

HOUSE BILL No. 5961

April 9, 2008, Introduced by Reps. Steil, Rick Jones and Green and referred to the Committee on Agriculture.

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
(MCL 287.701 to 287.745) by amending the title, as amended by 1996
PA 369, and by adding section 31a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to authorize and require the appointment of a state
veterinarian within the department of agriculture; to protect the
human food chain and the livestock and aquaculture industries of
the state through prevention, control, and eradication of
infectious, contagious, or toxicological diseases of livestock and
other animals; to prevent the importation of certain nonindigenous
animals under certain circumstances; **TO PREVENT THE RELEASE OR**
ABANDONMENT OF EXOTIC ANIMALS; to safeguard the human population

1 from certain diseases that are communicable between animals and
2 humans; to prevent or control the contamination of livestock with
3 certain toxic substances through certain livestock or livestock
4 products; to provide for indemnification for livestock under
5 certain circumstances; to provide for certain powers and duties for
6 certain state agencies and departments; to provide for the
7 promulgation of rules; to provide for certain hearings; to provide
8 for remedies and penalties; and to repeal acts and parts of acts.

9 SEC. 31A. (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

10 (A) RELEASE OR ALLOW THE RELEASE OF AN EXOTIC ANIMAL INTO THE
11 WILD.

12 (B) INTENTIONALLY OR KNOWINGLY RELEASE OR ALLOW THE RELEASE OF
13 AN EXOTIC ANIMAL INTO THE WILD.

14 (C) ABANDON AN EXOTIC ANIMAL.

15 (2) A PERSON WHO VIOLATES SUBSECTION (1) (A) IS GUILTY OF A
16 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$300.00 OR
17 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH, FOR A FIRST
18 OFFENSE AND IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT
19 MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR
20 BOTH, FOR A SECOND OR SUBSEQUENT OFFENSE.

21 (3) A PERSON WHO VIOLATES SUBSECTION (1) (B) OR (C) IS GUILTY
22 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR
23 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

24 (4) AS USED IN THIS SECTION:

25 (A) "EXOTIC ANIMAL" MEANS AN ANIMAL THAT IS NOT NATIVE TO THIS
26 STATE. EXOTIC ANIMAL DOES NOT INCLUDE LIVESTOCK OR AN ANIMAL USED
27 IN A FARM OPERATION AS THAT TERM IS DEFINED UNDER THE MICHIGAN

1 RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474. EXOTIC
2 ANIMAL ALSO DOES NOT INCLUDE A PROHIBITED FISH SPECIES AS THAT TERM
3 IS DEFINED UNDER SECTION 41301 OF THE NATURAL RESOURCES AND
4 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.41301.

5 (B) "OWNER" MEANS A PERSON WHO OWNS OR IS RESPONSIBLE FOR AN
6 EXOTIC ANIMAL.

7 (C) "RELEASE" MEANS TO CAUSE OR ALLOW AN EXOTIC ANIMAL TO
8 BECOME LOCATED OUTSIDE THE PROPERTY OF THE OWNER AND NOT UNDER THE
9 DIRECT CONTROL OF THE OWNER.