



**House
Legislative
Analysis
Section**

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***A SUMMARY OF HOUSE BILL 5285 AS
INTRODUCED 11-13-89***

The bill would create a new act to prohibit private ownership of wild animals not native to Michigan, including wolf hybrids. People owning animals regulated under the bill at the time it was enacted could keep their animals only if they got a special "grandparent" permit and met certain conditions. When a "grandparented" regulated animal died it could not be replaced. The bill also would set fees, create criminal penalties for violations, and establish an "exotic animal protection fund" for implementing the bill's provisions.

Regulated exotic animals. The bill would create the "Dangerous Exotic Animal Regulatory Act," defining "exotic animal" to mean "a wild animal that is not native to this state." Regulated exotic animals would include all nonhuman primates (that is, monkeys and apes); all non-native wild cats, bears, and wild dogs; and all hybrid crosses with bears, wolves, or wild cats. Domestic cats and dogs would specifically be excluded from the bill's provisions.

Possession of regulated animals. The bill would prohibit, with certain exceptions, the possession, breeding, importing, exporting, exchange, buying, or selling (or attempting or offering to buy or sell) of regulated exotic animals. The only exceptions would be:

- (1) People holding permits from the Department of Natural Resources (DNR), U.S. Department of the Interior, or the U.S. Department of Agriculture (USDA) for regulated exotic animals (the bill would prohibit these permit holders from selling regulated animals to private individuals);
- (2) Accredited zoos and aquariums, various situations where wild animals are kept in natural settings and not hunted or trapped (nature preserves, safari parks, wildlife sanctuaries), wild animal exhibitors, circuses, and scientific, medical, or educational research facilities;
- (3) Individuals holding grandparent permits under the bill.

Transporting regulated animals. Regulated exotic animals could not be transported inside the state except for veterinary care unless the department first gave permission. The request for permission to move a regulated animal would have to be given at least one week before the planned move, and certain health and safety conditions (specified in the bill) would have to be met for the actual move.

A regulated animal could not be transported to another state, even if that state allowed possession of the animal, without prior approval both by the Department of Agriculture and by the appropriate regulatory agency in the other state.

REGULATE EXOTIC PETS

House Bill 5285

Sponsor: Rep. Mat J. Dunaskiss

Committee: Agriculture

MAY 10 1990

Complete to 3-26-90

Grandparent permits. Someone owning a regulated exotic animal on the bill's effective date would have 90 days to apply to the Department of Agriculture (MDA) for a "grandparent" permit to continue keeping the animal. When a "grandparented" animal died it could not be replaced.

In order to qualify for a grandparent permit, an applicant would have to be at least 18 years old and have never been convicted of a violation pertaining to animals (domestic or wild). In addition, an applicant would have to prove that he or she had satisfactory caging facilities, kept the animal in an appropriate location, and housed it in a "safe, humane, and sanitary manner." (The bill gives minimum pen specifications and allows further specifications to be set by rule.)

Applications would have to include:

- (1) the number and type of animal,
- (2) photographs and dimensions of the facility where the animal was kept,
- (3) a notarized statement that the facility was in accord with any existing local ordinances,
- (4) \$125 (the required \$25 application fee and the \$100 annual permit fee); and,
- (5) upon the department's request, when, where, and how the applicant had gotten the animal.

Permits would include:

- (1) the name and address of the permit holder (and where the regulated animal was kept, if it was not housed at the owner's address);
- (2) the number and scientific name(s) of the animal(s);
- (3) any conditions on importing the animal;
- (4) the place and conditions of any required quarantine;
- (5) any required tests, veterinary examinations, and observation or quarantine periods; and
- (6) the name and address of the animal's veterinarian.

Permits could be inspected by Department of Agriculture officials (or its designees), peace officers, animal control officers, or any other law enforcement officials at any time. If a departmental inspector found that the regulated animal was being kept in an unsafe or unsanitary manner, or was in any way being mistreated or neglected, the person holding the permit would have five days after written notification by the department to begin (and 30 days to complete) correcting the unsatisfactory conditions (or to place the animal with someone authorized to keep the animal). The department would have to schedule a reinspection "approximately" 30 days after the person had tried to correct the unsatisfactory conditions. Failure to pass reinspection would result in loss of the permit and

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confiscation of the regulated animal (which the department would attempt to place in a lawful situation).

The department could revoke or refuse to issue a permit if the person was convicted of cruelty to animals or otherwise violated the bill's requirements, or if a court order had been issued against the person holding or applying for a permit under the bill.

Enclosure requirements. The bill would specify general enclosure requirements (for example, all cages and enclosures except corrals and paddocks would have to be covered at the top to prevent escape), as well as additional requirements for particular species. (For example, each wolf or wolf hybrid would have to be provided with a cage 30 by 30 by 8 feet, with both an overhang facing in and bottom skirting, and contain a 5 by 5 foot den. The cage floor area would have to be increased by 33 percent for each additional animal.) In general, regulated animals would have to be kept in safe (both to the general public and to the animal), sanitary conditions that met all local, state, and federal requirements and that did not adversely affect the health and comfort of the animal.

Fees. There would be a \$25 nonrefundable application fee for grandparent permits, and an annual permit fee of \$100. There also would be a \$25 reinspection fee in cases where a person had attempted to correct unsatisfactory confinement conditions and the department reinspected the enclosure.

Owner liability. Owners (or their agents) of regulated exotic animals would be civilly liable — whether or not they had a permit — for any death, damage, or injury caused by their animals.

If a regulated animal escaped or was released (whether on purpose or not), the owner would be required to immediately notify the department and would be responsible for all expenses associated with attempts to recapture the animal.

Legal actions. The bill could be enforced by the Department of Agriculture, peace officers, animal control officers, or any other law enforcement officials.

Any of these officials could capture or kill a regulated animal that threatened or injured people or other animals, and the official would be immune from civil liability for doing so. Officials also could confiscate or capture exotic animals by humane means (such as tranquilization) to enforce the bill.

After a hearing, a district court could order that an exotic animal be humanely euthanized (put to death), securely confined, or permanently confiscated if it:

- (1) was not maintained under "the reasonable, physical control of its possessor or custodian,"
- (2) destroyed valuable property, habitually caused damage while trespassing on other than its owner's property, or injured other animals, or
- (3) killed or seriously injured people or domestic animals or pets.

If the court ordered an animal permanently confiscated, the owner would be responsible for all costs associated with the confiscation and placement of the animal. (If the owner failed to pay these expenses, the court could require the new permanent custodian to pay the temporary maintenance costs.) Where possible, the court would try to place a confiscated animal in a situation where the animal

would not be hunted or trapped and where it would be safely and humanely kept.

Departmental responsibilities. The Department of Agriculture would be required to notify local units of government of grandparent permits issued within their jurisdictions. Notification would have to include the name and address of the permit holder and the species of regulated animal.

The director of the department would be required to:

- (1) develop the various materials necessary to implement the bill (application forms, permits, cage or enclosure identification forms, etc.),
- (2) provide information to each veterinarian in the state with information about the bill's requirements,
- (3) provide a way to notify the public of the bill's provisions and requirements,
- (4) promulgate rules to implement the bill, according to specified criteria, including requiring that regulated exotic animals be "maintained and housed in a humane manner facilitating the health and comfort of the animal in accordance with the basic biological and social needs of the species."

Penalties. People who violated the bill's provisions could lose their grandparent permits and have their animals confiscated, would be subject to criminal penalties, and could be made to pay for the confiscation and placement of their animals (whether this was done by a court or by the department) and for the recapture of escaped animals.

Violations would include failure to apply for a permit, failure to obey a court order issued under the bill, failure to report the loss of a regulated animal, and any escape by a regulated animal or any injury to the public by an escaped animal.

Animal owners could lose their grandparent permits if they violated the bill's provisions or if they failed to satisfactorily correct unsafe or unhealthy conditions under which their animals were kept despite notification and reinspection by the department. A person who failed a reinspection would have his or her animal confiscated by the department (which would attempt to place the animal in a nature preserve or a wildlife sanctuary).

Someone who violated the bill's requirements (including disobeying a court order given under the bill) would be guilty of a misdemeanor punishable by up to 90 days imprisonment or 500 hours of community service work or a fine of between \$1,000 and \$5,000.

In addition, someone who violated the bill by failing to get a permit even though they owned an animal regulated under the bill would lose possession of the animal and be responsible for the department's costs of confiscating and placing the animal. (An owner who failed to get a permit for his or her regulated animal would have 14 days after notification by the department to place it with someone holding a permit to keep such an animal; otherwise, the department could confiscate and place the animal, and charge the former owner for any costs the department incurred in doing this.)

The Exotic Animal Protection Fund. The bill would create an "exotic animal protection fund" to receive all fees collected under the bill and to implement the bill's provisions.

Note: The bill would specify that it would not supercede more restrictive local ordinances regarding exotic animals.