



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 48 (as introduced 1-16-13)
Sponsor: Senator Tom Casperson
Committee: Agriculture

Date Completed: 1-30-13

CONTENT

The bill would amend the Large Carnivore Act to do the following:

- **Exempt from the Act a person who allowed a patron to have direct or close contact with a bear that was under 36 weeks of age or weighed not more than 90 pounds, if the person met other 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 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 and that is not conducted in connection with another business as a means of attracting customers to that other business.
- 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.

The bill would amend the criteria regarding contact with large carnivores. The bill would prohibit a person from allowing a patron to come into direct contact with a large carnivore *other than* a bear less than 36 weeks of age or a bear weighing 90 pounds or less. The prohibition against allowing a patron to come into close contact with a large carnivore over 20 weeks old would not apply to a bear less than 36 weeks of age or a bear weighing not more than 90 pounds.

The bill also would delete the prohibition against a Class C licensee's business 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 subject to the Code's licensing requirements and meeting the definition of an "exhibitor", and whose business involves the showing or displaying 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 would 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.