

Legislative Analysis



BEAR CUBS UNDER LARGE CARNIVORE ACT

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1236 (Substitute H-2 w/ floor amendments)

Sponsor: Sen. Tom Casperson

House Committee: Agriculture

Senate Committee: Agriculture

Complete to 12-12-12

A REVISED SUMMARY OF SENATE BILL 1236 (H-2) AS REPORTED BY HOUSE COMMITTEE & FLOOR AMENDMENTS

In general, the Large Carnivore Act regulates the possession of, and other activities associated with, large carnivores in the state. Individuals can be exempted from the requirements of the act if they meet certain provisions, including (1) conducting a for-profit or non-profit business whose primary purpose is to present animals to the public, (2) possessing a Class C license from the U.S. Department of Agriculture and meeting all of its standards, (3) not allowing patrons to come into contact with large carnivores or get close enough to large carnivores over 20 weeks old that would place the patron in danger, (4) not selling large carnivores, and (5) not breeding large carnivores.

Senate Bill 1236 would amend the Large Carnivore Act so that the exemption from the requirements of the act would apply to facilities that (1) do not allow patrons to come into direct contact with large carnivores, **except for bears less than 36 weeks old and weighing 90 pounds or less**, or (2) facilities that do not allow patrons to come into close enough contact with a large carnivore over 20 weeks old that would place the patron in danger, **except for those that have bears that are less than 36 weeks old and weighing 90 pounds or less**.

As a condition of being exempt under the act, facilities are generally prohibited from breeding large carnivores. The bill would remove that prohibition for facilities that are approved or accredited by the American Zoo and Aquarium Association or the Zoological Association of America.

The bill would also provide an exemption to Class A licensees that meet all of the same conditions for Class C licensees, and require that both license classes register annually with the Department of Agriculture and Rural Development at no cost, and be either (1) a zoological park approved or accredited by the American Zoo and Aquarium Association or the Zoological Association of America, or (2) is a person approved by the American Sanctuary Association.

FISCAL IMPACT:

The H-2 Substitute does not appear to have a direct fiscal impact on the state or local governments. We note that Amendment 1c, which was adopted December 6, 2012,

includes as a requirement for exemption from certain requirements of the act, a person who "registers annually with the department [of Agriculture and Rural Development] at no cost." It is not clear what the registration referenced in the amendment would entail or what, if any, additional costs the registration would impose on the department.

BACKGROUND INFORMATION AND DISCUSSION:

At issue with this legislation is the provision that, as a requirement for exemption under the Large Carnivore Act, prohibits direct contact with a large carnivore or close enough contact with a large carnivore that could pose a threat to a patron. After being inspected by the U.S. Fish and Wildlife Service, an Upper Peninsula bear ranch that provides shelter for rescued bears was found to be in violation of the Large Carnivore Act because it was allowing patrons to have contact with bear cubs that were up to 36 weeks old. According to testimony, the ranch is a popular tourist destination in the Upper Peninsula and has been in operation for several years without any major incidents. Supporters of the legislation feel the law should be changed to allow the bear ranch to continue operating in its current fashion and allow its patrons to interact with bear cubs up to 36 weeks old.

There were concerns regarding public interaction with large carnivores of any age and potential safety issues related to that interaction. According to testimony, there is no reason to compromise the public safety and any interaction between the bear cubs and the public can be done through secure fencing.

POSITIONS:

Representatives of Oswald's Bear Ranch testified in support of the bill. (11-28-12)

Michigan Department of Agriculture and Rural Development is neutral on the bill. (11-28-12)

Humane Society of the United States opposes the bill. (11-28-12)

Representatives of the American Zoological Association and Binder Park Zoo testified in opposition to the bill. (11-28-12)

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: William E. Hamilton

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