

## ALLOW LARGE CARNIVORE BREEDING

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**House Bill 5778 (reported from committee as substitute H-3)**

**Sponsor: Rep. Thomas A. Albert**

**Committee: Agriculture**

**Complete to 6-6-18**

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

### SUMMARY:

House Bill 5778 would amend the Large Carnivore Act to allow for breeding of large carnivores in certain situations.

Currently under the act, a person is prohibited from breeding a large carnivore.

(The act defines *large carnivores* as lions, tigers, leopards, cougars, jaguars, panthers, and cheetahs; a hybrid cross with any of these cats; and bears.)

The bill would allow a person to apply to the Michigan Department of Agriculture and Rural Development (MDARD) for a breeding license to breed large carnivores. The license would be valid for two years. However, persons applying for the license would have to meet the following requirements:

- Be conducting a for-profit or nonprofit business that presents animals to the public for education or exhibition purposes.
- Hold a Class C license under the Code of Federal Regulations (9 CFR Parts 1 and 2).
- Not allow a patron to come into direct contact with a large carnivore.
- Not sell large carnivores, except to another person who also meets these requirements.

The application would have to be on a form derived by MDARD and would have to contain certain personal information of the applicant as well as the description of the two large carnivores the applicant intends to breed. Additional documentation proving compliance with the license would have to accompany the application and would have to include documentation from a local law enforcement agency that the applicant complies with relevant emergency protocols. Revocation of a license could occur after notice and a hearing as provided under the Administrative Procedures Act (MCL 24.201 to 24.328).

The bill would also create a Large Carnivore Breeding Advisory Committee. MDARD would forward all applications to this committee, the committee would advise on the application, and MDARD would make a final determination to approve or deny the application within 90 days of originally receiving the application and could not grant more than 10 breeding licenses in a year. The committee would consist of the State Veterinarian, as defined in the Animal Industries Act (MCL 287.706), and two other members (one member of a public zoo, and one member of a private zoo).

A person who holds a breeding license would have to satisfy various requirements listed in the bill related to staffing, facilities, animal welfare, veterinary care, safety, and contingency planning. Among other things, some of the requirements would include the following:

- Ensure that the facility housing the large carnivore is adequately lit and free of clutter.
- Train staff to recognize abnormal behavior and clinical signs of illness, as well as in the specific knowledge needed to ensure the well-being of the large carnivores under their care.
- Meet all applicable local, state, federal, and international laws and regulations when designating a large carnivore for reintroduction and release into the wild.
- Maintain a written conservation action plan and strategy that is part of a collaborative, scientifically managed species conservation program for each species of large carnivore held.

Under the bill, a person who holds a breeding license would also be prohibited from engaging in the following acts:

- Transferring a large carnivore to a person who is not qualified or capable of safely maintaining the large carnivore or ensuring its well-being, to a person who allows the hunting of large carnivores, or to a person or animal auction that may display or sell the large carnivore at an animal auction.
- Raising or transferring a large carnivore for the purpose of providing food or animal parts.
- Performing disfiguring procedures, unless considered medically necessary by the attending veterinarian.
- Removing dependent young from their mothers for hand-rearing unless deemed medically necessary by the attending veterinarian.

The bill also would amend definitions under the act to include *breeding license*, which would refer to the newly created large carnivore breeding license described above.

A person who holds a valid breeding license would be exempt from Sections 4, 5, 6(1)(d) through (5)(d), and 14(3) of the act, which generally regulate possession, identification chips, and confinement of animals, as well as knowingly failing to obtain a permit. Those sections also would not apply to an animal control or protection shelter in possession of a large carnivore for not more than 30 days to provide humane euthanasia or to export the large carnivore to another state under Section 8.

Except for Sections 4, 6(1)(d) through (5)(d), 8, and 14(3), the act would now apply to Michigan residents conducting a for-profit or nonprofit business that presents animals to the public for education or exhibition purposes and who hold and meet the standards of a Class C license under the Code of Federal Regulations (CFR). The bill would specify that if the United State Department of Agriculture has within the last 5 years confiscated an animal of a Class C licensee, or issued an official warning letter or civil penalty against a Class C licensee, then that licensee would not be considered to meet the standards of a Class C licensee.

Finally, a zoological park approved or accredited by the American Zoo and Aquarium Association and a person approved by the Association of Sanctuaries or the American Sanctuary Association would be subject to all provisions under the act.

The bill would take effect 90 days after enactment.

MCL 287.1102 et al.

### **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 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 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.

House Bill 5778 does not appear to materially change MDARD's responsibilities under the act. Department representatives indicate that they anticipate license application review to be performed by the Large Carnivore Breeding Advisory Committee established in the bill and not by MDARD staff. Department staff would prepare license applications for Committee review and would track licensees to know who had licenses. The department does not anticipate it will perform site visits or inspections to insure compliance with the act. As a result, we conclude that the bill would have little or no fiscal impact with respect to MDARD.

The bill's impact on local units of government is indeterminate.

**POSITIONS:**

Representatives of the following organizations testified in support of the bill:

- John Ball Zoo (4-11-18)
- Zoological Association of America (4-11-18)
- Binder Park Zoo (4-11-18)
- Oswald Bear Ranch (4-11-18, and indicated support 5-23-18)

A representative of the Michigan Department of Agriculture and Rural Development testified with a neutral position regarding the bill. (5-23-18)

Representatives of the Detroit Zoological Society testified in opposition to the bill. (4-11-18 and 5-23-18)

The following organizations indicated opposition to the bill:

- Attorneys for Animals (4-11-18)
- State Bar of Michigan Animal Law Section (4-22-18)
- Michigan Humane Society (5-23-18)

Legislative Analyst: Emily S. Smith  
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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.