



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 658 (as introduced 12-10-15)
Sponsor: Senator Rick Jones
Committee: Agriculture

Date Completed: 11-30-16

CONTENT

The bill would amend the Large Carnivore Act to do the following:

- **Eliminate an exception for certain entities to confinement and control requirements for large carnivores.**
- **Specify that prohibitions against breeding or transferring ownership of a large carnivore would not apply to a person who, in addition to complying with the Act's requirements, complied with proposed requirements pertaining to the housing and care of large carnivores, including facilities standards, emergency response, and veterinary care.**

The bill would take effect 90 days after its enactment.

Exception to Confinement & Control Requirements

The Act governs the ownership, possession, and care of large carnivores. Section 4 specifies that a person who possesses a large carnivore must have ownership and possession of it, and apply for and obtain a permit for it. Under Section 5, a person who owns a large carnivore must have an identification number placed in it via subcutaneous microchip. Section 6 prescribes the requirements for confinement and control of a large carnivore. Those sections do not apply to any of the following:

- An animal control shelter or animal protection shelter.
- A person licensed or approved by the Michigan Department of Natural Resources or by the United States Fish and Wildlife Service of the United States Department of the Interior.
- A zoological park approved or accredited by the American Zoo and Aquarium Association.
- A person approved by the Association of Sanctuaries or the American Sanctuary Association.
- A law enforcement officer acting under the authority of the Act.
- A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize it.

Under the bill, Sections 4 and 5 would not apply to the entities listed above.

A zoological park would have to be approved or accredited by the Association of Zoos and Aquariums; a person would have to be approved by the Association of Sanctuaries (as currently required), or the Global Federation of Animal Sanctuaries.

Exception from Breeding & Ownership Transfer Ban

Sections 3(b) and 3(c) of the Act prohibit a person from breeding, or transferring ownership or possession of, a large carnivore. Under the bill, these prohibitions would not apply to a person who, in addition to complying with the Act's requirements, complied with all of the requirements listed below.

Facility Requirements. The person would have to ensure that a facility in which a large carnivore was housed was adequately lit and free of clutter. Service doors would have to be clearly marked and in good working condition, and sufficient barriers would have to be in place to prevent unauthorized access to areas not intended for public access.

Emergency Response. The person would have to provide immediate access to staff working with or around large carnivores to designated emergency response personnel through a walkie-talkie, cellular telephone, alarm, or other electronic device. The person would have to put written emergency protocols in place for large carnivore escapes and injuries to humans by large carnivores. These protocols would have to include communication systems to notify local law enforcement and emergency services. Emergency drills would have to be conducted annually to practice responses for large carnivore escapes or injuries to humans. If law enforcement were not within a reasonable distance from the facility, a trained firearms team would have to be put in place. A trained firearms team would need to have professional training and would have to practice emergency responses at least twice annually. A person also would have to provide adequate security at the facility 24 hours per day.

Environmental Conditions. For a large carnivore that was not native to a temperate environment, a heated enclosure or environment would have to be provided. An environment that relied on climate control would need to have an emergency backup system available, and all mechanical equipment would have to be included in a documented preventative maintenance program. The person would have to ensure that the conditions in which the large carnivore was kept took into account all of the following: a) need for space, b) environmental complexity, c) choice and control over social partners and use of space, and d) protection from injury and disease. Staff would have to be trained to recognize abnormal behavior and clinical signs of illness, and have knowledge regarding the diets, husbandry, natural history, and care required for large carnivores under their care to ensure the animals' well-being.

Transfer & Acquisition. The person would be required to have a written policy for the acquisition, transfer, and disposition of large carnivores. The policy would have to satisfy the following:

- Comply with all applicable local, State, Federal, and international laws and regulations.
- Require documentation of ownership of large carnivores and any applicable chain of custody.
- Establish a system for the documentation of acquisition, transfer, and disposition of large carnivores using a comprehensive institutional record-keeping system.
- Require the acquisition of a free-ranging animal to be done in accordance with applicable laws and regulations, and prohibit the acquisition if it would be detrimental to the long-term viability of the carnivore in the wild.

The person could not do any of the following:

- Transfer a large carnivore to a person that was not qualified or capable of safely maintaining the carnivore or ensuring its well-being.
- Transfer a large carnivore to an animal auction or a person that could display or sell it at an animal auction.
- Transfer a large carnivore to a person that allowed the hunting of large carnivores.

- Raise a large carnivore for the purpose of providing food, fur, pelts, body parts, organs, or bodily fluids, or transfer it to a person who would use it for any of those purposes.

The person would have to meet all applicable laws and regulations when designating a large carnivore for reintroduction and release into the wild.

Financial Stability. A person would have to provide sufficient evidence of its financial stability to the Department of Agriculture and Rural Development by submitting complete financial reports, including an operating budget that indicated that the financial support from the person's governing authority or support organization met the person's needs. This requirement would apply regardless of whether the person was operating on a profit or nonprofit basis. The bill would require a person to have a written contingency plan in place in the event that a significant decrease in operating income occurred. Insurance coverage would have to be provided for staff, volunteers, visitors, and physical facilities. The person also would have to disclose sources of funding for capital improvements, maintenance, and major repairs or replacements.

Breeding Programs. The person would have to participate in scientific, cooperatively managed breeding programs that identified specific and typically threatened or endangered large carnivore species that were composed of large carnivores of known provenance and pedigree. Such a breeding program would have to be based on comprehensive pedigree and demographic databases and analyses, and would need to have long-range population management goals and recommendations to ensure sustainability of the population. The breeding program could not allow breeding of species hybrids or breeding for the purpose of selling, bartering, or trading the large carnivore or its parts. The program would have to ensure that adequate space to house a large carnivore's offspring was in place.

Veterinary Care. The bill would require the person to have a staff or attending veterinarian with knowledge of the species of large carnivore held by the person available 24 hours per day and a veterinary care program that emphasized disease prevention. The person would have to perform routine health evaluations for infectious and noninfectious diseases common to large carnivores. The health evaluations would have to include the following:

- Fecal parasite screening.
- Complete blood count and serum chemistry.
- Weight.
- Health examination.

The person would have to regularly vaccinate large carnivores for infectious diseases, as considered necessary by the attending veterinarian, and would have to exclude from enclosures wildlife or feral animals that could transmit an infectious disease to a captive large carnivore. The bill would require the person to consider procedures, including castration and ovariectomy, that could benefit the long-term health and welfare of an individual large carnivore. Humane euthanasia practices would have to be adopted as set forth in the "American Veterinary Medical Association Euthanasia Guidelines". The person would have to necropsy a deceased large carnivore to determine cause of death and dispose of it afterward in accordance with local, State, and Federal law.

The person could not perform disfiguring procedures, including declawing and canine tooth removal, unless considered medically necessary by the attending veterinarian, and could not remove socially or nutritionally dependent young large carnivores from their mothers for hand-rearing unless deemed medically necessary by the attending veterinarian.

The person would have to meet all applicable laws or regulations regarding food preparation and storage. A nutritious diet would have to be provided, and to the best of the person's ability, it would have to minimize disease, nutritional deficiencies, infections, parasite

infestations, and obesity. The person would have to make written procedures available to staff for the use of drugs for veterinary purposes, and maintain appropriate security over veterinary drugs.

Conservation Programs. The bill would require the person to have a written conservation action plan and strategy that was part of a collaborative, scientifically managed species conservation program for each species of large carnivore held that included all of the following: a) participation in local, regional, national, or international conservation programs, including staff support or participation in field conservation activities and financial support; b) education awareness programs for guests, staff, volunteers, supporters, members, vendors, and contractors; and c) evaluation and measurement of the impact of conservation programs and activities.

MCL 287.1122

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have an indeterminate, but minor, fiscal impact on the Department of Agriculture and Rural Development. Under the bill, a person who possessed a large carnivore would not be prohibited from breeding or transferring ownership or possession of a large carnivore if the person complied with a number of large carnivore care and management requirements specified in the bill.

The Department would be responsible for providing the personnel necessary for the verification of these requirements, should an owner of a large carnivore who wished to avoid prohibitions against breeding or transferring ownership of a carnivore claim compliance with the proposed requirements. The Department reports it is unable to estimate the number, if any, of the occasions in which it could be called upon to verify those in compliance with those requirements, and therefore is unsure of what costs, if any, it could incur.

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.