



49651 Shenandoah Circle
Canton, MI 48187

November 5, 2019

Representative Julie Alexander
Chair, Agriculture Committee
Michigan House of Representatives

Via email: Dakota Soda, Committee Clerk, dsoda@house.mi.gov

Re: Oppose HB 4860, House Agriculture Committee Meeting, November 6, 2019

Dear Rep. Alexander and Committee Members:

Thank you for the opportunity to provide information to the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to **oppose HB 4860**.

The bill amends Section 22 of the Large Carnivore Act, which regulates the breeding of black bear sows. Under current law, exemption from a variety of regulations are limited to persons "who reside in this state", MCLA §287.1122(4). HB 4860 expands this exemption to those who do not reside in Michigan.

The exemption applies to a broad scope and wide array of activities, including possession and permitting (MCLA §287.1104), confinement and control (MCLA §287.1106), exportation (MCLA §287.1108), and transfer of ownership (MCLA §287.1114). The provisions of the Large Carnivore Act which would no longer apply are reproduced in the Attachment to this letter, below.

The bill also unwisely abdicates authority over non-Michigan residents to the federal government; and, under certain circumstances, would result in more direct contact between animals and the public, and expand entities who can breed black bears.

There are many down-sides to allowing the public to interact with bears. There is the obvious safety risk to the humans; the possibility of spread of disease; and habituating humans to bears (and bears to humans). More entities allowed to breed means more bears to care for, after they are too old to be used as photo props.

In short, this bill encourages more exhibition of these creatures, to their detriment and to the potential harm of the public who will have more opportunity to come in contact with them. We ask the committee to take no action on this bill.

Very Truly Yours,



Beatrice M. Friedlander, JD
President

ATTACHMENT A

Persons who do not reside in Michigan are subject to the following regulations under current law. They would be exempt if HB 4860 becomes law. Excerpts in smaller font are not part of the bill but are provided for context. See <http://legislature.mi.gov/doc.aspx?mcl-287-1104>; <http://legislature.mi.gov/doc.aspx?mcl-287-1106>; <http://legislature.mi.gov/doc.aspx?mcl-287-1108>; and <http://legislature.mi.gov/doc.aspx?mcl-287-1114>.

LARGE CARNIVORE ACT (EXCERPT) Act 274 of 2000

287.1104 Possession of large carnivores; conditions; permit application; conditions for issuance; permit contents; notification to department by local unit of government; permit fee.

Sec. 4.

(1) A person shall not possess 1 or more large carnivores unless all of the following apply:

- (a) The person owns the large carnivores.
- (b) The person was in possession of those individual large carnivores on the effective date of this act.
- (c) The person applies for a permit for those large carnivores within 90 days after the effective date of this act and obtains a permit for those large carnivores. The permit applies only to those individual large carnivores. The permit is not transferable to another person except through testate or intestate succession. The permit is valid in any local unit in which the possession of the large carnivores is not prohibited by ordinance.

(2) A person shall file an application for a permit with the person specified by the first of the following subdivisions that applies:

(a) If the large carnivores are kept in a city or village and the city or village employs an animal control officer, with the city or village agency to which the animal control officer is assigned.

(b) If the large carnivores are kept in a township and the township employs an animal control officer, with the township agency to which the animal control officer is assigned.

(c) If the county in which the large carnivores are kept employs an animal control officer, with the county agency to which the animal control officer is assigned.

(d) If subdivisions (a), (b), and (c) do not apply, with the county sheriff of the county where the large carnivores are kept.

(3) An applicant for a permit shall include with the application both of the following:

(a) An annual permit fee. The annual permit fee shall be established by the governing body of the local unit whose agency issues the permit under subsection (2) and shall be not less than the greater of the following:

(i) Twenty-five dollars, or at the option of the local unit if the applicant keeps more than 1 large carnivore in that local unit, \$25.00 for each large carnivore.

(ii) An amount necessary to cover the local unit's actual, reasonable costs of enforcing this act.

(b) A written statement that does all of the following:

(i) Specifies the number of large carnivores owned by the applicant.

(ii) Describes in detail each large carnivore owned by the applicant, including, but not limited to, its identification number required under section 5.

(iii) Specifies the name, address, and telephone number of the person from whom the owner obtained the large carnivore, if known.

(c) A written statement giving the name and address of the veterinarian who is expected to provide veterinary care to the large carnivore, signed by the veterinarian.

(4) A local unit shall not issue a permit unless it finds that all of the following apply:

(a) The requirements of subsections (1), (2), and (3) are met.

(b) The applicant is 21 years of age or older.

(c) The applicant has not been convicted of or found responsible for violating a local ordinance or state law prohibiting neglect or mistreatment of an animal and has not within the past 10 years been convicted of a felony.

(d) The applicant is not subject to a court order requiring the forfeiture of a large carnivore or prohibiting the ownership or possession of a large carnivore.

(e) The facility and the conditions in which each large carnivore will be kept comply with this act.

(f) The applicant is knowledgeable about the large carnivore's disposition and care requirements.

(5) A permit shall set forth all of the following:

- (a) The name and address of the permit holder and the address where each large carnivore will be kept, if different from that of the permit holder.
 - (b) The number of large carnivores owned by the permit holder.
 - (c) The identification number of each large carnivore required under section 5.
 - (d) The name and address of the veterinarian who is expected to provide veterinary care to the large carnivore.
 - (e) Any other reasonable information as determined by the local unit, which may include, but need not be limited to, a designation of permits required by a local unit, the department, the department of community health, the department of natural resources, the United States department of agriculture, or the fish and wildlife service of the United States department of the interior.
 - (6) A local unit that issues a permit shall notify the department of the name and address of the permit holder and the number of large carnivores owned by the permit holder.
 - (7) The owner of a large carnivore shall annually pay the local unit the annual permit fee established under subsection (3)(a).
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LARGE CARNIVORE ACT (EXCERPT)
Act 274 of 2000

287.1106 Confinement and control of large carnivore; requirements; duties of owner.

Sec. 6.

(1) A large carnivore shall not be tethered outdoors, such as on a leash or chain, or allowed to run at-large. Except as provided in this section or section 7, a large carnivore shall be constantly kept in a facility that meets all of the following requirements:

- (a) Is sufficiently secure to prevent the large carnivore's escape and protect the large carnivore from injury.
- (b) Is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gauge, or diameter to prevent the large carnivore's escape and to protect the large carnivore from injury.
- (c) Has an entrance with a lock that is kept locked at all times when the large carnivore is kept in the facility.
- (d) Is well-braced and securely anchored at ground level or, if the facility is located in a residence or other building, at floor level and utilizes metal clamps, ties, or braces of a strength sufficient for cage construction for that species of large carnivore.
- (e) Is enclosed within a secondary fence that is located at least 3 feet outside of the walls of the facility and is adequate to prevent a human from coming into contact with the large carnivore.
- (f) Has a floor area that meets or exceeds the minimum standards for housing as prescribed under the animal welfare act, Public Law 89-544, 7

U.S.C. 2131 to 2147, 2149 and 2151 to 2159, and regulations promulgated under that act.

(2) The owner of a large carnivore may, on a permanent or temporary basis, keep the large carnivore in the person's dwelling and not in a facility if the large carnivore is under the supervision of a person 21 years of age or older.

(3) The owner of a large carnivore may take the large carnivore outdoors if the owner of the large carnivore holds the large carnivore under control on a secure leash that is not more than 6 feet long and either or both of the following apply:

(a) The large carnivore is within a securely fenced area.

(b) The large carnivore is being moved between any 2 of the following:

(i) The large carnivore's facility.

(ii) The dwelling of the owner of the large carnivore, pursuant to subsection (2).

(iii) A shift cage, pursuant to subsection (4).

(iv) A vehicle, pursuant to section 7.

(v) A veterinarian's office or veterinary hospital.

(4) A large carnivore may be kept in a shift cage while the large carnivore's facility is being cleaned. The shift cage shall be of a size appropriate for the large carnivore and of a construction adequate to safely contain the large carnivore.

(5) The owner of a large carnivore shall do all of the following:

(a) Present a permit for the large carnivore upon the request of a law enforcement officer.

(b) Post and maintain signs on property on which a large carnivore is kept stating "A potentially dangerous large carnivore is kept on this property.". Each sign shall utilize block letters at least 1/2 inch high. A sign shall be posted as follows:

(i) At each fence gate providing access to a residence on the property, providing access to a building in which the large carnivore's facility is located, or providing access to the facility.

(ii) On the outside of each door providing access to a residence on the property or providing access to any building in which the large carnivore's facility is located.

(iii) On each side of the large carnivore's facility, unless the facility is located in a residence or other building.

(c) Clean any swimming or wading pools for the large carnivore as needed to ensure sufficiently sanitary water quality.

(d) Provide adequate drainage of surface water from the facility.

LARGE CARNIVORE ACT (EXCERPT)
Act 274 of 2000

287.1108 Exportation requirements.

Sec. 8.

A person shall not export or attempt to export a large carnivore to another state or country unless all of the following requirements are met:

(a) The import and possession of the large carnivore are lawful in the other state or country.

(b) The destination and proposed new owner of the large carnivore have been approved by the regulatory agency in the other state or country having authority to do so, if any.

LARGE CARNIVORE ACT (EXCERPT)
Act 274 of 2000

287.1114 Notice of violation; transfer of ownership and possession; second inspection; fee; finding of noncompliance; forfeiture.

Sec. 14.

(1) If there is probable cause to believe this act is being violated, a law enforcement officer may give notice of the violation in writing to the owner of the large carnivore. The notice shall identify the violation and include a copy of this act.

(2) Not more than 30 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore or, subject to subsection (3), correct the violation and shall notify the law enforcement officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore and notify the law enforcement officer of the action taken.

(4) A large carnivore transferred under subsection (2) or (3) must be transferred to a person described in section 22(1)(a) or (3). Notice that the large carnivore was transferred under this subsection must include evidence of the transfer satisfactory to the law enforcement officer.

(5) Unless the owner of the large carnivore notifies the law enforcement officer that the large carnivore was transferred under subsection (2) or (3), the law enforcement officer shall conduct an inspection at a reasonable time not less than 30 days after notice of the violation was delivered. When the second inspection is conducted, the owner of the large carnivore shall pay an inspection fee of \$25.00 or actual, reasonable costs of the inspection, whichever is greater, to the law enforcement officer.

(6) If the law enforcement officer finds that the owner of the large carnivore has not complied with subsection (2) or (3), the law enforcement officer shall seek forfeiture of the large carnivore under section 16.