

HOUSE BILL NO. 6455

December 01, 2020, Introduced by Rep. Ellison and referred to the Committee on Agriculture.

A bill to regulate the ownership, possession, sale, and import into this state of certain reptiles; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Animal control officer" means an animal control officer
3 as described under sections 29a, 29b, and 29c of the dog law of
4 1919, 1919 PA 339, MCL 287.289a, 287.289b, and 287.289c.

5 (b) "Dangerous reptile" means any of the following animals of

1 the class Reptilia:

2 (i) A member of the order Crocodylia, including, but not
3 limited to, an alligator, crocodile, gharial, or caiman.

4 (ii) A member of the family Atractaspididae.

5 (iii) A member of the species *Dispholidus typus* of the family
6 Colubridae.

7 (iv) A member of the family Elapidae, including, but not
8 limited to, a cobra, mamba, krait, coral snake, or Australian tiger
9 snake.

10 (v) A member of the family Hydrophiidae, including, but not
11 limited to, a sea snake.

12 (vi) A water monitor or crocodile monitor.

13 (vii) A member of the family Viperidae, including, but not
14 limited to, a rattlesnake, cottonmouth, bushmaster, puff adder, or
15 gaboon viper.

16 (c) "Department" means the department of agriculture and rural
17 development.

18 (d) "Director" means the director of the department.

19 (e) "Municipality" means a county, township, city, or village.

20 Sec. 3. (1) Except as otherwise provided in this subsection or
21 section 5, a person shall not own or possess a dangerous reptile.
22 This subsection does not apply to any of the following:

23 (a) A zoo accredited by the Association of Zoos and Aquariums.

24 (b) An institution accredited by the Association for
25 Assessment and Accreditation of Laboratory Animal Care.

26 (c) A sanctuary accredited by the Global Federation of Animal
27 Sanctuaries or the American Sanctuary Association.

28 (d) A law enforcement officer in the course of his or her
29 employment as a law enforcement officer.

1 (e) A veterinarian in the course of his or her occupation as a
2 veterinarian.

3 (f) A permitting agency in the course of its business or
4 mission as a permitting agency.

5 (g) An animal control officer of a local unit of government in
6 the course of his or her occupation as an animal control officer.

7 (2) A person shall not transfer the ownership or possession of
8 a dangerous reptile, except to a person, entity, organization, or
9 agency described in subsection (1)(a) to (g).

10 (3) A person shall not breed, or cause to be bred, a dangerous
11 reptile, except by a person, entity, or organization described in
12 subsection (1)(a) or (b).

13 (4) A person, except for a zoo accredited by the Association
14 of Zoos, shall not import a dangerous reptile into this state
15 unless both of the following conditions are satisfied:

16 (a) The person obtains prior authorization from the
17 department.

18 (b) The person administers, or causes to be administered, a
19 unique and permanent identification for each reptile imported.

20 Sec. 5. This act does not apply to a person that possesses a
21 dangerous reptile on the effective date of this act if all of the
22 following apply on and after that date:

23 (a) The person has and maintains documentation showing that on
24 the effective date of this act the person was in possession of the
25 dangerous reptile.

26 (b) The person has registered the dangerous reptile with the
27 animal control authority of the municipality where it is kept and
28 has paid a registration fee to the municipality, as determined by
29 the department. The person shall include all of the following

1 information when registering the dangerous reptile:

2 (i) The name and address of a veterinarian who the person
3 expects to provide veterinary care to the dangerous reptile.

4 (ii) The total number of animals of each species of dangerous
5 reptile that the person possesses.

6 (iii) Proof that the person has in effect liability insurance
7 coverage in an amount not less than \$250,000.00 with a deductible
8 of not more than \$250.00 per occurrence of property damage, bodily
9 injury, or death caused by each dangerous reptile in the person's
10 possession.

11 (iv) Any other reasonable information determined to be
12 necessary by the municipality.

13 (c) The person does not acquire any additional dangerous
14 reptile, whether by purchase, donation, relinquishment, or
15 breeding.

16 (d) The person has not been convicted of a crime or of a
17 violation of a local, state, or federal law that has the
18 mistreatment of an animal as an element.

19 (e) A local, state, or federal agency has not suspended or
20 revoked any license or permit held by the person that is related to
21 possessing, caring for, exhibiting, breeding, or selling animals.

22 (f) The person develops and is able to implement plans for
23 each of the following situations:

24 (i) The escape of a dangerous reptile in the person's
25 possession.

26 (ii) The occurrence of a natural disaster that interferes with
27 the person's ability to care for or confine a dangerous reptile in
28 the person's possession.

29 (iii) The death of an individual caused by a dangerous reptile

1 in the person's possession.

2 (g) The person has and maintains a current inventory of all of
3 the dangerous reptiles in the person's possession.

4 (h) The person has caused a microchip or pit-tag associated
5 with a number that uniquely identifies the dangerous reptile to be
6 permanently implanted into the dangerous reptile.

7 (i) The person keeps any venomous reptile in the person's
8 possession in a strong escape-proof enclosure that at a minimum
9 meets all of the following conditions:

10 (i) The enclosure is impact-resistant and locked at all times.

11 (ii) The enclosure is prominently labeled with the person's
12 full name, address, telephone number, and list of animals contained
13 in the enclosure by scientific and common names.

14 (iii) A sign that displays the word "venomous" is attached to
15 the enclosure. The signage must include the type and location of an
16 applicable antivenom and contact information of the individual or
17 organization that possesses that antivenom.

18 Sec. 7. A person that violates this act is guilty of a
19 misdemeanor punishable by permanent removal of the dangerous
20 reptile from the defendant's possession and 1 or more of the
21 following:

22 (a) Imprisonment for not more than 93 days.

23 (b) Community service for not more than 500 hours.

24 (c) A fine of not less than \$500.00 or more than \$1,000.00.

25 Sec. 9. A law enforcement officer or animal control officer
26 may seize a dangerous reptile and keep the animal until disposed of
27 in accordance with the rules promulgated by the director under
28 section 11.

29 Sec. 11. The director shall promulgate rules for the

1 implementation and enforcement of this act in accordance with the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328. The rules shall include, but are not limited to, provisions
4 for the disposition of an animal seized under this act.