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December 7, 2016

Representative Dan Lauwers
Chair, Agriculture Committee
Michigan House of Representatives

Cath Petroskey, Committee Clerk, via email: cpetros@house.mi.gov

Re: Opposition to SB 658, House Agriculture Committee Meeting, December 7, 2016

Dear Rep. Lauwers and Committee Members:

Thank you for the opportunity to address the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We work within the legal system so animals are recognized and protected as individuals by combining advocacy, litigation and legislative efforts with education.

Summary:

AFA opposes SB 658. The bill revises one section of the Large Carnivore Act ("LCA") dealing with exemptions from certain requirements of the Act. It purports to correct a drafting error in the original bill.

However, it opens a Pandora's box by expanding the number of entities that can own, breed and transfer these large animals, contrary to the intent of the original law. This can have negative impact for both animal welfare and public health.

Discussion:

In 2000, the MI legislature passed a comprehensive Large Carnivore Act. It is worth considering the animals regulated under the act: lions, leopards, jaguars, tigers, cougars, panthers, cheetahs; and bears which are native or nonnative to Michigan. It covers both wild and captive bred members of these species.

To date, the LCA has been revised infrequently including legislation this year to align the definitions of law enforcement with current practice (PA 305 of 2016). The current bill addresses

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only one section of the LCA, Section 22, MCL 287.1122, but makes substantive changes to the regulatory scheme. Sec. 22 sets forth exceptions to the requirements of certain provisions of the Act, namely Sections 4, 5 and 6.

In fact, there was a drafting error in the original bill. It is clear that the exceptions listed in Sec. 22 should have also included Section 3 of the Act which prohibits the following:

Sec. 3. A person shall not do any of the following: (a) Own or possess a large carnivore except in compliance with this act. (b) Breed a large carnivore. (c) Transfer ownership or possession of or receive a transfer of ownership or possession of a large carnivore, with or without remuneration.

A simple and common-sense approach would be to amend Section 22 to reference Section 3, and thereby correct the drafting error and make the listed entities exempt from the Section 3 prohibitions (ownership, breeding, etc.), as was originally intended. Those activities prohibited by Section 3 would simply not apply to the entities listed in Section 22, the most salient category of which is "A zoological park approved or accredited by the American zoo and aquarium association" [AZA], Sec. 22(1)(c).

Instead, this bill completely revises the LCA's Sec. 3 (b) regarding breeding of large carnivores. In place of the common-sense approach, it introduces a complicated scheme to define who is exempt from the prohibition and therefore allowed to breed these animals.

The common-sense approach would effectively limit the breeding exemption to AZA-approved facilities. This has two advantages over the scheme adopted in the present bill:

1. According to the Detroit Zoo press release, <https://detroitzoo.org/press-release/detroit-zoological-society-opposes-amendment-states-large-carnivore-act/>, AZA regulations are already in place and are more stringent than the requirements listed in Section 6 of the bill.
2. The AZA has its own enforcement mechanism. The bill enlarges the exemption from the prohibition against breeding to other facilities not governed by the AZA, but makes no provision for enforcing these complex and complicated rules.

The only rationale for the approach taken – to substitute a lengthy list of requirements for an entity to be allowed to own, breed and transfer for the current AZA "approved or accredited" language – would appear to be to encourage more entities to be able to breed these animals.

Attorneys for Animals Position:

AFA believes that SB 658 is unwise public policy, both from an animal welfare and human safety standpoint. Without closely regulated breeding programs, more animals will be born, leading to a greater demand for facilities such as "roadside zoos" and pseudo-sanctuaries.

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Our position is that the entities allowed to own, breed and transfer these animals should be limited to those which are subject to effective regulation and oversight. This bill opens the industry to more participants.

The simple and better solution to this attempt to “fix” the problem would be to limit the exception to AZA approved or accredited facilities, which already have their own rules and, importantly, their own enforcement regimens. Instead, this bill “reinvents the wheel” by incorporating standards which, on their face may appear stringent, but which lack the regulatory component and would allow other operators into this sector. We ask: who will enforce these detailed regulations?

Attorneys for Animals urges this Committee to vote against SB 658.

Very Truly Yours,



Beatrice M. Friedlander, JD
President

