HOUSE SUBSTITUTE FOR SENATE BILL NO. 1236

A bill to amend 2000 PA 274, entitled "Large carnivore act,"

by amending sections 2 and 22 (MCL 287.1102 and 287.1122).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Animal control officer" means a county animal control
- 3 officer as described in sections 29a and 29b of the dog law of
- 4 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village,
- 5 or township animal control officer as described in section 29c of
- 6 the dog law of 1919, 1919 PA 339, MCL 287.289c.
- 7 (b) "Animal control shelter" or "animal protection shelter"
- 8 means an animal control shelter or animal protection shelter,
- 9 respectively, registered with the department under section 6 of

- 1 1969 PA 287, MCL 287.336.
- 2 (c) "Circus" means an incorporated, class C licensee that is
- 3 licensed under chapter I of title 9 of the code of federal
- 4 regulations, that is temporarily in this state, and that offers
- 5 skilled performances by live animals, clowns, and acrobats for
- 6 public entertainment. Circus does not include a person, whether or
- 7 not a class C licensee, who presents a large carnivore to the
- 8 public as part of a carnival or for any of the following purposes:
- 9 (i) Exhibition.
- 10 (ii) Education.
- 11 (iii) Entertainment that includes wrestling, a photography
- 12 opportunity with a patron, or an activity in which the large
- 13 carnivore and a patron are in close contact with each other.
- 14 (d) "Department" means the department of agriculture AND RURAL
- 15 DEVELOPMENT.
- 16 (e) "Facility" means an indoor or outdoor cage, pen, or
- 17 similar enclosure where a large carnivore is kept.
- 18 (f) "Large carnivore" means either of the following:
- (i) Any of the following cats of the Felidae family, whether
- 20 wild or captive bred, including a hybrid cross with such a cat:
- 21 (A) A lion.
- 22 (B) A leopard, including, but not limited to, a snow leopard
- 23 or clouded leopard.
- **24** (C) A jaquar.
- **25** (D) A tiger.
- 26 (E) A cougar.
- (F) A panther.

- 1 (G) A cheetah.
- 2 (ii) A bear of a species that is native or nonnative to this
- 3 state, whether wild or captive bred.
- 4 (q) "Law enforcement officer" means:
- 5 (i) A sheriff or sheriff's deputy.
- 6 (ii) A village or township marshal.
- 7 (iii) An officer of the police department of a city, village, or
- 8 township.
- 9 (iv) An officer of the Michigan state police.
- 10 (v) A peace officer who is trained and certified under the
- 11 commission on law enforcement standards act, 1965 PA 203, MCL
- **12** 28.601 to 28.616.
- (vi) A conservation officer appointed by the department of
- 14 natural resources.
- 15 (vii) An animal control officer.
- 16 (viii) A law enforcement officer of the federal government
- 17 authorized to enforce any federal law regulating animals.
- 18 (h) "Livestock" means that term as defined in section 5 of the
- 19 animal industry act, of 1987, 1988 PA 466, MCL 287.705.
- (i) "Local unit" means a city, village, township, or county.
- 21 (j) "Permit" means a permit issued under section 4.
- (k) "Permitting agency" means the agency of a local unit that
- 23 issues permits under section 4.
- 24 (l) "Person" means an individual, partnership, corporation,
- 25 association, governmental entity, or other legal entity.
- 26 (m) "Pet shop" means a pet shop licensed by the department
- 27 under section 3 of 1969 PA 287, MCL 287.333.

- 1 (n) "Veterinarian" means a person licensed to practice
- 2 veterinary medicine under article 15 of the public health code,
- 3 1978 PA 368, MCL 333.16101 to 333.18838.
- 4 Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of the
- 5 following:
- 6 (a) An animal control shelter or animal protection shelter
- 7 TEMPORARILY IN POSSESSION OF A LARGE CARNIVORE FOR NOT MORE THAN 45
- 8 DAYS.
- 9 (b) A person licensed or approved by the department of natural
- 10 resources of this state or by the United States fish and wildlife
- 11 service of the United States department of the interior. This
- 12 subdivision does not apply to a person in possession of 1 or more
- 13 black bears under the authority of a permit to hold wildlife in
- 14 captivity issued by the department of natural resources.
- 15 (c) A zoological park approved or accredited by the American
- 16 zoo and aquarium association.
- 17 (d) A person approved by the association of sanctuaries or the
- 18 American sanctuary association.
- 19 (C) (e) A law enforcement officer acting under the authority
- 20 of this act.
- 21 (D) (f)—A veterinarian temporarily in possession of a large
- 22 carnivore to provide veterinary care for or humanely euthanize the
- 23 large carnivore.
- 24 (2) Sections 4, 5, 6(1)(d) to (5)(d), 8, and 14(3) do not
- 25 apply to a person who is not a resident of this state and who is in
- 26 this state only for the purpose of travel between locations outside
- 27 of this state.

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- 1 (3) Subject to subsection (2), this act does SECTIONS 3, 4,
- 2 AND 6 DO not apply to a person who meets all of the following
- 3 requirements:
- 4 (a) Is conducting a for-profit or nonprofit business, IF THE
- 5 PRIMARY PURPOSE OF that meets both of the following requirements:
- 6 $\frac{(i)}{}$ The primary purpose of the business is the presentation of
- 7 animals including large carnivores to the public for education, or
- 8 exhibition, OR CONSERVATION purposes.
- 9 (ii) The business is not conducted in connection with another
- 10 business as a means of attracting customers to that other business.
- 11 (b) Is a CLASS A LICENSEE OR class C licensee that possesses
- 12 and maintains a CLASS A LICENSE OR class C license under 9 C.F.R.
- 13 CFR 1.1 [REGISTERS ANNUALLY WITH THE DEPARTMENT AT NO COST] -AND IS APPROVED OR ACCREDITED BY 1 OF THE FOLLOWING:
- 14 (i) A ZOOLOGICAL PARK APPROVED OR ACCREDITED BY THE AMERICAN
- 15 ZOO AND AQUARIUM ASSOCIATION OR BY THE ZOOLOGICAL ASSOCIATION OF
- 16 AMERICA.
- 17 (ii) A PERSON APPROVED BY THE AMERICAN SANCTUARY ASSOCIATION.
- 18 (c) Meets or exceeds all standards, including but not limited
- 19 to standards for training, housing, care, and transport of large
- 20 carnivores, required of a CLASS A LICENSEE OR class C licensee
- 21 under 9 C.F.R. CFR 1.1.
- (d) Does not allow a patron to do any of the following:
- 23 (i) Come into direct contact with a large carnivore OTHER THAN
- 24 A BEAR LESS THAN 36 WEEKS OF AGE [AND] WEIGHING 90 POUNDS OR
- 25 LESS.
- 26 (ii) Come into close enough contact with a large carnivore over
- 27 20 weeks of age, OTHER THAN A BEAR LESS THAN 36 WEEKS OF AGE [AND

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- 1] WEIGHING 90 POUNDS OR LESS, so as to place the patron in
- 2 jeopardy of being harmed by the large carnivore.
- 3 (e) Does not sell large carnivores, except to another person
- 4 that meets the requirements of this subsection.
- 5 (f) Does not breed ONLY BREEDS large carnivores IF APPROVED OR
- 6 ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION OR BY THE
- 7 ZOOLOGICAL ASSOCIATION OF AMERICA.
- 8 (4) This act does not apply to a circus.