Legislative Analysis

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WILDLIFE AND WILD BIRD FEEDING

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House Bill 4350 as enrolled
Sponsor: Rep. Ken Borton
House Committee: Natural Resources and Tourism
Senate Committee: Natural Resources and Agriculture [Discharged]
Revised 7-16-26

(Enacted as Public Act 86 of 2026)

SUMMARY:

House Bill 4350 would amend the Natural Resources and Environmental Protection Act (NREPA) to allow an individual to set out feed for wildlife and birds if certain conditions are met.

NREPA allows the Natural Resources Commission (NRC), after consultation with the Commission of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in Michigan. The act currently provides that feeding wild birds or other wildlife is not considered deer and elk feeding if done in a manner that excludes white-tailed deer and elk from accessing the feed.

Under the bill, notwithstanding an NRC order as described above, an individual could engage in *wildlife and bird feeding* as long as both of the following requirements are met:

- The feed is located within 300 feet of a residence.
- The quantity of the feed placed, scattered, or distributed, combined with any previously placed, scattered, or distributed feed, is less than two gallons.

The bill would define *wildlife and bird feeding* as the depositing, distributing, or tending of feed in an area frequented by birds and other wildlife to prevent them from starving or for recreational viewing. *Wildlife and bird feeding* would not include any of the following:[1]

- Baiting to take game as provided by an order of the commission under section 40113a.[2]
- The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
- The storage or use of feed for agricultural purposes if any of the following apply:
    - The area is occupied by livestock actively consuming the feed on a daily basis.
    - The feed is covered to deter wild, free-ranging white-tailed deer and elk from gaining access to the feed or is being used on a daily basis.
    - The feed is in a storage facility or is stored in a manner that is consistent with normal agricultural practices.

Additionally, the bill would require that any feeding order issued by the NRC must comply with any U.S. Department of Agriculture standards or memoranda of understanding between state and federal agencies pertaining to the control of infectious diseases.

MCL 324.40111a

[1] The bill would generally remove the existing definition for the term *deer and elk feeding* from these provisions and add a definition for *wildlife and bird feeding*. The listed exclusions from the definition of *wildlife and bird feeding* are the same as what is currently excluded from the definition of *deer and elk feeding*.
[2] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-324-40113a

SENATE ACTION:

The bill was discharged from the Senate standing committee on Natural Resources and Agriculture, and an S-1 substitute was adopted by the committee of the whole. The substitute requires compliance with any U.S. Department of Agriculture standard or memorandum of understanding on the topic of controlling the spread of infection diseases.

BACKGROUND AND DISCUSSION:

The bill is largely identical to House Bill 4088 of the 2021-22 legislative session, which was passed by the legislature and vetoed by the governor. In explaining her veto, Governor Whitmer said that "The Natural Resource Commission's ban on deer and elk feeding is based on strong scientific evidence, which demonstrates that feeding disrupts normal wildlife movement patterns, causing animals to congregate and thereby accelerating the spread of deadly diseases like bovine tuberculosis. HB 4088 would cast aside sound disease management principles to loosen restrictions on deer and elk feeding, threatening our agricultural and hunting industries."[3]

According to testimony offered in House committee in support of the bill, the intent is to create a clearer distinction between the amount of food that may be placed outside for feeding birds and the amount that would constitute illegal baiting of deer and other game species that are experiencing disease outbreaks. The NRC typically opposes allowing activities that they believe will increase the likelihood of unrelated deer herds congregating, due to the presence of chronic wasting disease (CWD) in the state.

However, the Department of Natural Resources has also noted that, based on the memoranda of understanding (MOUs) it currently has with federal agencies regarding bovine tuberculosis, residents in the Lower Peninsula will likely not be able to provide the amount of feed specified in the bill because baiting was banned in those counties when the MOUs were signed in 2018.[4]

FISCAL IMPACT:

House Bill 4350 may reduce enforcement costs for the Department of Natural Resources by exempting wildlife and bird feeding under certain conditions from orders banning baiting or feeding. The magnitude of this potential cost decrease is unclear at present, as the current proportion of enforcement actions prompted by the activities exempted under the bill is unclear. Most enforcement actions are executed by the department's Law Enforcement Division, which is funded by $56.4 million Gross ($19.9 million GF/GP) and 298.0 FTE positions in FY 2025-26. The bill is unlikely to directly affect departmental revenues, local government costs, or local government revenues.

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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.

[3] https://www.legislature.mi.gov/documents/publications/PublicandLocalActs/2021/2021-mpla-4088-veto.pdf
[4] https://bridgemi.com/outdoors-life/michigan-bill-legalizing-backyard-deer-feeding-passes-but-bans-could-remain/