

BREEDING BLACK BEARS

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House Bill 6050 (reported from committee as substitute H-1)

Sponsor: Rep. Dan Lauwers

Committee: Agriculture

Complete to 6-7-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6050 would amend the Large Carnivore Act to allow for breeding of black bears under certain situations.

Currently under the act, a person may allow a patron to come into direct or close contact with a black bear that is less than 36 weeks old or weighs 90 pounds or less if the person meets certain requirements under the law regarding, among other things, his or her business activity and his or her care of the animals. One of the requirements is that the person not breed large carnivores (including bears).

Under the bill, a person who meets the qualifications mentioned above could breed up to 4 black bear sows per year if that person also satisfies *all* of the following:

- The person does not transfer a large carnivore to any of the following:
 - A person who is not qualified or capable of safely maintaining the large carnivore or ensuring its well-being.
 - A person who allows the hunting of large carnivores.
 - A person or animal auction that may display or sell the large carnivore at an animal auction.
- The person does not raise a large carnivore for the purpose of providing food, fur, pelts, body parts, organs, or bodily fluids, or transfer a large carnivore to a person that would use the large carnivore for any of those purposes.
- The person does not perform disfiguring procedures, including, but not limited to, declawing or canine tooth removal, unless considered medically necessary by a licensed veterinarian.

In addition to bears, large carnivores under the act include lions, tigers, leopards, cougars, jaguars, panthers, and cheetahs and a hybrid cross with any of these cats.

The bill would take effect 90 days after enactment.

MCL 287.1122

FISCAL IMPACT:

The Michigan Department of Agriculture and Rural Development (MDARD) currently has limited administrative responsibilities under the Large Carnivore Act—primarily as the

designated recipient of information collected by local units of government, police agencies, and veterinarians:

Section 4(6) requires the local unit that issues a permit to notify MDARD of the name and address of the permit holder and the number of large carnivores owned by the permit holder.

Section 6(5)(l) requires the owner of a large carnivore that dies to arrange to have the death certified in writing by a veterinarian, law enforcement officer, or the permitting agency, and for the veterinarian, law enforcement officer, or permitting agency to submit the certification to MDARD within 20 business days after the death.

We note that Section 9(1) requires the owner of a large carnivore that had potentially exposed a human to rabies to report the potential exposure to the local health department within 24 hours. Section 9(2) requires the owner of a large carnivore that had potentially exposed livestock or a mammalian pet to report the potential exposure to the local unit permitting agency within 24 hours. In neither instance is there a requirement that MDARD be notified.

Currently, MDARD's only direct active responsibility under the Large Carnivore Act appears to be in Section 23, which requires the department to provide each pet shop, animal control shelter, and animal protection shelter with information on the requirements of the act. The department does not currently perform site visits or inspections of permittees to ensure compliance with the act.

House Bill 6050 does not appear to materially change MDARD's responsibilities under the act. As a result, we conclude that the bill would have little or no fiscal impact with respect to MDARD.

However, we note that the bill would allow persons to breed up to 4 black bears per year under restrictions and limitations established in the bill. One of the limitations is that a person could not transfer a large carnivore to a person that is not qualified or capable, *as determined by the department*, of safely maintaining the large carnivore or ensuring its well-being. It is not clear how the department would determine when a large carnivore was being transferred, or whether the person receiving the large carnivore was qualified or capable of safely maintaining the large carnivore or ensuring its well-being.

The bill would have no apparent impact on local units of government.

POSITIONS:

A representative of Oswald's Bear Ranch testified in support of the bill on 5-23-18 and indicated support on 6-6-18.

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