

SUBSTITUTE FOR
SENATE BILL NO. 658

A bill to amend 2000 PA 274, entitled
"Large carnivore act,"
by amending section 22 (MCL 287.1122), as amended by 2013 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22. (1) Sections 4 ~~, AND~~ 5 ~~, and 6~~ do not apply to any of
2 the following:

3 (a) An animal control shelter or animal protection shelter.

4 (b) A person licensed or approved by the department of natural
5 resources of this state, ~~or by the United States fish and wildlife~~
6 ~~service~~ **FISH AND WILDLIFE SERVICE** of the United States ~~department~~
7 ~~of the interior.~~ **DEPARTMENT OF THE INTERIOR, OR HAS RECEIVED A**
8 **CLASS C LICENSE FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE.**

9 This subdivision does not apply to a person in possession of 1 or
10 more black bears under the authority of a permit to hold wildlife

1 in captivity issued by the department of natural resources.

2 ~~—— (c) A zoological park approved or accredited by the American~~
3 ~~zoo and aquarium association.~~

4 ~~—— (d) A person approved by the association of sanctuaries or the~~
5 ~~American sanctuary association.~~

6 (C) ~~(e)~~ A law enforcement officer acting under the authority
7 of this act.

8 (D) ~~(f)~~ A veterinarian temporarily in possession of a large
9 carnivore to provide veterinary care for or humanely euthanize the
10 large carnivore.

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

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

17 (a) Is conducting a for-profit or nonprofit business, if the
18 primary purpose of that business is the presentation of animals
19 including large carnivores to the public for education or
20 exhibition purposes.

21 (b) Is a class C licensee that possesses and maintains a class
22 C license under 9 CFR parts 1 and 2.

23 (c) Meets or exceeds all standards, including but not limited
24 to standards for training, housing, care, and transport of large
25 carnivores, required of a class C licensee under 9 CFR parts 1 and
26 2.

27 (d) Except as provided in subsection (4), does not allow a

patron to do any of the following:

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

(ii) Come into close enough contact with a large carnivore over 20 weeks of age so as to place the patron in jeopardy of being harmed by the large carnivore.

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

(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.~~ **MARCH 26, 2013.**

(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.~~ **MARCH 26, 2013.**

(5) This act does not apply to a circus.

(6) SECTION 3(B) DOES NOT APPLY TO A PERSON WHO, IN ADDITION TO COMPLYING WITH THE REQUIREMENTS OF THIS ACT, DOES ALL OF THE FOLLOWING:

(A) ENSURES THAT A FACILITY IN WHICH A LARGE CARNIVORE IS HOUSED IS ADEQUATELY LIT AND FREE OF CLUTTER. SERVICE DOORS SHALL

1 BE CLEARLY MARKED AND IN GOOD WORKING CONDITION, AND SUFFICIENT
2 BARRIERS SHALL BE IN PLACE TO PREVENT UNAUTHORIZED ACCESS TO AREAS
3 NOT INTENDED FOR PUBLIC ACCESS.

4 (B) PROVIDES IMMEDIATE ACCESS TO STAFF WORKING WITH OR AROUND
5 LARGE CARNIVORES TO DESIGNATED EMERGENCY RESPONSE PERSONNEL THROUGH
6 A WALKIE-TALKIE, CELLULAR TELEPHONE, ALARM, OR OTHER ELECTRONIC
7 DEVICE.

8 (C) PUTS WRITTEN EMERGENCY PROTOCOLS IN PLACE FOR LARGE
9 CARNIVORE ESCAPES AND INJURIES TO HUMANS BY LARGE CARNIVORES. THESE
10 PROTOCOLS SHALL INCLUDE COMMUNICATION SYSTEMS TO NOTIFY LOCAL LAW
11 ENFORCEMENT AND EMERGENCY SERVICES. EMERGENCY DRILLS SHALL BE
12 CONDUCTED ANNUALLY TO PRACTICE RESPONSES FOR LARGE CARNIVORE
13 ESCAPES AND INJURIES TO HUMANS BY LARGE CARNIVORES.

14 (D) IF LAW ENFORCEMENT IS NOT WITHIN A REASONABLE DISTANCE
15 FROM THE FACILITY, PUTS A TRAINED FIREARMS TEAM IN PLACE. A TRAINED
16 FIREARMS TEAM SHALL HAVE PROFESSIONAL TRAINING AND SHALL PRACTICE
17 EMERGENCY RESPONSES AT LEAST 2 TIMES EACH YEAR.

18 (E) PROVIDES AND ENSURES THE FUNCTIONALITY OF SECURITY AND
19 FIRE PROTECTION SYSTEMS AND METHODS THAT PROVIDE A REASONABLE LEVEL
20 OF SAFETY FOR THE COLLECTION OF ANIMALS ON A 24-HOUR BASIS,
21 INCLUDING, BUT NOT LIMITED TO, COMPLIANCE WITH LOCAL BUILDING CODES
22 AND AN APPROPRIATE COMBINATION OF NIGHT SECURITY, PATROLS, FIRE AND
23 SMOKE DETECTION SYSTEMS AND ALARMS, MONITORS, AND BUILDING DESIGN
24 FEATURES.

25 (F) HOUSES A LARGE CARNIVORE THAT IS NOT NATIVE TO A TEMPERATE
26 ENVIRONMENT IN AN ENVIRONMENT THAT HAS CLIMATE CONTROL AND IS
27 COMFORTABLE FOR THAT SPECIES OF LARGE CARNIVORE. AN ENVIRONMENT

1 THAT RELIES ON CLIMATE CONTROL SHALL HAVE AN EMERGENCY BACKUP
2 SYSTEM AVAILABLE, AND ALL MECHANICAL EQUIPMENT SHALL BE INCLUDED IN
3 A DOCUMENTED PREVENTATIVE MAINTENANCE PROGRAM.

4 (G) ENSURES THAT THE CONDITIONS IN WHICH THE LARGE CARNIVORE
5 IS KEPT TAKE INTO ACCOUNT ALL OF THE FOLLOWING:

6 (i) NEED FOR SPACE.

7 (ii) NEED FOR COMPLEXITY IN THE LARGE CARNIVORE'S ENVIRONMENT
8 IN ORDER TO PROVIDE FOR THE LARGE CARNIVORE'S PHYSICAL, SOCIAL, AND
9 PSYCHOLOGICAL WELL-BEING. THE SPACE IN WHICH THE LARGE CARNIVORE IS
10 KEPT SHALL INCLUDE PROVISIONS FOR THE BEHAVIORAL ENRICHMENT OF THE
11 LARGE CARNIVORE.

12 (iii) CHOICE AND CONTROL OVER THE USE OF SPACE AND SOCIAL
13 INTERACTIONS WITH OTHER LARGE CARNIVORES IN THE SAME SPACE. THE
14 PERSON SHALL BE CAPABLE OF SEPARATING A LARGE CARNIVORE FROM OTHER
15 ANIMALS IF THE LARGE CARNIVORE EXHIBITS A DESIRE FOR SEPARATION.

16 (iv) PROTECTION FROM INJURY AND DISEASE.

17 (H) TRAINS STAFF TO RECOGNIZE ABNORMAL BEHAVIOR AND CLINICAL
18 SIGNS OF ILLNESS AND HAVE KNOWLEDGE REGARDING THE DIETS, HUSBANDRY,
19 NATURAL HISTORY, AND CARE REQUIRED FOR LARGE CARNIVORES UNDER THEIR
20 CARE TO ENSURE THE WELL-BEING OF THE LARGE CARNIVORES.

21 (I) DOES NOT PERFORM DISFIGURING PROCEDURES, INCLUDING, BUT
22 NOT LIMITED TO, DECLAWING AND CANINE TOOTH REMOVAL, UNLESS
23 CONSIDERED MEDICALLY NECESSARY BY THE ATTENDING VETERINARIAN, AND
24 DOES NOT REMOVE SOCIALLY OR NUTRITIONALLY DEPENDENT YOUNG LARGE
25 CARNIVORES FROM THEIR MOTHERS FOR HAND-REARING UNLESS DEEMED
26 MEDICALLY NECESSARY BY THE ATTENDING VETERINARIAN.

27 (J) HAS A WRITTEN POLICY FOR THE ACQUISITION, TRANSFER, AND

DISPOSITION OF LARGE CARNIVORES. THE WRITTEN POLICY DESCRIBED IN THIS SUBDIVISION SHALL SATISFY ALL OF THE FOLLOWING:

(i) THE POLICY SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE, FEDERAL, AND INTERNATIONAL LAWS AND REGULATIONS.

(ii) THE POLICY SHALL REQUIRE DOCUMENTATION OF OWNERSHIP OF LARGE CARNIVORES AND ANY APPLICABLE CHAIN OF CUSTODY.

(iii) THE POLICY SHALL ESTABLISH A SYSTEM FOR THE DOCUMENTATION OF ACQUISITION, TRANSFER, AND DISPOSITION OF LARGE CARNIVORES USING A COMPREHENSIVE INSTITUTIONAL RECORD-KEEPING SYSTEM. INDIVIDUAL LARGE CARNIVORES SHALL BE PERMANENTLY IDENTIFIED AS PROVIDED IN SECTION 5.

(iv) THE POLICY SHALL REQUIRE THE ACQUISITION OF A FREE-RANGING ANIMAL TO BE DONE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, FEDERAL, AND INTERNATIONAL LAWS AND REGULATIONS AND SHALL PROHIBIT THE ACQUISITION IF IT IS DETRIMENTAL TO THE LONG-TERM VIABILITY OF THE LARGE CARNIVORE SPECIES IN THE WILD.

(K) DOES NOT DO ANY OF THE FOLLOWING:

(i) TRANSFER A LARGE CARNIVORE TO A PERSON THAT IS NOT QUALIFIED OR CAPABLE OF SAFELY MAINTAINING THE LARGE CARNIVORE OR ENSURING ITS WELL-BEING.

(ii) TRANSFER A LARGE CARNIVORE TO AN ANIMAL AUCTION OR TO A PERSON THAT MAY DISPLAY OR SELL THE LARGE CARNIVORE AT AN ANIMAL AUCTION.

(iii) TRANSFER A LARGE CARNIVORE TO A PERSON THAT ALLOWS THE HUNTING OF LARGE CARNIVORES.

(iv) RAISE A LARGE CARNIVORE FOR THE PURPOSE OF PROVIDING FOOD, FUR, PELTS, BODY PARTS, ORGANS, OR BODILY FLUIDS, OR TRANSFER

1 A LARGE CARNIVORE TO A PERSON THAT WILL USE THE LARGE CARNIVORE FOR
2 ANY OF THESE PURPOSES.

3 (I) MEETS ALL APPLICABLE LOCAL, STATE, FEDERAL, AND
4 INTERNATIONAL LAWS AND REGULATIONS WHEN DESIGNATING A LARGE
5 CARNIVORE FOR REINTRODUCTION AND RELEASE INTO THE WILD.

6 (M) SATISFIES ALL OF THE FOLLOWING REQUIREMENTS:

7 (i) SIGNS AND PROVIDES TO THE DEPARTMENT A SUCCESSION PLAN FOR
8 THE LARGE CARNIVORES IN ITS COLLECTION IN THE EVENT OF DISSOLUTION
9 OF THE ENTITY. THE ENTITY SHALL ALSO SIGN AND PROVIDE TO THE
10 DEPARTMENT AN AFFIDAVIT STATING THAT THE ENTITY HAS THE FINANCIAL
11 ABILITY TO CARE FOR THE COLLECTION OF LARGE CARNIVORES.

12 (ii) HAS A WRITTEN CONTINGENCY PLAN IN PLACE IN THE EVENT THAT
13 A SIGNIFICANT DECREASE IN OPERATING INCOME OCCURS.

14 (iii) PROVIDES INSURANCE COVERAGE FOR STAFF, VOLUNTEERS,
15 VISITORS, AND PHYSICAL FACILITIES.

16 (N) PARTICIPATES IN SCIENTIFIC, SUSTAINABLE, AND COOPERATIVELY
17 MANAGED BREEDING PROGRAMS THAT IDENTIFY SPECIFIC AND TYPICALLY
18 THREATENED OR ENDANGERED LARGE CARNIVORE SPECIES THAT ARE COMPOSED
19 OF LARGE CARNIVORES OF KNOWN PROVENANCE AND PEDIGREE. A BREEDING
20 PROGRAM DESCRIBED IN THIS SUBDIVISION SHALL BE BASED ON
21 COMPREHENSIVE PEDIGREE AND DEMOGRAPHIC DATABASES AND ANALYSES AND
22 SHALL HAVE LONG-RANGE POPULATION MANAGEMENT GOALS AND
23 RECOMMENDATIONS TO ENSURE SUSTAINABILITY OF THE POPULATION. A
24 BREEDING PROGRAM DESCRIBED IN THIS SUBDIVISION SHALL NOT ALLOW THE
25 BREEDING OF SPECIES HYBRIDS OR THE BREEDING OF A LARGE CARNIVORE
26 FOR THE PURPOSE OF SELLING, BARTERING, OR TRADING THE LARGE
27 CARNIVORE'S PARTS, AND SHALL ENSURE THAT ADEQUATE SPACE TO HOUSE

1 OFFSPRING OF A LARGE CARNIVORE IS IN PLACE.

2 (O) SATISFIES ALL OF THE FOLLOWING WITH RESPECT TO VETERINARY
3 CARE OF A LARGE CARNIVORE:

4 (i) HAS A STAFF OR ATTENDING VETERINARIAN WITH KNOWLEDGE OF
5 THE SPECIES OF LARGE CARNIVORE HELD BY THE PERSON AVAILABLE 24
6 HOURS PER DAY.

7 (ii) HAS A VETERINARY CARE PROGRAM THAT EMPHASIZES DISEASE
8 PREVENTION.

9 (iii) PERFORMS ROUTINE HEALTH EVALUATIONS TO EVALUATE FOR
10 INFECTIOUS AND NONINFECTIOUS DISEASES COMMON TO LARGE CARNIVORES.
11 THE HEALTH EVALUATIONS DESCRIBED IN THIS SUBPARAGRAPH SHALL
12 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

13 (A) FECAL PARASITE SCREENING.

14 (B) COMPLETE BLOOD COUNT AND SERUM CHEMISTRY.

15 (C) WEIGHT.

16 (D) HEALTH EXAMINATION.

17 (iv) REGULARLY VACCINATES LARGE CARNIVORES FOR INFECTIOUS
18 DISEASES, AS CONSIDERED NECESSARY BY THE ATTENDING VETERINARIAN,
19 AND EXCLUDES FROM ENCLOSURES WILDLIFE OR FERAL ANIMALS THAT COULD
20 TRANSMIT AN INFECTIOUS DISEASE TO A CAPTIVE LARGE CARNIVORE.

21 (v) CONSIDERS PROCEDURES INCLUDING, BUT NOT LIMITED TO,
22 CASTRATION AND OVARIOHYSTERECTOMY, THAT WOULD BENEFIT THE LONG-TERM
23 HEALTH AND WELFARE OF AN INDIVIDUAL LARGE CARNIVORE.

24 (vi) ADOPTS HUMANE EUTHANASIA PRACTICES AS SET FORTH IN THE
25 "AMERICAN VETERINARY MEDICAL ASSOCIATION EUTHANASIA GUIDELINES",
26 NECROPSIES A DECEASED LARGE CARNIVORE TO DETERMINE THE CAUSE OF
27 DEATH, AND DISPOSES OF A LARGE CARNIVORE AFTER A NECROPSY IN

1 ACCORDANCE WITH LOCAL, STATE, AND FEDERAL LAW.

2 (vii) MEETS ALL APPLICABLE LAWS OR REGULATIONS REGARDING FOOD
3 PREPARATION AND STORAGE.

4 (viii) PROVIDES A NUTRITIOUS DIET AND, TO THE BEST OF THE
5 PERSON'S ABILITY, MINIMIZES DISEASE, NUTRITIONAL DEFICIENCIES,
6 INFECTIONS, PARASITE INFESTATIONS, AND OBESITY.

7 (ix) MAKES WRITTEN PROCEDURES AVAILABLE TO STAFF FOR THE USE
8 OF DRUGS FOR VETERINARY PURPOSES, AND MAINTAINS APPROPRIATE
9 SECURITY OVER VETERINARY DRUGS.

10 (P) HAS A WRITTEN CONSERVATION ACTION PLAN AND STRATEGY THAT
11 IS PART OF A COLLABORATIVE, SCIENTIFICALLY MANAGED SPECIES
12 CONSERVATION PROGRAM FOR EACH SPECIES OF LARGE CARNIVORE HELD THAT
13 INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

14 (i) PARTICIPATION IN LOCAL, REGIONAL, NATIONAL, OR
15 INTERNATIONAL CONSERVATION PROGRAMS, INCLUDING, BUT NOT LIMITED TO,
16 STAFF SUPPORT OR PARTICIPATION IN FIELD CONSERVATION ACTIVITIES AND
17 FINANCIAL SUPPORT.

18 (ii) EDUCATION AWARENESS PROGRAMS FOR GUESTS, STAFF,
19 VOLUNTEERS, SUPPORTERS, MEMBERS, VENDORS, AND CONTRACTORS.

20 (iii) EVALUATION AND MEASUREMENT OF THE IMPACT OF CONSERVATION
21 PROGRAMS AND ACTIVITIES.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.