

INCREASE PENALTIES FOR IMPROPER IMPORTATION OF CERVID CARCASS

Phone: (517) 373-8080
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House Bill 4424 (H-1) as amended by the Senate
Sponsor: Rep. John Kivela
Committee: Natural Resources
Complete to 10-11-17

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 124 of 2017)

BRIEF SUMMARY: House Bill 4424 would amend Section 40118 of the Natural Resources and Environmental Protection Act (NREPA) to increase the fine for improper importation of cervid carcasses, or parts of cervid carcasses, from another state or province. The amendatory act would be referred to as the “John Kivela amendatory act.”

“Cervid” refers to deer, elk, moose, caribou, and related species.

FISCAL IMPACT: Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

THE APPARENT PROBLEM:

Chronic wasting disease (CWD) is a contagious, neurological disease that affects cervids. Not only does it pass from animal-to-animal, but it is also believed that cervids can contract the disease even if it is in the soil of the plants they are eating. This is because CWD is caused by prions, which are non-living proteins that can remain in the environment for years.¹ CWD causes the degeneration of a cervid's brain and can result in emaciation, abnormal behavior, loss of bodily functions, and death. However, these symptoms often do not appear until four or five years after a cervid is infected. Currently, the only way to test for CWD in a cervid is through examining its brain. Because this can only be done when the cervid is deceased, there is no way to be sure that a live herd is unaffected. As a result, an entire herd must be killed if a ranch finds one infected deer.

According to the president of the Upper Peninsula Sportsmen's Alliance, deer hunting in the state contributes \$3.2 billion to Michigan's economy. However, the deer populations have decreased dramatically, leaving around 6-10 deer per square mile. A representative of the U.P. Whitetails Association, INC believes that hunters seek deer outside the state due to Michigan's declining deer populations. This not only hurts Michigan's economy, but also increases the chance of a hunter bringing a cervid carcass infected with CWD into the state. CWD has currently been confirmed in 21 other states and 2 Canadian provinces, and there is a likelihood these numbers will continue to grow.²

¹ <https://www.cdc.gov/prions/cwd/transmission.html>

² <https://www.cdc.gov/prions/cwd/occurrence.html>

THE CONTENT OF THE BILL:

House Bill 4424 would amend Section 40118 of the Natural Resources and Environmental Protection Act (NREPA) to increase the fine for improper importation of cervid carcasses, or parts of cervid carcasses, from another state or province.

Presently, NREPA says any violation of Part 401, or an order or interim order issued under Part 401, is a misdemeanor punishable by not more than 90 days imprisonment and/or a fine of at least \$50 but not more than \$500, plus the costs of prosecution. Section 40118, however, contains several instances where specific violations result in a penalty differing from that default penalty. The bill would add a new violation to that list of special penalties.

Under House Bill 4424, importing a cervid carcass, or part of a cervid carcass, from another state or province in violation of statute, or an order or interim order would be a misdemeanor punishable by imprisonment for not more than 90 days, and/or a fine of not less than \$500 or more than \$2,000, plus the costs of prosecution.

The bill would exempt the hides, deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, finished taxidermy products, cleaned teeth, antlers, or antlers attached to a skullcap cleaned of brain and muscle tissue from this penalty.

ARGUMENTS:

For:

Supporters of the bill argue that decreased deer populations in Michigan have been driving away deer hunters. The sport is a large contributor to Michigan's economy, and the state should not risk CWD further contributing to the continuing declines of deer populations. Efforts to eradicate the disease in Michigan, and to keep it out of the state, are needed.

Proponents of the bill would also like to see more effort in educating Michigan citizens about CWD. There are many citizens, some of whom participate in hunting during deer season, who do not know about the disease or are aware that they can be fined for bringing a cervid carcass into the state. However, the current penalties for this act are not severe enough: supporters state that \$50 is a drop in the bucket and does not deter citizens from bringing in a cervid carcass. The proposed increase in the fines would help jumpstart conversations in the state to expand education about CWD and the dangers of transporting cervid carcasses into Michigan.

Against:

There was no testimony submitted in opposition to the bill.

POSITIONS:

A representative from the Upper Peninsula Sportsmen's Alliance testified in support of the bill. (4-19-17)

A representative from the Upper Peninsula Whitetails Association, INC testified in support of the bill, while another representative indicated support. (4-19-17)

The Legislative Liaison from the Department of Natural Resources testified in support of the bill. (4-19-17; 4-26-17)

A representative from the Michigan United Conservation Clubs testified in support of the bill. (4-19-17)

A representative from the Michigan United Conservations Clubs indicated support of the bill. (4-26-17)

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.