

SENATE BILL No. 658

December 10, 2015, Introduced by Senators JONES, MARLEAU, BIEDA, NOFS, HILDENBRAND, HUNE, SMITH, BRANDENBURG, HERTEL, GREGORY, HORN, SCHUITMAKER, KOWALL and COLBECK and referred to the Committee on Agriculture.

A bill to amend 2000 PA 274, entitled
"Large carnivore act,"
by amending section 22 (MCL 287.1122), as amended by 2013 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22. (1) Sections 4 ~~7~~, ~~AND~~ 5 ~~7~~, ~~and~~ ~~6~~ do not apply to any of
2 the following:

3 (a) An animal control shelter or animal protection shelter.

4 (b) A person licensed or approved by the department of natural
5 resources of this state or by the United States ~~fish and wildlife~~
6 ~~service~~ **FISH AND WILDLIFE SERVICE** of the United States ~~department~~
7 ~~of the interior~~. **DEPARTMENT OF THE INTERIOR**. This subdivision does
8 not apply to a person in possession of 1 or more black bears under
9 the authority of a permit to hold wildlife in captivity issued by
10 the department of natural resources.

1 (c) A zoological park approved or accredited by the ~~American~~
2 ~~zoo and aquarium association.~~ **ASSOCIATION OF ZOOS AND AQUARIUMS.**

3 (d) A person approved by the association of sanctuaries or the
4 ~~American sanctuary association.~~ **GLOBAL FEDERATION OF ANIMAL**
5 **SANCTUARIES.**

6 (e) A law enforcement officer acting under the authority of
7 this act.

8 (f) A veterinarian temporarily in possession of a large
9 carnivore to provide veterinary care for or humanely euthanize the
10 large carnivore.

11 (2) Sections 4, 5, 6(1)(d) to (5)(d), 8, and 14(3) do not
12 apply to a person who is not a resident of this state and who is in
13 this state only for the purpose of travel between locations outside
14 of this state.

15 (3) Subject to subsection (2), this act does not apply to a
16 person who meets all of the following requirements:

17 (a) Is conducting a for-profit or nonprofit business, if the
18 primary purpose of that business is the presentation of animals
19 including large carnivores to the public for education or
20 exhibition purposes.

21 (b) Is a class C licensee that possesses and maintains a class
22 C license under 9 CFR parts 1 and 2.

23 (c) Meets or exceeds all standards, including but not limited
24 to standards for training, housing, care, and transport of large
25 carnivores, required of a class C licensee under 9 CFR parts 1 and
26 2.

27 (d) Except as provided in subsection (4), does not allow a

1 patron to do any of the following:

2 (i) Come into direct contact with a large carnivore.

3 (ii) Come into close enough contact with a large carnivore
4 over 20 weeks of age so as to place the patron in jeopardy of being
5 harmed by the large carnivore.

6 (e) Does not sell large carnivores, except to another person
7 that meets the requirements of this subsection.

8 (f) Does not breed large carnivores.

9 (4) This act does not apply to a person who allows a patron to
10 come into contact with a large carnivore under subsection (3) (d) (i)
11 or (ii) if the large carnivore is a bear less than 36 weeks of age
12 or a bear weighing 90 pounds or less if the person otherwise meets
13 the requirements of subsection (3) and satisfies 1 of the
14 following:

15 (a) The person was in possession of a bear on ~~the effective~~
16 ~~date of the 2013 amendatory act that amended this section.~~ **MARCH 26,**
17 **2013.**

18 (b) The person acquired a business described in subsection
19 (3) (a) from a person who was in possession of a bear on ~~the~~
20 ~~effective date of the 2013 amendatory act that amended this~~
21 ~~section.~~ **MARCH 26, 2013.**

22 (5) This act does not apply to a circus.

23 (6) **SECTION 3(B) AND (C) DOES NOT APPLY TO A PERSON WHO, IN**
24 **ADDITION TO COMPLYING WITH THE REQUIREMENTS OF THIS ACT, DOES ALL**
25 **OF THE FOLLOWING:**

26 (A) **ENSURES THAT A FACILITY IN WHICH A LARGE CARNIVORE IS**
27 **HOUSED IS ADEQUATELY LIT AND FREE OF CLUTTER. SERVICE DOORS SHALL**

1 BE CLEARLY MARKED AND IN GOOD WORKING CONDITION, AND SUFFICIENT
2 BARRIERS SHALL BE IN PLACE TO PREVENT UNAUTHORIZED ACCESS TO AREAS
3 NOT INTENDED FOR PUBLIC ACCESS.

4 (B) PROVIDES IMMEDIATE ACCESS TO STAFF WORKING WITH OR AROUND
5 LARGE CARNIVORES TO DESIGNATED EMERGENCY RESPONSE PERSONNEL THROUGH
6 A WALKIE-TALKIE, CELLULAR TELEPHONE, ALARM, OR OTHER ELECTRONIC
7 DEVICE.

8 (C) PUTS WRITTEN EMERGENCY PROTOCOLS IN PLACE FOR LARGE
9 CARNIVORE ESCAPES AND INJURIES TO HUMANS BY LARGE CARNIVORES. THESE
10 PROTOCOLS SHALL INCLUDE COMMUNICATION SYSTEMS TO NOTIFY LOCAL LAW
11 ENFORCEMENT AND EMERGENCY SERVICES. EMERGENCY DRILLS SHALL BE
12 CONDUCTED ANNUALLY TO PRACTICE RESPONSES FOR LARGE CARNIVORE
13 ESCAPES AND INJURIES TO HUMANS BY LARGE CARNIVORES.

14 (D) IF LAW ENFORCEMENT IS NOT WITHIN A REASONABLE DISTANCE
15 FROM THE FACILITY, PUTS A TRAINED FIREARMS TEAM IN PLACE. A TRAINED
16 FIREARMS TEAM SHALL HAVE PROFESSIONAL TRAINING AND SHALL PRACTICE
17 EMERGENCY RESPONSES AT LEAST 2 TIMES EACH YEAR.

18 (E) PROVIDES ADEQUATE SECURITY AT THE FACILITY 24 HOURS PER
19 DAY.

20 (F) PROVIDES A LARGE CARNIVORE THAT IS NOT NATIVE TO A
21 TEMPERATE ENVIRONMENT WITH A HEATED ENCLOSURE OR ENVIRONMENT. AN
22 ENVIRONMENT THAT RELIES ON CLIMATE CONTROL SHALL HAVE AN EMERGENCY
23 BACKUP SYSTEM AVAILABLE, AND ALL MECHANICAL EQUIPMENT SHALL BE
24 INCLUDED IN A DOCUMENTED PREVENTATIVE MAINTENANCE PROGRAM.

25 (G) ENSURES THAT THE CONDITIONS IN WHICH THE LARGE CARNIVORE
26 IS KEPT TAKE INTO ACCOUNT ALL OF THE FOLLOWING:

27 (i) NEED FOR SPACE.

1 (ii) ENVIRONMENTAL COMPLEXITY.

2 (iii) CHOICE AND CONTROL OVER SOCIAL PARTNERS AND USE OF
3 SPACE.

4 (iv) PROTECTION FROM INJURY AND DISEASE.

5 (H) TRAINS STAFF TO RECOGNIZE ABNORMAL BEHAVIOR AND CLINICAL
6 SIGNS OF ILLNESS AND HAVE KNOWLEDGE REGARDING THE DIETS, HUSBANDRY,
7 NATURAL HISTORY, AND CARE REQUIRED FOR LARGE CARNIVORES UNDER THEIR
8 CARE TO ENSURE THE WELL-BEING OF THE LARGE CARNIVORES.

9 (I) DOES NOT PERFORM DISFIGURING PROCEDURES, INCLUDING, BUT
10 NOT LIMITED TO, DECLAWING AND CANINE TOOTH REMOVAL, UNLESS
11 CONSIDERED MEDICALLY NECESSARY BY THE ATTENDING VETERINARIAN, AND
12 DOES NOT REMOVE SOCIALLY OR NUTRITIONALLY DEPENDENT YOUNG LARGE
13 CARNIVORES FROM THEIR MOTHERS FOR HAND-REARING UNLESS DEEMED
14 MEDICALLY NECESSARY BY THE ATTENDING VETERINARIAN.

15 (J) HAS A WRITTEN POLICY FOR THE ACQUISITION, TRANSFER, AND
16 DISPOSITION OF LARGE CARNIVORES. THE WRITTEN POLICY DESCRIBED IN
17 THIS SUBDIVISION SHALL SATISFY ALL OF THE FOLLOWING:

18 (i) THE POLICY SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE,
19 FEDERAL, AND INTERNATIONAL LAWS AND REGULATIONS.

20 (ii) THE POLICY SHALL REQUIRE DOCUMENTATION OF OWNERSHIP OF
21 LARGE CARNIVORES AND ANY APPLICABLE CHAIN OF CUSTODY.

22 (iii) THE POLICY SHALL ESTABLISH A SYSTEM FOR THE
23 DOCUMENTATION OF ACQUISITION, TRANSFER, AND DISPOSITION OF LARGE
24 CARNIVORES USING A COMPREHENSIVE INSTITUTIONAL RECORD-KEEPING
25 SYSTEM. INDIVIDUAL LARGE CARNIVORES SHALL BE PERMANENTLY IDENTIFIED
26 AS PROVIDED IN SECTION 5.

27 (iv) THE POLICY SHALL REQUIRE THE ACQUISITION OF A FREE-

1 RANGING ANIMAL TO BE DONE IN ACCORDANCE WITH APPLICABLE LOCAL,
2 STATE, FEDERAL, AND INTERNATIONAL LAWS AND REGULATIONS AND SHALL
3 PROHIBIT THE ACQUISITION IF IT IS DETRIMENTAL TO THE LONG-TERM
4 VIABILITY OF THE LARGE CARNIVORE SPECIES IN THE WILD.

5 (K) DOES NOT DO ANY OF THE FOLLOWING:

6 (i) TRANSFER A LARGE CARNIVORE TO A PERSON THAT IS NOT
7 QUALIFIED OR CAPABLE OF SAFELY MAINTAINING THE LARGE CARNIVORE OR
8 ENSURING ITS WELL-BEING.

9 (ii) TRANSFER A LARGE CARNIVORE TO AN ANIMAL AUCTION OR TO A
10 PERSON THAT MAY DISPLAY OR SELL THE LARGE CARNIVORE AT AN ANIMAL
11 AUCTION.

12 (iii) TRANSFER A LARGE CARNIVORE TO A PERSON THAT ALLOWS THE
13 HUNTING OF LARGE CARNIVORES.

14 (iv) RAISE A LARGE CARNIVORE FOR THE PURPOSE OF PROVIDING
15 FOOD, FUR, PELTS, BODY PARTS, ORGANS, OR BODILY FLUIDS, OR TRANSFER
16 A LARGE CARNIVORE TO A PERSON THAT WILL USE THE LARGE CARNIVORE FOR
17 ANY OF THESE PURPOSES.

18 (l) MEETS ALL APPLICABLE LOCAL, STATE, FEDERAL, AND
19 INTERNATIONAL LAWS AND REGULATIONS WHEN DESIGNATING A LARGE
20 CARNIVORE FOR REINTRODUCTION AND RELEASE INTO THE WILD.

21 (M) SATISFIES ALL OF THE FOLLOWING REQUIREMENTS:

22 (i) PROVIDES SUFFICIENT EVIDENCE OF ITS FINANCIAL STABILITY TO
23 THE DEPARTMENT BY SUBMITTING COMPLETE FINANCIAL REPORTS, INCLUDING,
24 BUT NOT LIMITED TO, AN OPERATING BUDGET THAT INDICATES THAT THE
25 FINANCIAL SUPPORT FROM THE GOVERNING AUTHORITY OF THE PERSON OR THE
26 SUPPORT ORGANIZATION MEETS THE PERSON'S NEEDS. THIS SUBPARAGRAPH
27 APPLIES REGARDLESS OF WHETHER THE PERSON IS OPERATING ON A PROFIT

1 OR NONPROFIT BASIS.

2 (ii) HAS A WRITTEN CONTINGENCY PLAN IN PLACE IN THE EVENT THAT
3 A SIGNIFICANT DECREASE IN OPERATING INCOME OCCURS.

4 (iii) PROVIDES INSURANCE COVERAGE FOR STAFF, VOLUNTEERS,
5 VISITORS, AND PHYSICAL FACILITIES.

6 (iv) DISCLOSES SOURCES OF FUNDING FOR CAPITAL IMPROVEMENTS,
7 MAINTENANCE, AND MAJOR REPAIRS OR REPLACEMENTS.

8 (N) PARTICIPATES IN SCIENTIFIC, COOPERATIVELY MANAGED BREEDING
9 PROGRAMS THAT IDENTIFY SPECIFIC AND TYPICALLY THREATENED OR
10 ENDANGERED LARGE CARNIVORE SPECIES THAT ARE COMPOSED OF LARGE
11 CARNIVORES OF KNOWN PROVENANCE AND PEDIGREE. A BREEDING PROGRAM
12 DESCRIBED IN THIS SUBDIVISION SHALL BE BASED ON COMPREHENSIVE
13 PEDIGREE AND DEMOGRAPHIC DATABASES AND ANALYSES AND SHALL HAVE
14 LONG-RANGE POPULATION MANAGEMENT GOALS AND RECOMMENDATIONS TO
15 ENSURE SUSTAINABILITY OF THE POPULATION. A BREEDING PROGRAM
16 DESCRIBED IN THIS SUBDIVISION SHALL NOT ALLOW THE BREEDING OF
17 SPECIES HYBRIDS OR THE BREEDING OF A LARGE CARNIVORE FOR THE
18 PURPOSE OF SELLING, BARTERING, OR TRADING THE LARGE CARNIVORE OR
19 ITS PARTS, AND SHALL ENSURE THAT ADEQUATE SPACE TO HOUSE OFFSPRING
20 OF A LARGE CARNIVORE IS IN PLACE.

21 (O) SATISFIES ALL OF THE FOLLOWING WITH RESPECT TO VETERINARY
22 CARE OF A LARGE CARNIVORE:

23 (i) HAS A STAFF OR ATTENDING VETERINARIAN WITH KNOWLEDGE OF
24 THE SPECIES OF LARGE CARNIVORE HELD BY THE PERSON AVAILABLE 24
25 HOURS PER DAY.

26 (ii) HAS A VETERINARY CARE PROGRAM THAT EMPHASIZES DISEASE
27 PREVENTION.

1 (iii) PERFORMS ROUTINE HEALTH EVALUATIONS TO EVALUATE FOR
2 INFECTIOUS AND NONINFECTIOUS DISEASES COMMON TO LARGE CARNIVORES.
3 THE HEALTH EVALUATIONS DESCRIBED IN THIS SUBPARAGRAPH SHALL
4 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

5 (A) FECAL PARASITE SCREENING.

6 (B) COMPLETE BLOOD COUNT AND SERUM CHEMISTRY.

7 (C) WEIGHT.

8 (D) HEALTH EXAMINATION.

9 (iv) REGULARLY VACCINATES LARGE CARNIVORES FOR INFECTIOUS
10 DISEASES, AS CONSIDERED NECESSARY BY THE ATTENDING VETERINARIAN,
11 AND EXCLUDES FROM ENCLOSURES WILDLIFE OR FERAL ANIMALS THAT COULD
12 TRANSMIT AN INFECTIOUS DISEASE TO A CAPTIVE LARGE CARNIVORE.

13 (v) CONSIDERS PROCEDURES INCLUDING, BUT NOT LIMITED TO,
14 CASTRATION AND OVARIOHYSTERECTOMY, THAT WOULD BENEFIT THE LONG-TERM
15 HEALTH AND WELFARE OF AN INDIVIDUAL LARGE CARNIVORE.

16 (vi) ADOPTS HUMANE EUTHANASIA PRACTICES AS SET FORTH IN THE
17 "AMERICAN VETERINARY MEDICAL ASSOCIATION EUTHANASIA GUIDELINES",
18 NECROPSIES A DECEASED LARGE CARNIVORE TO DETERMINE THE CAUSE OF
19 DEATH, AND DISPOSES OF A LARGE CARNIVORE AFTER A NECROPSY IN
20 ACCORDANCE WITH LOCAL, STATE, AND FEDERAL LAW.

21 (vii) MEETS ALL APPLICABLE LAWS OR REGULATIONS REGARDING FOOD
22 PREPARATION AND STORAGE.

23 (viii) PROVIDES A NUTRITIOUS DIET AND, TO THE BEST OF THE
24 PERSON'S ABILITY, MINIMIZES DISEASE, NUTRITIONAL DEFICIENCIES,
25 INFECTIONS, PARASITE INFESTATIONS, AND OBESITY.

26 (ix) MAKES WRITTEN PROCEDURES AVAILABLE TO STAFF FOR THE USE
27 OF DRUGS FOR VETERINARY PURPOSES, AND MAINTAINS APPROPRIATE

1 SECURITY OVER VETERINARY DRUGS.

2 (P) HAS A WRITTEN CONSERVATION ACTION PLAN AND STRATEGY THAT
3 IS PART OF A COLLABORATIVE, SCIENTIFICALLY MANAGED SPECIES
4 CONSERVATION PROGRAM FOR EACH SPECIES OF LARGE CARNIVORE HELD THAT
5 INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

6 (i) PARTICIPATION IN LOCAL, REGIONAL, NATIONAL, OR
7 INTERNATIONAL CONSERVATION PROGRAMS, INCLUDING, BUT NOT LIMITED TO,
8 STAFF SUPPORT OR PARTICIPATION IN FIELD CONSERVATION ACTIVITIES AND
9 FINANCIAL SUPPORT.

10 (ii) EDUCATION AWARENESS PROGRAMS FOR GUESTS, STAFF,
11 VOLUNTEERS, SUPPORTERS, MEMBERS, VENDORS, AND CONTRACTORS.

12 (iii) EVALUATION AND MEASUREMENT OF THE IMPACT OF CONSERVATION
13 PROGRAMS AND ACTIVITIES.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.