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BILL



ANALYSIS

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Senate Bill 210 (Substitute S-1 as reported)
Sponsor: Senator Joe Hune
Committee: Agriculture

Date Completed: 8-17-11

RATIONALE

In 2000, the Large Carnivore Act was enacted in response to a growing interest in the ownership of large carnivores such as big cats and bears, and the problem of those animals' escaping or being let loose when they became too difficult to manage. The Act prohibits the possession of large carnivore without a local permit; regulates the handling, care, and transportation of large carnivores; establishes standards for keeping large carnivores; and specifies owners' responsibilities in instances of attacks. The Act also includes misdemeanor penalties for violations, and permits the seizure of a large carnivore under certain circumstances. Certain requirements of the Act do not apply to a zoo approved or accredited by the "American Zoo and Aquarium Association". This apparently refers to the Association of Zoos and Aquariums, or AZA. Facilities accredited by the AZA generally are large commercial zoos and aquariums typically marketed toward and open to the public. The Zoological Association of America (ZAA) is a smaller and newer accrediting organization. Facilities accredited by the ZAA typically are smaller operations, such as wildlife preserves, and may or may not have a commercial operation. At least one privately owned zoo in Michigan evidently would like to pursue ZAA accreditation, and some people believe that facilities accredited by that organization also should be exempt from the provisions of the Large Carnivore Act that do not apply to AZA-accredited facilities.

CONTENT

The bill would amend the Large Carnivore Act to exempt from portions of the Act a person who is licensed by the U.S. Department of Agriculture (USDA) and whose facilities are accredited by the Zoological Association of America.

Under various exemptions contained in the Act, a zoological park approved or accredited by the American Zoo and Aquarium Association is exempt from requirements regarding obtaining a permit for possession of a large carnivore, the placement of an identification number via subcutaneous microchip, and confinement and control of the animal. Under the bill, a person licensed by the USDA whose facilities are accredited by the Zoological Association of America also would be exempt from those provisions.

("Large carnivore" is defined as any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat: a lion, a leopard (including a snow leopard or clouded leopard), a jaguar, a tiger, a cougar, a panther, or a cheetah; or a bear of a species that is native or nonnative to Michigan, whether wild or captive bred. "Facility" means an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept.)

MCL 287.1122

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Large Carnivore Act was a response to a growing interest in private ownership of certain exotic animals, presumably as pets, and some owners' irresponsible care for and management of those animals. The Act generally prohibits a person from possessing a large carnivore unless he or she owned and possessed large carnivores on the Act's effective date, applied for a permit for the animals within 90 days after the Act took effect, and obtained a permit for them. The Act also includes standards for the control and transport of large carnivores. As noted above, a zoological park approved or accredited by the AZA is exempt from certain requirements of the Act, including the requirement to obtain a permit. Reportedly, the AZA typically provides accreditation to large commercial zoos, provides marketing expertise, and requires a large fee and percentage of a facility's gate receipts.

The ZAA was founded in 2005 upon the merger of two other entities. According to its website, the ZAA was formed "for the purpose of promoting responsible conservation, preservation, and propagation of animals in both private and public domains". It has both individual and facility membership categories, along with accreditation programs. According to a ZAA official who testified before the Senate Agriculture Committee, the organization has over 200 members and 37 accredited institutions, and over 40 more are currently pursuing ZAA-accredited status. The ZAA generally represents smaller or less-commercial facilities, such as conservation and propagation ranches, and small privately owned zoological parks. The ZAA official told the Senate committee that the organization establishes a standard of professionalism, looks at physical facilities as well as animal care practices, and examines safety programs for animals, employees, and the public. It responds to complaints and provides a mentoring function to its members. The ZAA is headquartered in Florida, and its process is based on that state's recommended standards.

The DeYoung Family Zoo, a privately owned zoo in Michigan's Upper Peninsula, evidently is pursuing ZAA accreditation and would like to be exempt from the standards of the Large Carnivore Act to the extent that AZA-

accredited zoos are exempt. According to its website, the DeYoung Family Zoo is in a natural setting and has over 400 animals from around the world, and it includes large natural habitats and provides hands-on educational experiences. The DeYoung Family Zoo is licensed by the USDA and recently had to meet National Geographic standards and practices in order to be featured on the Nat Geo Wild cable channel's program, "My Life Is A Zoo".

By extending an exemption from requirements of the Large Carnivore Act to a person who is licensed by the USDA and whose facilities are accredited by the ZAA, the bill would allow the DeYoung Family Zoo and similar facilities that qualify for ZAA accreditation and USDA licensure, to operate without being subject to regulations that were enacted to address people keeping exotic pets.

Response: According to officials from the Michigan Department of Agriculture and Rural Development (MDARD), the regulatory agency with jurisdiction under the Large Carnivore Act, the bill should refer specifically to a Class C USDA license. The USDA issues many types of licenses and it should be clear that a facility would have to hold a Class C license in order to meet the exemption criteria. (A Class C licensee is someone whose business involves the showing or display of animals to the public.) The MDARD officials also indicated that ZAA accreditation is not as rigorous as the Department would like it to be in some areas, such as water potability and animal nutrition.

Opposing Argument

The bill would set a dangerous precedent of allowing potentially substandard facilities to operate without State oversight. According to written testimony submitted to the Senate Agriculture Committee by the Humane Society of the United States, an exemption for ZAA-accredited facilities would severely weaken regulations designed to restrict the private possession of exotic animals to qualified facilities. The Humane Society claims, "A number of ZAA-accredited facilities are nothing more than privately-run menageries that breed and sell exotic animals, furthering the pet trade and contributing to the problem of unqualified individuals possessing dangerous wild animals." This support of the private ownership of exotic pets and the

commercialization of wildlife is contrary to the purposes of the Large Carnivore Act.

Accreditation should be a stringent process ensuring that facilities provide humane care and safe conditions that exceed minimal standards of the Federal Animal Welfare Act. The Humane Society contends that the ZAA's standards fall short of what zoo professionals consider appropriate and are based on the very minimal standards adopted by the Florida Fish and Wildlife Commission. The Humane Society testimony says that Florida has more deaths and injuries caused by captive big cats, bears, primates, and elephants than any other state.

The AZA should remain the only organization whose accredited zoo facilities are exempt under the Large Carnivore Act. The AZA has a long history of setting industry standards for zoological institutions and has a comprehensive application and review process for accreditation. It also includes very detailed guidelines covering animal diseases, emergency procedures, public safety, handling of dangerous animals, and security personnel training. By comparison, the ZAA reportedly has very few guidelines pertaining to these safety-related categories, and even allows its members to facilitate public contact with exotic animals. According to the Humane Society, 41 states currently ban or require permits for the private ownership of exotic animals and nearly all of them recognize that ZAA accreditation is insufficient to qualify for an exemption.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State.

The bill would have an indeterminate fiscal impact on local government. It is unclear how many people would be exempted from the criminal penalties established in the Large Carnivore Act. To the extent that the additional exemption reduced misdemeanor convictions related to the possession of large carnivores, local units of government would realize reduced corrections costs.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.