

SENATE BILL No. 48

January 16, 2013, Introduced by Senators CASPERSON and WALKER and referred to the Committee on Agriculture.

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:

19 (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 jaguar.

25 (D) A tiger.

26 (E) A cougar.

27 (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 (g) "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.

13 (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.

20 (i) "Local unit" means a city, village, township, or county.

21 (j) "Permit" means a permit issued under section 4.

22 (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 (b) A person licensed or approved by the department of natural
8 resources of this state or by the United States fish and wildlife
9 service of the United States department of the interior. This
10 subdivision does not apply to a person in possession of 1 or more
11 black bears under the authority of a permit to hold wildlife in
12 captivity issued by the department of natural resources.

13 (c) A zoological park approved or accredited by the American
14 zoo and aquarium association.

15 (d) A person approved by the association of sanctuaries or the
16 American sanctuary association.

17 (e) A law enforcement officer acting under the authority of
18 this act.

19 (f) A veterinarian temporarily in possession of a large
20 carnivore to provide veterinary care for or humanely euthanize the
21 large carnivore.

22 (2) Sections 4, 5, 6(1)(d) to (5)(d), 8, and 14(3) do not
23 apply to a person who is not a resident of this state and who is in
24 this state only for the purpose of travel between locations outside
25 of this state.

26 (3) Subject to subsection (2), this act does not apply to a
27 person who meets all of the following requirements:

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1 (a) Is conducting a for-profit or nonprofit business, that
2 ~~meets both of the following requirements:~~

3 ~~—— (i) The~~ **IF THE** primary purpose of ~~the~~ **THAT** business is the
4 presentation of animals including large carnivores to the public
5 for education or exhibition purposes.

6 ~~—— (ii) The business is not conducted in connection with another~~
7 ~~business as a means of attracting customers to that other business.~~

8 (b) Is a class C licensee that possesses and maintains a class
9 C license under 9 ~~C.F.R. 1.1.~~ **CFR PARTS 1 AND 2.**

10 (c) Meets or exceeds all standards, including but not limited
11 to standards for training, housing, care, and transport of large
12 carnivores, required of a class C licensee under 9 ~~C.F.R. 1.1.~~ **CFR**
13 **PARTS 1 AND 2.**

14 (d) [~~Does~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), DOES**] not allow a
patron to do any of the following:

15 (i) Come into direct contact with a large carnivore [.

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17]

18 (ii) Come into close enough contact with a large carnivore over
19 20 weeks of age [

20] so as to place the patron in

21 jeopardy of being harmed by the large carnivore.

22 (e) Does not sell large carnivores, except to another person
23 that meets the requirements of this subsection.

24 (f) Does not breed large carnivores.

**[(4) THIS ACT DOES NOT APPLY TO A PERSON WHO ALLOWS A PATRON TO
COME INTO CONTACT WITH A LARGE CARNIVORE UNDER SUBSECTION (3) (D) (i) OR
(ii) IF THE LARGE CARNIVORE IS A BEAR LESS THAN 36 WEEKS OF AGE OR A BEAR
WEIGHING 90 POUNDS OR LESS IF THE PERSON OTHERWISE MEETS THE REQUIREMENTS
OF SUBSECTION (3) AND SATISFIES 1 OF THE FOLLOWING:**

**(A) THE PERSON WAS IN POSSESSION OF A BEAR ON THE EFFECTIVE DATE OF
THE 2013 AMENDATORY ACT THAT AMENDED THIS SECTION.**

**(B) THE PERSON ACQUIRED A BUSINESS DESCRIBED IN SUBSECTION (3) (A)
FROM A PERSON WHO WAS IN POSSESSION OF A BEAR ON THE EFFECTIVE DATE OF
THE 2013 AMENDATORY ACT THAT AMENDED THIS SECTION.**

25 **(5) (4)]** This act does not apply to a circus.