



Senate Fiscal Agency
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Senate Bill 48 (as enacted)
Sponsor: Senator Tom Casperson
Senate Committee: Agriculture
House Committee: Agriculture

PUBLIC ACT 8 of 2013

Date Completed: 4-21-14

CONTENT

The bill amended the Large Carnivore Act to do the following:

- **Exempt from the Act a person who allows a patron to come into contact with a bear that is under 36 weeks of age or weighs not more than 90 pounds, if the person meets criteria in the Act.**
- **Delete a restriction on conducting an animal exhibition in connection with another business in order to attract customers to that other business.**

The bill took effect on March 26, 2013.

The Act regulates the possession and transportation of a "large carnivore", and includes requirements for the condition, maintenance, and use of a cage, pen, or similar enclosure where a large carnivore is kept. The Act prohibits the possession of a large carnivore without a permit; regulates the handling and care of large carnivores; establishes standards for keeping large carnivores; and specifies owners' responsibilities in instances of attacks. The Act prescribes misdemeanor penalties for violations, and permits the seizure of a large carnivore under certain circumstances.

"Large carnivore" is defined as any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat: a lion, a leopard (including a snow leopard or clouded leopard), a jaguar, a tiger, a cougar, a panther, or a cheetah; or a bear of a species that is native or nonnative to Michigan, whether wild or captive bred.

The Act does not apply to a U.S. Department of Agriculture Class C licensee that meets all of the following:

- Conducts a for-profit or nonprofit business whose primary purpose is the presentation of animals to the public for education or exhibition purposes.
- Meets or exceeds all standards required of a Class C licensee, including standards for training, housing, care, and transport of large carnivores.
- Does not allow a patron to come into direct contact with a large carnivore, or come into close enough contact with a large carnivore over 20 weeks of age that will place the patron in jeopardy of being harmed by the large carnivore.
- Does not sell large carnivores, except to another person who meets the requirements of this exemption from the Act.
- Does not breed large carnivores.

Under the bill, the Act also does not apply to a person who allows a patron to come into contact with a large carnivore or to come into close enough contact with a large carnivore over 20 weeks of age that will place the patron in jeopardy of being harmed by the large carnivore, if the animal

is a bear less than 36 weeks of age or a bear weighing not more than 90 pounds, and the person otherwise meets the requirements described above and satisfies one of the following:

- The person possessed a bear on the bill's effective date.
- The person acquired a business, whose primary purpose is the presentation of animals including large carnivores to the public for education or exhibition purposes, from a person who possessed a bear on the bill's effective date.

The bill also deleted a provision that prohibited a Class C licensee's business from being conducted in connection with another business as a means of attracting customers to that other business.

(Under the Code of Federal Regulations, a Class C licensee (exhibitor) is a person who is subject to the Code's licensure requirements and meets the definition of "exhibitor", and whose business involves the showing or display of animals to the public. "Exhibitor" means any person exhibiting animals to the public for compensation. The term includes carnivals, circuses, animal acts, zoos, and educational exhibits, whether operating for profit or not. The term does not include pet stores, horse and dog races, or organizations sponsoring and people participating in state and county fairs, livestock shows, rodeos, dog and cat shows, and other fairs or exhibitions intended to advance agricultural arts and sciences.)

MCL 287.1102 & 287.1122

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.