

Act No. 610
Public Acts of 2018
Approved by the Governor
December 28, 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. Albert

ENROLLED HOUSE BILL No. 5778

AN ACT to amend 2000 PA 274, entitled “An act to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies,” by amending sections 2, 3, 14, and 22 (MCL 287.1102, 287.1103, 287.1114, and 287.1122), section 2 as amended by 2016 PA 305 and section 22 as amended by 2013 PA 8, and by adding sections 22a, 22b, and 22c.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

(a) “Animal control officer” means a county animal control officer as described in sections 29a and 29b of the dog law of 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village, or township animal control officer as described in section 29c of the dog law of 1919, 1919 PA 339, MCL 287.289c.

(b) “Animal control shelter” or “animal protection shelter” means an animal control shelter or animal protection shelter, respectively, registered with the department under section 6 of 1969 PA 287, MCL 287.336.

(c) “Breeding license” means the license granted under section 22b.

(d) “Department” means the department of agriculture and rural development.

(e) “Facility” means an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept.

(f) “Large carnivore” means either of the following:

(i) Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat:

(A) A lion.

(B) A leopard, including, but not limited to, a snow leopard or clouded leopard.

(C) A jaguar.

(D) A tiger.

(E) A cougar.

(F) A panther.

(G) A cheetah.

(ii) A bear of a species that is native or nonnative to this state, whether wild or captive bred.

(g) “Law enforcement officer” means:

(i) A sheriff or sheriff’s deputy.

(ii) A village or township marshal.

(iii) An officer of the police department of a city, village, or township.

(iv) An officer of the Michigan state police.

(v) A peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(vi) A conservation officer appointed by the department of natural resources.

(vii) An animal control officer.

(viii) A law enforcement officer of the federal government authorized to enforce any federal law regulating animals.

(h) "Livestock" means those species of animals used for human food and for fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, old world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture species, and rabbits. Livestock does not include dogs or cats.

(i) "Local unit" means a city, village, township, or county.

(j) "Permit" means a permit issued under section 4.

(k) "Permitting agency" means the agency of a local unit that issues permits under section 4.

(l) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(m) "Pet shop" means a pet shop licensed by the department under section 3 of 1969 PA 287, MCL 287.333.

(n) "State veterinarian" means the chief animal health official of this state as appointed by the director of the department under section 7 of the animal industry act, 1988 PA 466, 287.707, or his or her authorized representative.

(o) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Sec. 3. A person shall not do any of the following:

(a) Own or possess a large carnivore except in compliance with this act.

(b) Except as provided in section 22, breed a large carnivore.

(c) Transfer ownership or possession of or receive a transfer of ownership or possession of a large carnivore, with or without remuneration. This subdivision does not apply to a transfer of ownership or possession of a large carnivore expressly authorized or required by this act.

Sec. 14. (1) If there is probable cause to believe this act is being violated, a law enforcement officer may give notice of the violation in writing to the owner of the large carnivore. The notice shall identify the violation and include a copy of this act.

(2) Not more than 30 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore or, subject to subsection (3), correct the violation and shall notify the law enforcement officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore and notify the law enforcement officer of the action taken.

(4) A large carnivore transferred under subsection (2) or (3) must be transferred to a person described in section 22(1) (a) or (3). Notice that the large carnivore was transferred under this subsection must include evidence of the transfer satisfactory to the law enforcement officer.

(5) Unless the owner of the large carnivore notifies the law enforcement officer that the large carnivore was transferred under subsection (2) or (3), the law enforcement officer shall conduct an inspection at a reasonable time not less than 30 days after notice of the violation was delivered. When the second inspection is conducted, the owner of the large carnivore shall pay an inspection fee of \$25.00 or actual, reasonable costs of the inspection, whichever is greater, to the law enforcement officer.

(6) If the law enforcement officer finds that the owner of the large carnivore has not complied with subsection (2) or (3), the law enforcement officer shall seek forfeiture of the large carnivore under section 16.

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

(a) A person who is licensed or approved by the department of natural resources of this state or by the United States Fish and Wildlife Service of the United States Department of the Interior. This subdivision does not apply to a person in possession of 1 or more black bears under the authority of a permit to hold wildlife in captivity issued by the department of natural resources.

(b) A law enforcement officer acting under the authority of this act.

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

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

(3) Sections 4, 5, 6(1)(d) to (5)(d), and 14(3) do not apply to an animal control shelter or animal protection shelter in possession of a large carnivore to provide humane euthanasia or export the large carnivore to another state under section 8.

(4) Sections 4, 6(1)(d) to (5)(d), 8, and 14(3) do not apply to a person who resides in this state and meets all of the following requirements:

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

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

(c) Meets or exceeds all standards required of a class C licensee under 9 CFR parts 1 and 2, including, but not limited to, standards for training, housing, care, and transport of large carnivores. If the United States Department of Agriculture has, within the last 5 years, confiscated an animal of, or issued a finally determined direct or critical noncompliance to or a civil penalty, including a cease and desist order, a monetary penalty, or a license suspension or revocation against, a class C licensee, that class C licensee does not meet the requirement under this subdivision.

(d) Except as provided in subsection (5), does not allow a patron to do either of the following:

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

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

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

(f) Does not breed large carnivores.

(5) A person who otherwise meets the requirements under subsection (4) may allow a patron to come into contact with a large carnivore if the large carnivore is a bear less than 36 weeks of age or a bear weighing 90 pounds or less if the person satisfies 1 of the following:

(a) The person was in possession of a bear on March 26, 2013.

(b) The person acquired a business described in subsection (4) from a person who was in possession of a bear on March 26, 2013.

(6) Notwithstanding any law to the contrary, a person who meets the requirements of subsection (5) may breed not more than 4 black bear sows per year if the person satisfies all of the following conditions:

(a) The person does not transfer a large carnivore to any of the following:

(i) A person that is not qualified or capable, as determined by the department, of safely maintaining the large carnivore or ensuring its well-being.

(ii) An animal auction or a person that may display or sell the large carnivore at an animal auction.

(iii) A person that allows the hunting of large carnivores.

(b) The person does not raise a large carnivore for the purpose of providing food, fur, pelts, body parts, organs, or bodily fluids, or transfer a large carnivore to a person that will use the large carnivore for any of those purposes.

(c) The person does not perform disfiguring procedures, including, but not limited to, declawing or canine tooth removal, unless considered medically necessary by a licensed veterinarian.

(7) Sections 3(b), 4, 5, 6(1)(d) to (5)(d), and 14(3) do not apply to a person who holds a valid breeding license under section 22b.

Sec. 22a. Subject to section 22b, a person who meets all of the following requirements may apply to the department for a breeding license to breed large carnivores:

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

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

(c) Meets or exceeds all standards required of a class C licensee under 9 CFR parts 1 and 2, including, but not limited to, standards for training, housing, care, and transport of large carnivores. If the United States Department of Agriculture has, within the last 5 years, confiscated an animal of, or issued a finally determined direct or critical noncompliance to or a civil penalty, including a cease and desist order, a monetary penalty, or a license suspension or revocation against, a class C licensee, that class C licensee does not meet the requirement under this subdivision.

(d) Does not allow a patron to come into direct contact with a large carnivore.

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

Sec. 22b. (1) The application for a license to breed large carnivores must be on a form prescribed by the department and must contain both of the following:

(a) The name, address, telephone number, and electronic mail address of the person applying and, if the person applying is a corporation, partnership, association, governmental entity, or other legal entity, list any partners, officers, or agent for service of process.

(b) A description of the 2 large carnivores the person intends to breed and the purpose for the breeding that demonstrates compliance with section 22c(1)(l).

(2) The application described under subsection (1) must be accompanied by the following:

(a) Documentation from the United States Department of Agriculture that the person has not had an animal confiscated or been issued a finally determined direct or critical noncompliance or civil penalty as described in section 22a(c).

(b) Documentation that the person complies with section 22a.

(c) Documentation that the person complies with section 22c. Documentation that the person complies with section 22c(1)(c) and (d) must be from a local law enforcement agency.

(d) An application fee of \$2,500.00.

(3) Except as provided in subsections (6) and (8), a breeding license to breed the 2 large carnivores identified under subsection (1)(b) that is granted under this section is valid for 3 years from the date the breeding license is granted.

(4) Upon receipt of an application described under subsection (1), the department shall forward the application to the large carnivore breeding advisory committee created in subsection (5). Not later than 90 days after receiving an application under subsection (1), the department shall deny, grant, or grant with conditions the application for a breeding license after considering the recommendation of the state veterinarian. The department shall not grant more than 10 new breeding licenses in a calendar year. Receipt of the application is considered the date the application is received by any agency or department of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing or make notice electronically available within 14 days after receipt of the incomplete application, describing the deficiency and requesting additional information. If the department identifies a deficiency, the 90-day period is tolled upon notification by the department of a deficiency and until the date the requested information is received by the department.

(5) The large carnivore breeding advisory committee is created in the department to advise the department on applications for a breeding license. The committee shall consist of the state veterinarian, who shall serve as chairperson, and the following 2 members appointed by the governor:

(a) One individual who is a member of a public zoo.

(b) One individual who is a member of a private zoo.

(6) The department may revoke a breeding license granted under this section upon the advice from the state veterinarian and after notice and a hearing as provided under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(7) The revenue received for application fees under this section shall be deposited in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209. The application fees collected under this section and placed in the agriculture licensing and inspection fees fund shall be used only by the department to implement this section.

(8) The department may allow a person to amend a breeding license to breed a large carnivore that was not identified on the application under subsection (1)(b) if the person provides all of the following information to the department on forms prescribed by the department:

(a) Verification the person holds a valid breeding license.

(b) A description of the large carnivore that was not identified on the application under subsection (1)(b).

(c) Identification of the large carnivore to be removed from the breeding license.

(d) The reasons the large carnivore identified under subdivision (c) was unable to breed.

Sec. 22c. (1) A person who holds a breeding license granted under section 22b shall do all of the following:

(a) Ensure that a facility in which a large carnivore is housed is adequately lit and free of clutter. Service doors must be clearly marked and in good working condition, and sufficient barriers must be in place to prevent unauthorized access to areas not intended for public access.

(b) 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.

(c) Create written emergency protocols for large carnivore escapes and injuries to humans by large carnivores and conduct annual emergency drills to practice responses for large carnivore escapes and injuries to humans by large carnivores. The emergency protocols must include communication systems to notify local law enforcement and emergency services.

(d) If law enforcement is not within a reasonable distance from the facility, create a trained firearms team. A trained firearms team shall have professional training and practice emergency responses at least 2 times each year.

(e) Provide and ensure the functionality of security and fire protection systems and methods that provide a reasonable level of safety for the collection of animals on a 24-hour basis, including, but not limited to, compliance with local building codes and an appropriate combination of night security, patrols, fire and smoke detection systems and alarms, monitors, and building design features.

(f) House a large carnivore that is not native to a temperate environment in an environment that has climate control and is comfortable for that species of large carnivore. An environment that relies on climate control must have an emergency backup system available, and all mechanical equipment must be included in a documented preventative maintenance program.

(g) Ensure that the conditions in which the large carnivore is kept take into account all of the following:

(i) Need for space.

(ii) Need for complexity in the large carnivore's environment in order to provide for the large carnivore's physical, social, and psychological well-being. The space in which the large carnivore is kept must include provisions for the behavioral enrichment of the large carnivore.

(iii) Choice and control over the use of space and social interactions with other large carnivores in the same space. The person must be capable of separating a large carnivore from other animals if the large carnivore exhibits a desire for separation.

(iv) Protection from injury and disease.

(h) Train staff 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 well-being of the large carnivores.

(i) Maintain a written policy for the acquisition, transfer, and disposition of large carnivores. The written policy described in this subdivision must satisfy all of the following:

(i) The policy must comply with all applicable local, state, federal, and international laws and regulations.

(ii) The policy must require documentation of ownership of large carnivores and any applicable chain of custody.

(iii) The policy must establish a system for the documentation of acquisition, transfer, and disposition of large carnivores using a comprehensive institutional record-keeping system. Individual large carnivores must be permanently identified as provided in section 5.

(iv) The policy must require the acquisition of a free-ranging animal to be done in accordance with applicable local, state, federal, and international laws and regulations and prohibit the acquisition if it is detrimental to the long-term viability of the large carnivore species in the wild.

(j) Meet all applicable local, state, federal, and international laws and regulations when designating a large carnivore for reintroduction and release into the wild.

(k) Satisfy all of the following requirements:

(i) Sign and provide to the department a succession plan for the large carnivores held by the person. The person shall also sign and provide to the department an affidavit stating that the person has the financial ability to care for the collection of large carnivores.

(ii) Has a written contingency plan in place in the event that a significant decrease in operating income occurs.

(iii) Provide insurance coverage for staff, volunteers, visitors, and physical facilities.

(l) Participate in scientific, sustainable, and cooperatively managed breeding programs that identify specific and typically threatened or endangered large carnivore species that are composed of large carnivores of known provenance and pedigree. A breeding program described in this subdivision must be based on comprehensive pedigree and demographic databases and analyses and must have long-range population management goals and recommendations to ensure sustainability of the population. A breeding program described in this subdivision must not allow the breeding of species hybrids or the breeding of a large carnivore for the purpose of selling, bartering, or trading the large carnivore's parts, and must ensure that adequate space to house offspring of a large carnivore is in place.

(m) Satisfy all of the following with respect to veterinary care of a large carnivore:

(i) Has a staff or attending veterinarian with knowledge of the species of large carnivore held by the person available 24 hours per day.

(ii) Has a veterinary care program that emphasizes disease prevention.

(iii) Perform routine health evaluations to evaluate for infectious and noninfectious diseases common to large carnivores. The health evaluations described in this subparagraph must include, but are not limited to, all of the following:

(A) Fecal parasite screening.

(B) Complete blood count and serum chemistry.

(C) Weight.

(D) Health examinations described in section 6(5)(k).

(iv) Regularly vaccinate large carnivores for infectious diseases, as considered necessary by the attending veterinarian, and excludes from enclosures wildlife or feral animals that could transmit an infectious disease to a captive large carnivore.

(v) Consider procedures including, but not limited to, castration and ovariectomy, that would benefit the long-term health and welfare of an individual large carnivore.

(vi) Adopt humane euthanasia practices as set forth in the "American Veterinary Medical Association Euthanasia Guidelines", performs necropsies on the deceased large carnivores to determine the cause of death, and disposes of a large carnivore after a necropsy in accordance with local, state, and federal law.

(vii) Meet all applicable laws or regulations regarding food preparation and storage.

(viii) Provide a nutritious diet and, to the best of the person's ability, minimizes disease, nutritional deficiencies, infections, parasite infestations, and obesity.

(ix) Make written procedures available to staff for the use of drugs for veterinary purposes, and maintains appropriate security over veterinary drugs.

(n) Maintain a written conservation action plan and strategy that is part of a collaborative, scientifically managed species conservation program for each species of large carnivore held that includes, but is not limited to, all of the following:

(i) Participation in local, regional, national, or international conservation programs, including, but not limited to, staff support or participation in field conservation activities and financial support.

(ii) Education awareness programs for guests, staff, volunteers, supporters, members, vendors, and contractors.

(iii) Evaluation and measurement of the impact of conservation programs and activities.

(2) A person who holds a breeding license granted under section 22b shall not do any of the following:

(a) Transfer a large carnivore to a person that is not qualified or capable of safely maintaining the large carnivore or ensuring its well-being.

(b) Transfer a large carnivore to an animal auction or to a person that may display or sell the large carnivore at an animal auction.

(c) Transfer a large carnivore to a person that allows the hunting of large carnivores.

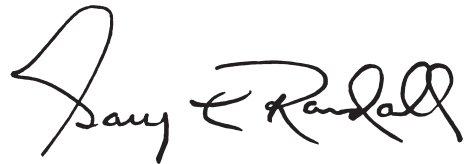
(d) Raise a large carnivore for the purpose of providing food, fur, pelts, body parts, organs, or bodily fluids, or transfer a large carnivore to a person that will use the large carnivore for any of these purposes.

(e) Perform disfiguring procedures, including, but not limited to, declawing and canine tooth removal, unless considered medically necessary by the attending veterinarian.

(f) Remove socially or nutritionally dependent young large carnivores from their mothers for hand-rearing unless deemed medically necessary by the attending veterinarian.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor