

Legislative Analysis



BAN OWNING, BREEDING & IMPORTING NONHUMAN PRIMATES

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House Bill 4300 (reported from committee with amendment)

Sponsor: Rep. Andrew Kandrevas

Committee: Criminal Justice

Complete to 5-28-13

A SUMMARY OF HOUSE BILL 4300 AS REPORTED BY COMMITTEE 5-22-13

The bill would prohibit owning, possessing, breeding, or importing into the state a nonhuman primate, except as allowed. A violation would be a misdemeanor.

House Bill 4300 would add a new provision to the Michigan Penal Code to prohibit the following:

- Transferring the ownership or possession of a nonhuman primate (NHP) except as otherwise authorized by the bill.
- Breeding or causing to breed an NHP unless authorized by the bill.
- Importing an NHP into the state unless the person obtained prior authorization from the Department of Agriculture and Rural Development and the person administers, or causes to be administered, a unique and permanent identification for each NHP.

The bill does not define the term "nonhuman primates," but it is generally understood to include classes of primates such as apes, monkeys, baboons, and lemurs, among others.

Exemptions

The bill would not apply to any of the following:

- A zoo accredited by the Association of Zoos and Aquariums.
- An institution accredited by the Association for Assessment and Accreditation of Laboratory Animal Care.
- A sanctuary accredited by the Global Federation of Animal Sanctuaries or the American Sanctuary Association.
- A person or organization holding a valid license issued by the U.S. Department of Agriculture for engaging in an activity involving an NHP while the licensee is engaged in the permitted activity.
- A law enforcement officer in the course of employment.
- A veterinarian in the course of the occupation.
- A permitting agency in the course of its business or mission as a permitting agency.
- Animal control personnel of a local unit of government in the course of occupation as an animal control office.

- A person who owns or possesses a Capuchin monkey trained to assist a person with a permanent disability or who is mobility impaired, if the service primate was trained by a 501(c)(3) charitable organization to assist a person living with a permanent physical disability or a person who is mobility impaired if the service primate is not located, and has no contact with people, in a public place.

Authorization to breed

Only an accredited zoo, laboratory, or person owning or possessing a Capuchin service monkey as described above would be authorized to breed, or cause to be bred, a nonhuman primate.

Grandfather clause

The bill would not apply to a person owning or possessing an NHP on the date the bill is enacted into law. The exemption would only extend to the specific, individual NHP(s) owned or possessed on that date, and would apply only until the NHP died.

Penalty

A violation would be a misdemeanor punishable by permanent removal of the NHP from the defendant and imprisonment for not more than 93 days, community service for not more than 500 hours, and/or a fine of at least \$500 but not more than \$1,000.

The bill would take effect 90 days after enactment.

MCL 750.70a (proposed)

FISCAL IMPACT:

Information is not available on the number of persons who might be found in violation. Also, the bill provides for a number of different punishment options. Revenues and costs to the state and/or local units would depend on the punishment option assigned. Costs on local correctional systems would occur if jail terms are assigned. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. There would be an increase in fine revenue to the state if fines were assessed. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

POSITIONS:

The Department of Agriculture and Rural Development indicated support for the bill. (5-22-13)

A representative of the Michigan Humane Society testified in support of the bill. (5-15-13)

The ASPCA submitted testimony supporting the bill. (5-15-13)

The Detroit Zoo indicated support for the bill. (5-15-13)

The Michigan Veterinary Medical Association indicated support for the bill. (5-15-13)

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■ 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.