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Canton, MI 48187

April 10, 2018

Representative Tom Barrett
Chair, Agriculture Committee
Michigan House of Representatives

Hand Delivered

Re: Opposition to HB 5778, House Agriculture Committee Meeting, April 11, 2018

Dear Rep. Barrett 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. Our board of directors voted this evening to oppose HB 5778.

Summary:

The bill makes major revisions to the Large Carnivore Act ("LCA") which open 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.

Its long list of requirements for the care and breeding of these animals creates a smokescreen to disguise the fact that there would be fewer controls, and more exemptions, should this bill become law.

Discussion:

History: 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 last session to align the definitions of law enforcement with current practice (PA 305 of 2016); and a bill that passed the Senate but died at the end of the last session, SB 658 of 2015. At that time, there was agreement among stakeholders that the bill would be re-worked and introduced in the now current session, as there was a drafting error in the original bill.

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HB 5778: This history, coupled with the complexity of the bill, makes HB 5778's rapid progress from introduction to committee hearing in one day, most problematic. We urge the Committee members to slow down the process so that the implications of this bill can be fully explored. What is the hurry?

The Original Law's Error: There was a drafting error in the original law. 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. It establishes a "Large Carnivore Breeding Advisory Committee" thereby further complicating the regulatory scheme.

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 from December 2016 when SB 658 was pending, <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:

HB 5778 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 HB 5778.

Very Truly Yours,

A handwritten signature in cursive script that reads "Beatrice M. Friedlander".

Beatrice M. Friedlander, JD
President

