

HOUSE BILL No. 5285

November 13, 1989, Introduced by Reps. Dunaskiss, Miller, Willis Bullard, Honigman, DeMars, Bennane, Gnodtke, Rocca, Hertel, Martin, Runco, Dolan, Walberg, Leland, Hoekman, Knight, Trim, London, Pitoniak, Perry Bullard, Stopczynski, Hickner, Fitzgerald, Wallace, Ciaramitaro, Law and Bandstra and referred to the Committee on Agriculture.

A bill to regulate the possession, breeding, and certain other transactions related to certain exotic animals; to prescribe the powers and duties of certain state agencies, officials, and other persons; to provide standards for the care of exotic animals; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "dangerous exotic animal regulatory act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of agriculture.

5 (b) "Director" means the director of the department.

6 (c) "Exotic animal" means a wild animal that is not native
7 to this state.

1 (d) "Grandparent permit" means a permit required to continue
2 to possess regulated exotic animals that were possessed prior to
3 the effective date of this act.

4 (e) "Local unit of government" means a city, village, town-
5 ship, or county.

6 (f) "Nature preserve" means an area where wild animals are
7 kept in a natural setting and are not hunted or trapped.

8 (g) "Person" means an individual, partnership, association,
9 corporation, or other legal entity.

10 (h) "Regulated exotic animal" means an exotic animal listed
11 in section 3.

12 (i) "Rule" means a rule promulgated under this act pursuant
13 to the administrative procedures act of 1969, Act No. 306 of the
14 Public Acts of 1969, being sections 24.201 to 24.328 of the
15 Michigan Compiled Laws.

16 (j) "Safari park" means an area where wild animals are kept
17 in a natural setting for viewing purposes only.

18 (k) "Wildlife sanctuary" means an area where wild animals
19 are protected and where the animals are not hunted or trapped.

20 Sec. 3. Except as otherwise provided in this act, it is
21 unlawful in this state for a person to possess, breed, import,
22 export, exchange, buy, sell, or attempt or offer to buy or sell
23 the following regulated exotic animals:

24 (a) All nonhuman primates.

25 (b) All wild cats of family Felidae, except for the domestic
26 cat, *Felis catus* (domesticus) and other cat species native to
27 this state.

1 (c) All species of bear, except for those species native to
2 this state.

3 (d) All wild carnivores of family Canidae, except for the
4 domestic dog (*Canis familiaris*) and those species native to this
5 state.

6 (e) All hybrid crosses with bears, wolves, or wild cats.

7 Sec. 4. This act shall not apply to either of the
8 following:

9 (a) A person or entity that holds a current and valid permit
10 from the department of natural resources, United States depart-
11 ment of the interior, or the United States department of agricul-
12 ture to buy, sell, or offer to buy or sell, or to possess a regu-
13 lated exotic animal, unless the permit holder is selling a regu-
14 lated exotic animal to a private individual.

15 (b) American association of zoological parks and aquariums,
16 accredited zoological parks or aquariums, safari parks, wildlife
17 sanctuaries, nature preserves, wild animal exhibitors, circuses,
18 scientific, medical, or educational research facilities, and
19 other entities that are determined to be similar by the
20 director.

21 Sec. 5. (1) A person who owns a regulated exotic animal
22 species on the effective date of this act shall, within 90 days
23 after the effective date of this act, apply to the department for
24 a grandparent permit to enable that person to continue to possess
25 the regulated exotic animal species.

1 (2) To qualify for a grandparent permit to continue to
2 possess a regulated exotic animal, an applicant shall meet all of
3 the following:

4 (a) Be 18 years of age or older.

5 (b) Prove the existence of satisfactory caging facilities as
6 required in the minimum pen specifications provided in this act
7 or in rules promulgated under this act.

8 (c) Maintain the regulated exotic animal in an appropriate
9 location as determined by the department.

10 (d) House the regulated exotic animal in an appropriate
11 location in a safe, humane, and sanitary manner as determined by
12 the department.

13 (e) Have never been convicted of a violation pertaining to
14 wildlife or domestic animals.

15 (3) An applicant for a grandparent permit shall include with
16 his or her application all of the following:

17 (a) A nonrefundable application fee of \$25.00.

18 (b) An annual permit fee of \$100.00.

19 (c) Photographs of the facility in which the animal is
20 housed and the dimensions of the facility.

21 (d) A notarized statement that the existing facility or the
22 construction of a facility as required by this act or rules
23 promulgated under this act, including, but not limited to, cages
24 and enclosures, is consistent with any existing ordinance of a
25 local unit of government and is not prohibited by an ordinance or
26 other regulation of a local unit of government.

1 (4) An applicant for a grandparent permit shall include in
2 his or her application a statement showing the place, number, and
3 type of regulated exotic animal species to be held in captivity
4 and shall be required upon request of the department to show
5 when, where, and in what manner the applicant came into posses-
6 sion of each regulated exotic animal possessed by the person.
7 The source of acquisition of the regulated exotic animal shall
8 not be divulged by the department except in connection with a
9 violation of this act or a rule of the department in which infor-
10 mation as to source of the regulated exotic animal is required as
11 evidence in a proceeding pertaining to the violation.

12 (5) Persons failing to apply for a grandparent permit are in
13 violation of this act and subject to the sanctions and penalties
14 provided for in section 16.

15 (6) A regulated exotic animal owner shall ensure that all of
16 the following conditions are met:

17 (a) Sanitation, water disposal, and proper disposal of
18 wastes are in accordance with all applicable lawful requirements
19 established by local, state, or federal authorities.

20 (b) A regulated exotic animal is not maintained in an unsan-
21 itary or unsafe condition or in a manner that results in the mal-
22 treatment or neglect of the regulated exotic animal, and the reg-
23 ulated exotic animal is not confined in a cage or enclosure that
24 does not meet the minimum pen specifications in this act and
25 rules promulgated under this act.

1 (c) Unconfined regulated exotic animals are under rigid
2 supervision and control so as to prevent injury to members of the
3 public, and are not tethered outdoors unsupervised.

4 (d) Cages or enclosures of regulated exotic animals are suf-
5 ficiently strong to prevent escape and to protect the caged
6 animal from injury and are equipped with safety barriers that
7 adequately prevent any physical contact with the caged animal by
8 spectators or visitors.

9 (e) All cages or enclosures except paddocks and corrals are
10 covered at the top to prevent escape.

11 (7) A condition that results in a regulated exotic animal
12 escaping from an enclosure, cage, leash, or other constraint, or
13 any condition that results in injury to members of the public, is
14 housing a regulated exotic animal in an unsafe manner and is a
15 violation of this section.

16 (8) Regulated exotic animals housed in dangerously unsafe
17 conditions constituting a threat to human safety shall, at the
18 direction of the department, be immediately placed in approved
19 facilities at the expense of the owner.

20 (9) Caging considered unsafe by department personnel shall
21 be reconstructed in accordance with this act and rules promul-
22 gated under this act. Caging shall be completed and approved
23 within 30 days after notification from the department.

24 (10) A grandparent permit issued under this section shall
25 set forth all of the following:

26 (a) The name and address of the holder of the permit, and
27 the address where the animal will be housed, if different.

1 (b) The scientific name of the regulated exotic animal for
2 which the grandparent permit is granted and the number of indi-
3 vidual specimens owned.

4 (c) A statement of the terms and conditions under which the
5 import of a regulated exotic animal is permitted.

6 (d) The place and conditions of quarantine, if required.

7 (e) A statement of any tests, veterinary examinations,
8 observation periods, and quarantine periods as may be specified
9 by the department.

10 (f) The name and address of the veterinarian or other quali-
11 fied person who will be administering veterinary care, when
12 needed.

13 (11) The holder of a grandparent permit shall not replace a
14 regulated exotic animal once the specimen for which the grandpar-
15 ent permit was obtained has died.

16 Sec. 6. (1) Enclosures in which a regulated exotic animal
17 is held in captivity shall be maintained in accordance with all
18 of the following:

19 (a) Drinking water shall be provided daily in clean
20 containers. Swimming or wading pools shall be cleaned as needed
21 to ensure good water quality. Enclosures shall provide adequate
22 drainage of surface water.

23 (b) Food provided shall be unspoiled and not contaminated
24 with insects, fecal material, or any other substance that may
25 cause the food to be unpalatable or decrease the nutrient value.

26 (c) Fecal and food waste shall be removed from cages daily
27 and stored or disposed of in a manner that prevents noxious odors

1 or insect pests. Hard floors shall be scrubbed and disinfected
2 weekly. Large pens and paddocks with dirt floors shall be raked
3 every 3 days and the waste removed.

4 (2) In addition to the minimum confinement requirements pro-
5 vided in sections 7 and 8, regulated exotic animals kept by pri-
6 vate individuals shall be caged in accordance with all of the
7 following requirements:

8 (a) A fence sufficient to deter entry by the public shall be
9 present around the perimeter of premises where regulated exotic
10 animals are housed or exercised outdoors.

11 (b) All cages or enclosures of regulated exotic animals
12 except paddocks and corrals shall be equipped with a safety
13 entrance with a lock.

14 (c) All regulated exotic animal cages constructed of chain
15 link or wire shall be well braced and securely anchored at ground
16 level and shall utilize metal clamps, ties, or braces of equiva-
17 lent strength as prescribed for cage construction for the partic-
18 ular regulated exotic animal.

19 (3) Owners of regulated exotic animals holding a grandparent
20 permit shall maintain each regulated exotic animal in their care
21 in a manner that assures that all of the following conditions are
22 such that the health and comfort of the animal are not adversely
23 impacted:

24 (a) Temperature.

25 (b) Ventilation.

26 (c) Humidity.

1 (d) Drainage.

2 (e) Sanitation.

3 (f) Diet.

4 (g) Veterinary care.

5 Sec. 7. Requirements for specific species of regulated
6 exotic animals that are in addition to those provided in section
7 6 shall be as follows:

8 (a) Chimpanzees, gorillas, orangutans, and similar
9 primates:

10 (i) Cage construction materials for outdoor facilities shall
11 consist of steel bars, 2-inch galvanized pipe, masonry block, or
12 their strength equivalent.

13 (ii) Potential escape routes for indoor facilities shall be
14 equipped with steel bars, 2-inch galvanized pipe, or equivalent
15 in the rooms where the regulated exotic animal is maintained.

16 (b) Drills and mandrills, baboons, gelada baboons, gibbons,
17 siamangs, snow leopards, jaguars, tigers, lions, and bears, other
18 than black bears:

19 (i) Cage construction materials for outdoor facilities shall
20 consist of no smaller than 9-gauge chain link or its equivalent
21 as determined by the department.

22 (ii) Potential escape routes for indoor facilities shall be
23 equipped with wire or grating of no smaller than 9-gauge chain
24 link or its equivalent as determined by the department.

25 (c) Howler monkeys, uakaris, mangabyes, guenons, bearded
26 sakis, guereza monkeys, Celebes black apes, idris, macaques,
27 langurs, douc langurs, snub-nosed langurs and proboscis monkeys,

1 leopards, clouded leopards, cheetahs, ocelots, servals, lynx,
2 caracals, African golden cats, Temminck's golden cats, fishing
3 cats, red wolves, Asiatic jackals, black-backed jackals,
4 side-striped jackals, Indian dholes, and African hunting dogs:

5 (i) Construction material for outdoor facilities shall con-
6 sist of no smaller than 11-1/2-gauge chain link or its equivalent
7 as determined by the department.

8 (ii) Potential escape routes for indoor facilities shall be
9 equipped with wire or grating no smaller than 11-1/2-gauge chain
10 link or its equivalent as determined by the department.

11 Sec. 8. Regulated exotic animals shall not be confined in a
12 cage or other enclosure that contains more individual animals, or
13 is smaller in dimension, or is not equipped as follows:

14 (a) New world monkeys:

15 (i) Marmosets:

16 (A) For 1 or 2 adults, a cage 3 feet by 2 feet, 4 feet high,
17 with 2 perching branches and a nest box.

18 (B) For 3 or more animals, increase cage floor area by 25%
19 for each additional animal.

20 (ii) Squirrel, titis, owl, and other similar sized monkeys
21 as determined by the department:

22 (A) For 1, 2, or 3 adults, a cage 4 feet by 5 feet, 5 feet
23 high, with 2 perching branches and a nest box.

24 (B) For 4 or more animals, increase cage floor area by 10%
25 for each additional animal.

1 (iii) Medium sized South American monkeys including
2 capuchins, sakis, and other similar sized monkeys as determined
3 by the department:

4 (A) For 1 or 2 adults, a cage 5 feet by 5 feet, 6 feet high,
5 with 3 parallel swinging bars.

6 (B) For 3 or more animals, increase cage floor area by 25%
7 for each additional animal.

8 (iv) Large South American monkeys including spiders, wool-
9 eys, howlers, and other similar sized monkeys as determined by
10 the department:

11 (A) For 1 or 2 adults, a cage 6 feet by 6 feet, 8 feet high,
12 with 3 parallel swinging bars and 2 perching areas.

13 (B) For 3 or more animals, increase cage floor area by 25%
14 for each additional animal.

15 (b) Old world monkeys:

16 (i) Macaques, guenons, mangabys, and langurs:

17 (A) For 1 or 2 adults, a cage 6 feet by 5 feet, 6 feet high,
18 with 3 perching areas.

19 (B) For 3 or more animals, increase cage floor area by 25%
20 for each additional animal.

21 (ii) Baboons and mandrills:

22 (A) For 1 or 2 adults, a cage 10 feet by 6 feet, 6 feet
23 high, with 2 1-foot wide resting shelves and perches.

24 (B) For 3 or more animals, increase cage floor area by 30%
25 for each additional animal.

26 (c) Apes:

1 (i) Gibbons:

2 (A) For 1 or 2 adults, a cage 12 feet by 6 feet, 8 feet
3 high, with 3 parallel swinging bars at 4-foot intervals in the
4 top 1/3 of the cage and 1-foot wide resting shelf.

5 (B) For 3 or more animals, increase cage floor area by 30%
6 for each additional animal.

7 (ii) Chimpanzees and orangutans:

8 (A) For a juvenile under 50 pounds, a cage 8 feet by 6 feet,
9 6 feet high. For an adult over 50 pounds, a cage 10 feet by 6
10 feet, 8 feet high with a seating area, perches, and swinging
11 bars.

12 (B) For 2 or more animals, increase cage floor area by 50%
13 for each additional animal.

14 (iii) Gorillas:

15 (A) For 1 animal, a cage 14 feet by 12 feet, 8 feet high
16 with a seating area, perches, and swinging bars.

17 (B) For 2 or more animals, increase cage floor area by 50%
18 for each additional animal.

19 (d) Carnivores and certain omnivores with similar
20 requirements:

21 (i) African lions and Asian tigers:

22 (A) For each animal, a cage 15 feet by 10 feet, 8 feet high,
23 with a 3-foot by 10-foot shelf elevated 3 feet, and 2 claw logs.

24 (B) For 2 or more animals, increase cage floor area by 33%
25 for each additional animal.

26 (ii) Jaguars and leopards:

1 (A) For each cat, a cage 10 feet by 8 feet, 8 feet high,
2 with a 2-foot by 8-foot shelf elevated 3 feet, and 2 claw logs.

3 (B) For 2 or more animals, increase cage floor area by 50%
4 for each additional animal.

5 (iii) Lesser cats including ocelots, margay, and other simi-
6 lar sized cats as determined by the department:

7 (A) For each cat, a cage 8 feet by 4 feet, 6 feet high, with
8 a shelf 14 inches by 4 feet elevated 3 feet, 2 claw logs, and a
9 den.

10 (B) For 2 or more animals, increase cage floor area by 25%
11 for each additional animal.

12 (iv) Geoffrey's cats, leopard cats, and other similar sized
13 cats as determined by the department:

14 (A) For each cat, a cage 4 feet by 4 feet, 6 feet high, with
15 a shelf 6 inches by 3 feet elevated 3 feet, 2 claw logs, and a
16 den.

17 (B) For 2 or more animals, increase cage floor area by 25%
18 for each additional animal.

19 (v) Cheetahs:

20 (A) For 1 cheetah, a cage 40 feet by 20 feet, 8 feet high,
21 with a shelf 30 inches by 6 feet, elevated 3 feet.

22 (B) For 2 or more animals, increase cage floor area 25% for
23 each additional animal and shelf length 2 feet for each addi-
24 tional animal.

25 (vi) Bears, other than black bears, 6 feet or more from rump
26 to snout:

1 (A) For 1 bear, a cage 25 feet by 12 feet, 12 feet high.
2 For polar bears, each cage shall be equipped with a 6-foot by
3 10-foot pool 4 feet deep. For other bears, each cage shall be
4 equipped with a 2-foot by 2-foot pool 18 inches deep accompanied
5 with water spraying devices, or a 4-foot by 6-foot pool 3 feet
6 deep.

7 (B) For 2 or more animals, increase the cage floor area by
8 100% for each additional animal.

9 (vii) Bears up to 6 feet from rump to snout:

10 (A) For each bear, a cage 20 feet by 10 feet, 10 feet high,
11 with a 4-foot by 6-foot pool 3 feet deep.

12 (B) For 2 or more animals, increase cage floor area by 50%
13 for each additional animal.

14 (viii) Sun bears:

15 (A) For each bear, a cage 12 feet by 8 feet, 6 feet high,
16 with a 3-foot by 4-foot pool 2 feet deep.

17 (B) For 2 or more animals, increase cage floor area by 25%
18 for each additional animal.

19 (ix) Jackals and other similar sized canines as determined
20 by the department:

21 (A) For 1 or 2 adults, a cage 8 feet by 4 feet, 6 feet high,
22 with a den or nest box and a shelf 18 inches by 4 feet elevated 3
23 feet.

24 (B) For 3 or more animals, increase cage floor area by 75%
25 for each additional animal.

26 (x) Wolves and wolf hybrids:

1 (A) For each animal, a cage 30 feet by 30 feet, 8 feet high,
2 with an overhang facing in and bottom skirting, with a 5-foot by
3 5-foot den.

4 (B) For 2 or more animals, increase cage floor area by 33%
5 for each additional animal.

6 (xi) Cape hunting dogs, dingos, and similar animals as
7 determined by the department:

8 (A) For each animal, a cage 10 feet by 8 feet, 6 feet high,
9 with a 4-foot by 4-foot den.

10 (B) For 2 or more animals, increase cage floor area by 100%
11 and den size by 75%.

12 Sec. 9. The department shall notify the local unit of gov-
13 ernment of grandparent permits issued within the jurisdiction of
14 the local unit of government. The notice shall include the name
15 and address of the owner and the species of regulated exotic
16 animal held by the permit holder.

17 Sec. 10. (1) Grandparent permits issued pursuant to
18 section 5 and places where regulated exotic animals are kept or
19 held in captivity shall be subject to inspection by an official
20 of the department, or other designee of the department at all
21 times. If the department, or its designee, finds that conditions
22 under which a regulated exotic animal is being confined are
23 unsanitary or unsafe to the public in any manner, or that the
24 regulated exotic animal is being mistreated or neglected or kept
25 in any manner contrary to this act or rules promulgated under
26 this act, the department shall notify the grandparent permit
27 holder in writing of the existing unsatisfactory conditions and

1 that the grandparent permit holder has 5 days in which to
2 initiate corrections of the unsatisfactory conditions and 30 days
3 in which to complete the corrections or place the animal with a
4 person, approved by a department, who is permitted under this
5 act, or otherwise authorized by law, to possess the animal.

6 (2) If a grandparent permit holder notified under subsection
7 (1) chooses to correct conditions that are considered to be
8 unsatisfactory by the department, the department shall schedule a
9 second follow-up visit in approximately 30 days. To schedule a
10 follow-up visit, the grandparent permit holder shall pay a \$25.00
11 reinspection fee to the department. If, upon a second inspec-
12 tion, after the additional 30 days in which to correct unsatis-
13 factory conditions, the department finds that the owner has not
14 sufficiently improved conditions and the owner continues to keep
15 the regulated exotic animal under unsatisfactory conditions, then
16 the owner's grandparent permit shall be revoked pursuant to the
17 administrative procedures act of 1969, Act No. 306 of the Public
18 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
19 Compiled Laws, and the regulated exotic animal shall be confis-
20 cated by the department or its designee. The department shall
21 attempt to locate a lawful placement for an animal confiscated
22 under this section and shall first attempt to place the animal in
23 a nature preserve or wildlife sanctuary, if possible.

24 (3) If any person is transporting a regulated exotic animal
25 to another state, where the possession of that animal is allowed
26 under that state's law, the destination and proposed new owner

1 must be approved by both the department and the appropriate
2 regulatory agency within the other state.

3 Sec. 11. (1) This act may be enforced by the department, a
4 peace officer, an animal control officer, or any other law
5 enforcement official.

6 (2) The owner of a regulated exotic animal shall present the
7 grandparent permit upon the request of the department, a designee
8 of the department, a peace officer, an animal control officer, or
9 any other law enforcement official.

10 Sec. 12. The director shall do all of the following:

11 (a) Develop application forms, permits, metal or plastic
12 cage or enclosure identification forms, and other materials as
13 necessary to implement this act.

14 (b) Provide each veterinarian in this state with the infor-
15 mation concerning the requirements of the act.

16 (c) Provide for a method of notification of the public of
17 the provisions of this act and the requirements of this act.

18 (d) Promulgate rules to implement this act. These rules
19 shall include rules regarding the possession, breeding, import-
20 ing, exporting, exchanging, buying, selling, attempting or offer-
21 ing to buy or sell, quarantining, or releasing from quarantine of
22 exotic animals lawfully permitted in this state pursuant to this
23 act or rules promulgated under this act. The rules shall be
24 based upon all of the following criteria as applicable:

25 (i) Regulated exotic animals are maintained and housed in a
26 humane manner facilitating the health and comfort of the animal

1 in accordance with the basic biological and social needs of the
2 species.

3 (ii) Regulated exotic animals are housed in a manner facili-
4 tating the protection of the animal from the public and the pro-
5 tection of the public from the animal.

6 (iii) Regulated exotic animals are provided with veterinary
7 medical care as needed.

8 (iv) Regulated animals are provided with shelter, water,
9 nutritious food, adequate exercise, kept in sanitary conditions,
10 and are not tormented or treated abusively, cruelly, or
11 neglectfully.

12 Sec. 13. (1) The department, a designee of the department,
13 a peace officer, an animal control officer, or any other law
14 enforcement official may capture or kill a regulated exotic
15 animal that he or she sees in the act of threatening or injuring
16 a person or animal when that official reasonably believes that
17 the regulated exotic animal will cause the person or animal phys-
18 ical harm. The department, its designee, a peace officer, an
19 animal control officer, or any other law enforcement official
20 shall be immune from civil liability for the capture or killing
21 of an exotic animal under this section.

22 (2) The department, its designee, a peace officer, an animal
23 control officer, or any other law enforcement official may con-
24 fiscate, or capture by means of tranquilization or other humane
25 methods, an exotic animal to assure the compliance with and
26 enforcement of this act.

1 Sec. 14. (1) The owner, or the agent of the owner, of a
2 regulated exotic animal shall be civilly liable for the death of
3 or injury to a person or animal, or for damage caused to the
4 property of a person, whether the damage occurs on public or pri-
5 vate property, when the death, injury, or damage has been caused
6 by an exotic animal owned or controlled by that person, whether
7 or not they are in possession of a grandparent permit as required
8 by this act.

9 (2) If a regulated exotic animal escapes or is released,
10 intentionally or unintentionally, the owner shall immediately
11 contact the department and report the loss of the animal.
12 Persons failing to report the loss may be subject to the penal-
13 ties listed in section 16. An owner shall be responsible for all
14 expenses associated with efforts to recapture an exotic animal
15 listed that is released intentionally or unintentionally.

16 Sec. 15. (1) A district court may issue a summons to show
17 cause why an exotic animal should not be humanely euthanatized,
18 securely confined, or permanently confiscated if the court is
19 presented with a sworn complaint alleging that an exotic animal
20 is 1 or more of the following:

21 (a) Not maintained under the reasonable, physical control of
22 its possessor or custodian.

23 (b) Destroying property of value, habitually causing damage
24 while trespassing on the property of a person who is not the
25 owner of the exotic animal, or injuring other animals.

1 (c) Responsible for killing or seriously injuring a person
2 or domestic animal or pet, other than an animal provided to the
3 exotic animal as food.

4 (2) After a hearing conducted under subsection (1), the
5 court may order that any of the following occur:

6 (a) That the exotic animal be humanely euthanatized.

7 (b) That the exotic animal be securely confined on the
8 owner's property.

9 (c) That the exotic animal be permanently confiscated from a
10 person having title to the exotic animal and transferred to a
11 person approved by the department that, where possible, was
12 involved in the confiscation of the animal to care for the animal
13 on a temporary or permanent basis where the exotic animal will
14 not be hunted or trapped for sport and will be safely and
15 humanely maintained in accordance with this act and the rules
16 promulgated under this act.

17 (3) If a person disobeys an order under this section, he or
18 she is guilty of a misdemeanor.

19 (4) If an animal is confiscated under this section, the
20 owner of the animal shall be responsible for all costs associated
21 with the confiscation and placement of the animal.

22 (5) If an animal is confiscated under subsection (2), and
23 the owner of the animal does not meet his or her responsibilities
24 under subsection (4), the court may order a person to whom the
25 department transfers the animal on a permanent basis to pay the
26 expenses that were incurred in the temporary maintenance of the

1 exotic animal after it was confiscated but before it was
2 permanently placed with that person.

3 Sec. 16. (1) A permit or license under this act shall not
4 be issued or may be revoked by the department upon a showing that
5 1 or more of the following have occurred:

6 (a) The permittee has been convicted of cruelty to animals.

7 (b) The permittee has been convicted of a violation of any
8 of the provisions of this act or a rule promulgated under this
9 act.

10 (c) A court order has been issued against the applicant or
11 permit or license holder under section 15(2).

12 (2) A person who violates this act is guilty of a misdemea-
13 or, punishable by imprisonment for not more than 90 days, or
14 court ordered community service work for not more than 500 hours
15 or a fine of not less than \$1,000.00, or more than \$5,000.00, or
16 a combination of the penalties available under this subsection.

17 (3) In addition to the sanctions provided in subsections (1)
18 and (2), a person who possesses an exotic animal that is required
19 to be permitted or licensed under this act and does not obtain a
20 permit or license for that animal as required under this act
21 shall have 14 days after notification by the department to trans-
22 fer the ownership of the animal to a lawful placement or shall be
23 responsible for all costs associated with the confiscation of the
24 animal and the attempt to place the animal in a lawful
25 situation.

26 Sec. 17. (1) Exotic animals listed in section 3 may not be
27 transported within this state for purposes other than veterinary

1 care unless prior permission from the department has been
2 received. A request for permission to transport must be given at
3 least 1 week prior to planned transportation of an animal.

4 (2) Any person transporting an animal listed in section 3 in
5 a vehicle shall comply with all of the following:

6 (a) An animal shall not be allowed to roam loose in a pas-
7 senger vehicle while in transport.

8 (b) The vehicle shall be equipped to provide fresh air with-
9 out injurious drafts and adequate protection from the elements to
10 all animals.

11 (c) The animal traveling area shall be free of engine
12 exhaust fumes.

13 (d) Fecal and food wastes shall be removed from the animal
14 quarters on at least a daily basis.

15 (e) Animal cages shall have openings for emergency removal
16 of the animal or animals.

17 (f) Temperatures within animal enclosures shall not exceed
18 ambient air temperatures.

19 (g) Animals transported in the same cage area shall be in
20 compatible groups.

21 (h) The animal's cage shall be large enough to ensure that
22 each specimen has sufficient space to turn, stand erect, and lie
23 naturally.

24 (i) Animals shall not be placed in enclosures over or next
25 to other specimens unless each enclosure has a fitted floor or
26 lateral partition that prevents excreta from entering lower
27 enclosures.

1 (j) Animals shall be watered at least twice daily and fed
2 daily.

3 Sec. 18. The exotic animal protection fund is created as a
4 separate fund within the state treasury. This fund shall receive
5 all fees collected under this act. Money in the exotic animal
6 protection fund shall be appropriated by the legislature to the
7 department for the purpose of implementing this act and hiring
8 additional veterinarians to oversee the implementation of this
9 act.

10 Sec. 19. Nothing in this act shall be construed as prohib-
11 iting local units of government from passing ordinances that are
12 more restrictive and protective of exotic animals than otherwise
13 provided by this act and the rules promulgated under this act.