumstances exists. If you ask an owner to restrain his animal, for example, you should warn him if there is a chance the animal could bite or scratch.

Q: Can a client or another person sue me if they are injured by an animal I treated?
A: Only if they can prove that something you did was a cause of the injury. If, for example, you knew that a procedure would make a cat very irritable but did not warn the client not to try stroking it, you might be liable if the cat bit the client or someone else.

Q: If a client’s animal injures another client’s animal, would I be liable?
A: The answer to this question is basically the same as to the question about injuries to another client.

Q: Are there any special considerations if I treat exotic pets?
A: If you board or house a pet that is not a “domestic” animal, you would be liable if it injured anyone, because the “keeper” of an exotic animal is strictly liable for injuries. Otherwise, however, the same general rules would apply regarding liability for injuries.

Q: What if I offer boarding services?
A: A person who boards animals is considered a “keeper” and subject to common law liability if the animal injures someone. A “keeper,” however, is only liable if he knows that the animal has “vicious propensities,” usually based on prior behavior. A veterinarian, however, might be held to a somewhat stricter standard. If you agree to
board a cockatoo, for example, you might be expected to know that it can bite, even if that individual bird has never injured anyone.

If an animal that you agreed to board dies or is injured, you would be liable to the owner for damage to his property under a “bailment” theory. In Michigan, however, damages for the death of an animal are determined by its “fair market value.” Although the owner can receive compensation, therefore, the amount awarded for the average pet is usually not very much.
1. **How do I verify my Michigan license to another state?**

   We can provide written verification of your licensure status to another state within 20-30 business days. This document may also be referred to as a "letter of good standing". You need to send a written request for license verification that provides this office with the name and address of the Board you wish to receive the documentation. This request should include your name, license number and your signature and must be accompanied by the required $15.00 fee made payable to the State of Michigan. The verification process generally takes 20-30 business days from the time the request is received by the Department. The request should be mailed to:

   Department of Licensing and Regulatory Affairs  
   Bureau of Health Care Services  
   Health Professions Licensing Division  
   Attention: Verifications  
   PO Box 30670  
   Lansing, MI 48909

2. **Do I need to complete continuing education?**

   The law for Veterinary Medicine does not require continuing education for renewal. You are responsible for maintaining your competence in your profession, but you do not have to demonstrate the ways you are doing that for renewal.

3. **How long are the Veterinarian/Veterinary Technician licenses issued for? Can I renew my license early? How will I know when I need to renew?**

   Your initial Veterinarian/Veterinary Technician license is only good until the next expiration date of your profession (anywhere from 4 months to 1 year). After your first renewal, your license will be valid for 2 years. You will receive renewal information 45-60 days prior to the expiration date of your license and it will state the renewal fee required.

   You cannot renew your license early. Our system is not set up to receive renewal information until the renewal time for your profession. We will mail you a renewal application approximately 45-60 days before the expiration date of your current license. Remember to notify the Department in writing of any address changes you have. It is your responsibility to renew your license on time. Failure to notify us of an address change does not exempt you from renewing your license on time. You can renew online at [www.michigan.gov/elicense](http://www.michigan.gov/elicense). Online renewal payments require you to pay with a credit card.

4. **How can I change my name or address?**

   Name changes must be submitted in writing by downloading the Data Change/Duplicate License Request Form. Address changes can be submitted online at [www.michigan.gov/elicense](http://www.michigan.gov/elicense) or in writing by downloading the Data Change/Duplicate License Request Form. Fax it to 517-373-7179 or mail it to the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, Health Professions Division, PO Box 30670, Lansing, MI 48909.
New licenses are not automatically issued for name and/or address changes. To receive a license with your new name and/or address, you must submit $10.00 per license with your request. Duplicate licenses can be paid for online at www.michigan.gov/elicense.

5. I need to verify whether someone has a license. How can I do that?

We have two verification systems. If you have access to the Internet, you can go to our online Verify A License or you can call 517-241-7849.

6. What happens if my license or registration expires?

If your license or registration is not renewed within 60 days after your expiration date, your license or registration will lapse. The expiration date will reflect the original expiration date -- it will not include the grace period. For example: If your license expires January 31, you have until April 1 to pay your renewal fee. If you do not pay by April 1, your license is considered lapsed as of January 31. You will need to check with the agencies that provide reimbursement for your services to see if they honor the grace period.

When your license or registration lapses, you can no longer practice your profession nor can you identify yourself as a licensed or registered individual. Practicing without a valid license or registration is a felony under the Public Health Code and can result in legal proceedings as well as disciplinary actions.

It is your responsibility to make sure your license or registration is current and valid. We send renewal information to the last address on file approximately 60 days prior to the expiration date. If we have an incorrect address, you are still responsible for making sure your license has been renewed in a timely manner.

7. How long will you keep my licensure application on file?

For most professions, we keep your application and fee on file for two years from the date received. If the requirements for licensure/registration are not met within that time span, the application is no longer valid and the file is destroyed.

8. The application asks for the state(s) I have been licensed in and asks for the basis of licensure. What does that mean? What if I’m licensed in more than one state? Do you need verification from all states I have ever held a license in?

In the basis of licensure box on the application, you need to indicate whether you became licensed in that state by Exam or by Endorsement.

We need verification from all states where you have ever held a license. This is to ensure there have not been any disciplinary actions or suspensions and to ensure that your current license is in good standing.

9. If I have been convicted of a felony or a misdemeanor, will this stop me from obtaining a Michigan license?

This type of information will be reviewed on an individual basis. We ask that you submit your application, fee and information regarding the occurrence. The Board will review your file and make a decision at that time. Please keep in mind that we do take into consideration the type of conviction, the age that you were when the incident occurred and the time that has elapsed since the conviction.
10. What is the purpose of the different types of applications?

New License: You have never held a license in this profession in Michigan or any other state.

Endorsement: You hold a current license in another state in this profession and you wish to become licensed in Michigan.

Relicensure: If you have ever held a Michigan license in this profession but your Michigan license has expired, you let it lapse or have been licensed in another state, you must apply for relicensure.

Grandfather: You are able to become licensed by a shortened credential review process for a limited time.

11. Is everything in my file complete? How can I find out what is missing?

You will be sent a letter from the Department informing you of any missing information. You can easily track your file by checking the online checklist at www.michigan.gov/appstatus. Use your customer number and instructions that you will receive approximately 3 weeks after receipt of your application.

12. How long does it take to process my application?

Applications are processed as quickly as possible. We process applications in the order they are received.

13. How long does it take for your office to receive my correspondence?

It takes approximately 7-10 days from the mail date for our office to receive outside mail.

14. I work in more than one location. How can I have my license on display in all of my work areas?

You may make photocopies of your professional license to display in other work sites.

15. Do I need a controlled substance license for every location in which I practice?

Effective December 2, 2004 you are no longer required to have a separate controlled substance license for each location in which you prescribe controlled substances. You only need one controlled substance license to prescribe controlled substances in Michigan regardless of the number of locations where you prescribe.

If you are receiving or storing controlled substances a separate controlled substance license is required for each physical location.

If you dispense any medication to patients other than complimentary starter dose drugs (samples), a drug control license is required for each physical location. This includes controlled substances as well as non-controlled drugs. Please note the requirement for a drug control license does not apply to veterinarians.

16. Can I submit the renewal application for my controlled substance license before submitting the renewal for my professional license?
Regardless of when you submit your renewal, the professional license will have to be renewed first. If we receive the controlled substance renewal but not the professional license renewal, neither license will be renewed. The professional license renewal must be submitted before the process can begin.

17. Can you give me the information on my DEA license or how to get a DEA license?

The State of Michigan and the DEA are two separate entities. We are State and DEA is Federal. If you have any questions concerning your DEA license, you can call them directly at 800-882-9539 or go to www.deadiversion.usdoj.gov/drugreg/index.html.

18. Do I have to renew my controlled substance (CS) license if I am not currently living in Michigan and my professional license is active? Can I renew my CS license later if I move back to Michigan?

You do not have to renew your controlled substance license unless you are currently prescribing or dispensing controlled substances in Michigan. You can get your controlled substance license reinstated at a later time as long as your professional license is active in Michigan. You would do this by submitting a Controlled Substance Application that we would mail to you upon request or you can download the form. You can find a controlled substance application to download in the application packets provided for your profession under the "Forms and Applications" section.

19. My renewal date is coming up soon. I know that the license/registration will be valid until the expiration date after I renew. Since I will be moving next year, I only want to renew it for 1 year. Can I do that?

No. When you renew your license/registration, it can only be renewed for the full time period.

20. Does the new drug compounding law apply to Veterinarians?

No. In 2014, the drug compounding statutes in the Michigan Public Health Code, Pharmacy Practice and Drug Control section, were revised. These changes were made in response to the deadly fungal meningitis outbreak in 2012, which was caused by an out of state pharmaceutical company. The new laws were enacted to strengthen the accountability and accreditation requirements for pharmacies, manufacturers and wholesale distributors that deal with compounded pharmaceuticals for humans. These changes do not apply to veterinarians or drugs compounded and manufactured for use on animals.
750.49 Animal; definition; fighting, baiting, or shooting; prohibited conduct; violation as felony; costs; dog trained or used for fighting or offspring of dog trained or used for fighting; prohibited conduct; exceptions; confiscation of dog; award of dog to animal welfare agency; euthanasia; expenses; forfeiture of animals, equipment, devices, and money; additional exceptions.

Sec. 49. (1) As used in this section, “animal” means a vertebrate other than a human.

(2) A person shall not knowingly do any of the following:

(a) Own, possess, use, buy, sell, offer to buy or sell, import, or export an animal for fighting or baiting, or as a target to be shot at as a test of skill in marksmanship.

(b) Be a party to or cause the fighting, baiting, or shooting of an animal as described in subdivision (a).

(c) Rent or otherwise obtain the use of a building, shed, room, yard, ground, or premises for fighting, baiting, or shooting an animal as described in subdivision (a).

(d) Permit the use of a building, shed, room, yard, ground, or premises belonging to him or her or under his or her control for any of the purposes described in this section.

(e) Organize, promote, or collect money for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(f) Be present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition described in subdivisions (a) to (d), or be present at the exhibition, knowing that an exhibition is taking place or about to take place.

(g) Breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d). This subdivision does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing, or exporting an animal for agricultural or agricultural exposition purposes.

(h) Own, possess, use, buy, sell, offer to buy or sell, transport, or deliver any device or equipment intended for use in the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(3) A person who violates subsection (2)(a) to (e) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not less than $5,000.00 or more than $50,000.00.

(c) Not less than 500 or more than 1,000 hours of community service.

(4) A person who violates subsection (2)(f) to (h) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.
(b) A fine of not less than $1,000.00 or more than $5,000.00.

(c) Not less than 250 or more than 500 hours of community service.

(5) The court may order a person convicted of violating this section to pay the costs of prosecution.

(6) The court may order a person convicted of violating this section to pay the costs for housing and caring for the animal, including, but not limited to, providing veterinary medical treatment.

(7) As part of the sentence for a violation of subsection (2), the court shall order the person convicted not to own or possess an animal of the same species involved in the violation of this section for 5 years after the date of sentencing. Failure to comply with the order of the court pursuant to this subsection is punishable as contempt of court.

(8) If a person incites an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting to attack a person and thereby causes the death of that person, the owner is guilty of a felony and shall be punished by imprisonment for life or by imprisonment for a maximum term of any term of years greater than 15 years.

(9) If a person incites an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting to attack a person, but the attack does not result in the death of the person, the owner is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.

(10) If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony and shall be punished by imprisonment for a maximum term of not more than 15 years.

(11) If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation, but the attack does not cause the death of the person, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $50.00 nor more than $500.00, or both.

(12) Subsections (8) to (11) do not apply if the person attacked was committing or attempting to commit an unlawful act on the property of the owner of the animal.

(13) If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting goes beyond the property limits of its owner without being securely restrained, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $50.00 nor more than $500.00, or both.

(14) If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

(15) Subsections (8) to (14) do not apply to any of the following:

(a) A dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of the state or a county, city, village, or township.

(b) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities.
(c) A corporation licensed under the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, when a dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, is used in accordance with the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085.

(16) An animal that has been used to fight in violation of this section or that is involved in a violation of subsections (8) to (14) shall be confiscated as contraband by a law enforcement officer and shall not be returned to the owner, trainer, or possessor of the animal. The animal shall be taken to a local humane society or other animal welfare agency. If an animal owner, trainer, or possessor is convicted under subsection (2) or subsections (8) to (14), the court shall award the animal involved in the violation to the local humane society or other animal welfare agency.

(17) Upon receiving an animal confiscated under this section, or at any time thereafter, an appointed veterinarian, the humane society, or other animal welfare agency may humanely euthanize the animal if, in the opinion of that veterinarian, humane society, or other animal welfare agency, the animal is injured or diseased past recovery or the animal's continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering.

(18) A humane society or other animal welfare agency that receives an animal pursuant to this section shall apply to the district court or municipal court for a hearing to determine whether the animal shall be humanely euthanized because of its lack of any useful purpose and the public safety threat it poses. The court shall hold a hearing not more than 30 days after the filing of the application and shall give notice of the hearing to the owner of the animal. Upon a finding by the court that the animal lacks any useful purpose and poses a threat to public safety, the humane society or other animal welfare agency shall humanely euthanize the animal. Expenses incurred in connection with the housing, care, upkeep, or euthanasia of the animal by a humane society or other animal welfare agency, or by a person, firm, partnership, corporation, or other entity, shall be assessed against the owner of the animal.

(19) Subject to subsections (16) to (18), all animals being used or to be used in fighting, equipment, devices and money involved in a violation of subsection (2) shall be forfeited to the state. All other instrumentalities, proceeds, and substituted proceeds of a violation of subsection (2) are subject to forfeiture under chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

(20) This section does not apply to conduct that is permitted by and is in compliance with any of the following:

(a) Part 401 (wildlife conservation) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40119.

(b) Part 435 (hunting and fishing licensing) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.44106.

(c) Part 427 (breeders and dealers) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

(d) Part 417 (private shooting preserves) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

(21) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.
750.50 Definitions; charge or custody of animal; prohibited conduct; forfeiture of animal; violation as misdemeanor or felony; penalty; order to pay costs; order prohibiting owning or possessing animal for certain period of time; violation of subsection (6); revocation of probation; certain conduct not prohibited by section.

Sec. 50. (1) As used in this section and section 50b:

(a) “Adequate care” means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

(b) “Animal” means 1 or more vertebrates other than a human being.

(c) “Animal protection shelter” means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

(d) “Animal control shelter” means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.

(e) “Licensed veterinarian” means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) “Livestock” means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.

(g) “Person” means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

(h) “Neglect” means to fail to sufficiently and properly care for an animal to the extent that the animal’s health is jeopardized.

(i) “Sanitary conditions” means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include a condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

(j) “Shelter” means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter for a dog shall include 1 or more of the following:

(i) The residence of the dog’s owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(iii) A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

(k) “State of good health” means freedom 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 appropriate treatment.
“Tethering” means the restraint and confinement of a dog by use of a chain, rope, or similar device.

Water” means potable water that is suitable for the age and species of animal, made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine.

(2) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(a) Fail to provide an animal with adequate care.

(b) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(c) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(d) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, “stand” means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(e) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal’s adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(f) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(g) Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(3) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian pending the outcome of a criminal action charging a violation of this section or section 50b, before final disposition of the criminal charge, the prosecuting attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a true copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the secretary of state in an animal involved in the pending action. The forfeiture of an animal under this section encumbered by a security interest is subject to the interest of the holder of the security interest who did not have prior knowledge of, or consent to the commission of the crime. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing shall be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section or section 50b occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance shall require the
defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that money or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section or section 50b is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

(4) A person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00 or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution. A person who violates subsection (2) on a second occasion is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00 or community service for not more than 300 hours, or any combination of these penalties and the cost of prosecution. A person who violates subsection (2) on a third or subsequent occasion is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00 or community service for not more than 500 hours, or any combination of these penalties and the cost of prosecution.

(5) If forfeiture is not ordered pursuant to subsection (3), as a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.

(6) As a part of the sentence for a violation of subsection (2), the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of subsection (2), a court order under this subsection may order the defendant not to own or possess an animal for any period of time which may include permanent relinquishment of animal ownership.

(7) A person who owns or possesses an animal in violation of an order issued under subsection (6) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (6) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than $500.00, or both.

(8) This section does not prohibit the lawful killing or other use of an animal, including, but not limited to, the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated pursuant to the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(c) Horse racing.

(d) The operation of a zoological park or aquarium.

(e) Pest or rodent control.

(f) Farming or a generally accepted animal husbandry or farming practice involving livestock.
(g) Activities authorized pursuant to rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(h) Scientific research pursuant to 1969 PA 224, MCL 287.381 to 287.395.

(i) Scientific research pursuant to sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.


750.51 Animals; confining on railroad cars.

Sec. 51. Confining animals on railroad cars—No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than 36 consecutive hours without unloading the same for rest, water, and feeding, for a period of at least 5 consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention to prevent their continuous confinement beyond the period of 36 hours, except on contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals.

Any company, owner or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offense, be liable for, and forfeit, and pay a penalty of not less than 100 dollars nor more than 500 dollars: Provided, however, That when animals shall be carried in cars in which they can and do have proper food, water, space and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.51

750.52 Duty of public officers.

Sec. 52. Duty of public officers—It shall also be the duty of all sheriffs, deputy sheriffs, constables, policemen and public officers, to arrest and prosecute all persons of whose violation of the provisions of the preceding sections of this chapter they may have knowledge or reasonable notice, and for each neglect of such duty, the officer so offending shall be deemed guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.52

750.53 Arrest of persons; seizure of animals.

Sec. 53. Arrest of persons and seizure of animals—Persons found violating any of the provisions of the preceding sections of this chapter may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and which are then being used, or held for use in violation of any of the provisions of the preceding sections of this chapter, and the person making such seizure shall cause such animals or fowls to be at once delivered to a poundmaster of the city, village or township in which the same may be, and it shall be the duty of such poundmaster to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.53
750.54 Search warrants.

Sec. 54. Search warrant—When complaint is made, on oath or affirmation, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of the preceding sections of this chapter are being, or are about to be violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable or public officer, authorizing him to search such building or place and to arrest any person or persons engaged in violating any of the provisions of the preceding sections of this chapter, as well as any person or persons there present, and aiding or abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction, to be dealt with according to law. Such officer shall, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal or to aid in the fighting or baiting of any animal; and unless within 10 days after the trial of the person or persons so arrested, the owner of said article or instrument shall show, to the satisfaction of said magistrate, that the same is not designed or adapted to the wounding or torture of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument.

History: 1931, Act 328, Eff. Sept. 18, 1931; CL 1948, 750.54

750.55 Incorporated society; representative deputy sheriff.

Sec. 55. Any society incorporated in this state for the purpose of preventing cruelty to animals may designate 1 or more persons in each county of the state to discover and prosecute all cases of the violation of the provisions of this chapter; and the sheriff of such county may appoint each person so designated a deputy sheriff, provided such person shall be of good moral character, and each person so appointed by the sheriff shall possess all the powers of a sheriff of the county in the enforcement of the provisions of this chapter. The sheriff shall not be responsible for any of the acts of such person or persons, but the society, if incorporated, and if not, then the officers and members of the society, on the request of which such person was appointed, shall be liable in the degree of a principal for the acts of an agent.


750.56 Definitions.

Sec. 56. Definitions—In the preceding sections of this chapter the word “animal” or “animals” shall be held to include all brute creatures, and the words “owner”, “person”, and “whoever” shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

History: 1931, Act 328, Eff. Sept. 18, 1931; CL 1948, 750.56

750.57 Burial of dead animals.

Sec. 57. A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than $50.00 or more than $500.00 or by imprisonment for not more than 90 days.

750.58 Horses; unhitching and driving away.

Sec. 58. Unhitching and driving away horses without authority—Any person who shall wilfully and maliciously or wantonly, and without authority unhitch any horse or team belonging to another, and lawfully hitched or standing in any street, alley or other place, or who in like manner shall ride or drive such horse or team away shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931 ; CL 1948, 750.58

750.59 Animals unfit for work; disposition and use.

Sec. 59. Disposition and use of animals permanently unfit for work—Any person who shall offer for sale or sell or trade any horse or mule which by reason of debility, disease, lameness, injury or for any other cause is permanently unfit for work, except to a person or corporation operating a horse hospital, animal retreat farm or other institution or place designed or maintained for the humane keeping, treatment or killing of horses, mules or other live stock, shall be guilty of a misdemeanor.

Any person who shall lead, drive or ride any horse or mule, which by reason of debility, disease, lameness or injury, or for other cause is permanently unfit for work, on any public way for any purpose, except that of conveying such animal to a proper place for its humane keeping, or killing or for medical or surgical treatment shall be guilty of a misdemeanor.

750.60 Horses' tails; docking.

Sec. 60. (1) A person who cuts the bone of the tail of a horse for the purpose of docking the tail, or who causes or knowingly permits the cutting to be done upon the premises of which he or she is the owner, lessee, proprietor, or user, or who assists in or is present at such cutting, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. However, this subsection does not apply to the cutting of the bone of the tail of a horse for the purpose of docking the tail when a certificate of a regularly qualified veterinary surgeon is first obtained certifying that the cutting is necessary for the health or safety of the horse.

(2) If a horse is found with its tail cut and with the wound resulting from the cutting unhealed, upon the premises of any person, those facts shall be prima facie evidence that the person occupying or using the premises on which that horse is found has committed the offense described in subsection (1).

(3) If a horse is found with its tail cut and with the wound resulting therefrom unhealed, in the charge or custody of any person, that fact shall be prima facie evidence that the person having the charge or custody of that horse has committed the offense charged in subsection (1).


750.61 Docked horses; registration, bringing into state.

Sec. 61. Importation, etc., of unregistered docked horses—It shall be unlawful for any person or persons to import or bring into this state any docked horse or horses, or to drive, work, use, race or deal in any docked horse or horses within this state, unless the same shall be registered as provided for in the succeeding section of this chapter.

History: 1931, Act 328, Eff. Sept. 18, 1931 ; CL 1948, 750.61

750.62 Docked horses; registration.

Sec. 62. Registration of docked horses—Within 90 days after this act shall take effect, every owner or user of any docked horse within this state shall register such docked horse or horses by filing in the office of the county clerk of the county in which such docked horse or horses may be kept, a certificate which
shall contain the name or names of the owner or owners, together with his or their post office address, together with a full description of the color, age, size and the use made of such docked horse or horses, which certificate shall be signed by the owner or the owners, or his or their agent. The county clerk shall number such certificates consecutively and shall record the same in a book kept for that purpose, and shall receive as a fee for the recording of such certificate the sum of 50 cents: Provided, This section shall not apply to or make necessary the re-registration of docked horses which have been registered pursuant to Act No. 45 of the Public Acts of 1901, as amended, being sections 17080 to 17086 inclusive of the Compiled Laws of 1929.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.62
Compiler's Notes: Act 45 of 1901, referred to in this section, was repealed by Act 328 of 1931.

750.63 Docked horses; unlawful docking, evidence.

Sec. 63. Prima facie evidence of unlawful docking—The driving, working, keeping, racing or using of any unregistered docked horse or horses subsequent to 90 days after this act shall take effect shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse or horses, unlawfully docked the tail of such horse or horses.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.63

750.64 Docked horses; failure to register.

Sec. 64. A person who violates a provision of this chapter by failing to register a docked horse as herein provided is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00.


750.67 Domestic animals or fowl on cemetery grounds, landing fields, airports.

Sec. 67. Domestic animals or fowl on cemetery grounds, landing fields and airports—Any owner or keeper of any domestic animal or fowl, who shall allow any domestic animal or fowl to run at large and enter or be upon any premises constituting a cemetery, landing field or airport in this state, shall be guilty of a misdemeanor.


750.68 Brand of animals.

Sec. 68. Changing, etc., brand of animals—Any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, shall be guilty of felony, and any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal whether the property of himself or another with intent to sell, ship, trade or give away contrary to law any animal which has given the positive reaction to the bovine tuberculosis test or the blood test for Bang's disease or with intent to avoid any lawful quarantine of such animal, shall be guilty of a misdemeanor.


750.69 Rescuing animals.

Sec. 69. Rescuing animals—Any person who shall rescue any cattle, horse, mule, sheep, swine or goat when impounded, or while being driven or taken to the pound or other place of custody by any officer or person in charge of such animals, or while such animals are shut up by and in the custody of any person for trespassing upon premises, or for running at large contrary to law, shall be guilty of a misdemeanor.
750.70 Impounding animals unlawfully.

Sec. 70. Unlawfully impounding animals—Any person who shall take any animal mentioned in the next preceding section not running at large contrary to law from the stable, pasture, or any enclosure or other place where such animals are lawfully and rightfully kept, or may be, and any person who shall drive, or let them out, or untie, or unloose the same, or shall knowingly seize or take the same from the custody of any person driving or taking the same on the public highway or streets to or from a pasture or to or from any other place where the same may be lawfully taken or driven, for the purpose of impounding such animals contrary to law, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931; -- CL 1948, 750.69