



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1236 (as passed by the Senate)
Sponsor: Senator Tom Casperson
Committee: Agriculture

Date Completed: 10-24-12

RATIONALE

Michigan's Large Carnivore Act regulates the possession of certain types of animals, including bears. The Act does not apply to a person who has a Class C animal exhibitor license from the U.S. Department of Agriculture (USDA), if the person meets requirements specified in the Act. These include a requirement that the licensee not allow a patron to come into close contact with a large carnivore over 20 weeks of age if it would jeopardize the patron, or to come into direct contact with a large carnivore. Evidently, after being inspected last summer by the U.S. Fish and Wildlife Service, a bear ranch in the Upper Peninsula was found to be in violation of the Act because it allowed members of the public to have contact with bear cubs up to 36 weeks old. The ranch, which receives bears as rescue animals, has a Class C license from the USDA. Apparently, its operators believed that the ranch was exempt from the Act because of its USDA licensure and regulation. It has been suggested that the statute be amended to allow the ranch to continue allowing the public to interact with bear cubs up to 36 weeks old.

CONTENT

The bill would amend the Large Carnivore Act to exempt from the Act a person who allowed a patron to have direct or close contact with a bear that was under 36 weeks of age and met other criteria in the Act.

The Act regulates the possession and transportation of a "large carnivore", and includes requirements for the condition, maintenance, and use of a cage, pen, or similar enclosure where a large carnivore is

kept. The Act prohibits the possession of a large carnivore without a permit; regulates the handling and care of large carnivores; establishes standards for keeping large carnivores; and specifies owners' responsibilities in instances of attacks. The Act prescribes misdemeanor penalties for violations, and permits the seizure of a large carnivore under certain circumstances.

"Large carnivore" is defined as any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat: a lion, a leopard (including a snow leopard or clouded leopard), a jaguar, a tiger, a cougar, a panther, or a cheetah; or a bear of a species that is native or nonnative to Michigan, whether wild or captive bred.

The Act does not apply to a U.S. Department of Agriculture Class C licensee that meets all of the following:

- Conducts a for-profit or nonprofit business whose primary purpose is the presentation of animals to the public for education or exhibition purposes and that is not conducted in connection with another business as a means of attracting customers to that other business.
- Meets or exceeds all standards required of a Class C licensee, including standards for training, housing, care, and transport of large carnivores.
- Does not allow a patron to come into direct contact with a large carnivore, or come into close enough contact with a large carnivore over 20 weeks of age that will place the patron in jeopardy of being harmed by the large carnivore.

- Does not sell large carnivores, except to another person who meets the requirements of this exemption from the Act.
- Does not breed large carnivores.

The bill would amend the criteria regarding contact with large carnivores to prohibit a person from allowing a patron to come into direct contact with a large carnivore *other than* a bear less than 36 weeks of age, or to come into close enough contact with a bear 36 weeks of age or older that would place the patron in jeopardy of being harmed by the bear. The prohibition against allowing a patron to come into close contact with a large carnivore over 20 weeks old would not apply to a bear less than 36 weeks of age.

MCL 287.1102 & 287.1122

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would authorize a popular Upper Peninsula tourist attraction to continue operating as it has for many years. Since the ranch opened to the public in 1997, visitors have been allowed to interact or pose for photographs with bear cubs. Until recently, regulators never suggested that the practice was inappropriate. During the past summer, however, a U.S. Fish and Wildlife Service inspector told the operators of the bear ranch that it was in violation of Michigan's Large Carnivore Act because it allowed interaction between patrons and bears over 20 weeks old.

Reportedly, the operators of the bear ranch were told years ago by an assistant prosecutor that it was exempt from the Large Carnivore Act because of its Federal licensure and regulation, so they had been operating under this belief. The ranch evidently has never had an incident or problem related to contact between visitors and bears, and should be allowed to continue providing this opportunity to willing participants. The option for patrons to have photos taken with bear cubs is a big attraction to the ranch, and needs to be permitted to help the ranch remain a tourist destination in one of the Upper Peninsula's most economically disadvantaged counties.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.