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BILL ANALYSIS



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House Bill 4424 (Substitute H-1 as passed by the House)

Sponsor: Representative John Kivela

House Committee: Natural Resources

Senate Committee: Natural Resources

Date Completed: 5-22-17

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to prohibit the importation of a cervid carcass or parts of a cervid carcass into Michigan from outside the State and specify the penalty for violating the prohibition.

Part 401, and other parts of the Act, regulate the taking of game in the State and prescribe administrative, civil, and criminal penalties for violations. As a rule, a person who violates Part 401, an order or interim order issued under Part 401, or a condition of a permit issued under it is guilty of a misdemeanor punishable by imprisonment for up to 90 days, a fine of not less than \$50 or more than \$500, or both, plus the costs of prosecution. Increased penalties apply to violations involving specific types of animals, and enhanced penalties apply to offenders who have previous convictions for violating Part 401.

The bill specifies that a violation of Part 401 or an order or interim order issued under it regarding the importation of a cervid carcass or parts of a cervid carcass from another state or province would be a misdemeanor punishable by imprisonment for up to 90 days, or a fine of at least \$500 but not more than \$2,000, or both, as well as the costs of prosecution.

The importation of the following cervid carcass parts would not constitute a violation:

- Hides.
- Deboned meat.
- Quarters or other parts of a cervid that do not have any part of the spinal column or head attached.
- Finished taxidermy products.
- Cleaned teeth.
- Antlers.
- Antlers attached to a skullcap cleaned of brain and muscle tissue.

(A cervid is any mammal of the deer family.)

The bill would take effect 90 days after the date it was enacted.

BACKGROUND

Chronic Wasting Disease

Most of the following information was obtained from "Frequently Asked Questions About Chronic Wasting Disease (CWD)", published online by the Department of Natural Resources.

Chronic Wasting Disease is a transmissible spongiform encephalopathy (TSE), or prion, disease of cervids (moose, elk, and deer).¹ It is believed to be transmitted through animal-to-animal contact and environmental contamination. Chronic Wasting Disease prions have been found in saliva, urine, blood, and feces of infected cervids, and some research suggests that the CWD prion can remain indefinitely in certain soil types. The most frequently reported symptoms of CWD are weight loss (or wasting), excessive salivation, and behavioral changes; however, many animals are asymptomatic until the later stages of the disease and many of the reported symptoms are also seen in other cervid diseases. Chronic Wasting Disease is fatal to cervids in all cases but it has never been shown to affect humans. Nevertheless, consuming meat from infected deer is not recommended.

CWD Control Measures for Michigan

A total of 24 states and two Canadian provinces have identified cervids infected with CWD. At least 12 of the cases identified have occurred in Michigan. The first was a deer in a Kent County breeding facility in 2008. Since 2015, nine free-ranging white-tailed deer were confirmed as positive for CWD. These deer were found in Ingham County and Clinton County. Two does in a privately-owned cervid facility were tested and confirmed positive for CWD in January 2017.

To maintain the integrity of the State's cervid herds, the Michigan Department of Natural Resources and the Michigan Department of Agriculture and Rural Development developed the Michigan Surveillance and Response Plan for Chronic Wasting Disease in free-ranging deer and privately owned cervid facilities. The plan first was issued in 2002 after CWD was discovered in Wisconsin, and then it was revised in 2012. The plan provides for the following: a population survey in the area where the CWD-positive deer were found; the establishment of a Core CWD Area consisting of 17 townships in Ingham, Clinton, Shiawassee, and Eaton Counties; the creation of a CWD Management Zone within Clinton, Eaton, Ingham, Ionia, and Shiawassee Counties; a ban on deer and elk feeding and baiting within the Core CWD Area and CWD Management Zone; and a requirement that deer killed by a vehicle within the Core CWD Area be screened for CWD.

Furthermore, under Section 4.1(9) of the Wildlife Conservation Order issued by the Natural Resources Commission, a person may not possess the carcass or parts of a deer, elk, or moose originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have Chronic Wasting Disease in free-ranging deer, elk, or moose populations except for the following: a) deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth; b) a finished taxidermist mount; or c) tissues imported for use by a diagnostic or research laboratory. Currently, the states that this restriction applies to include Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Minnesota, Missouri, Nebraska, New Mexico, New York, North Dakota, Pennsylvania, South Dakota, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming, and the Canadian provinces of Alberta and Saskatchewan.

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Legislative Analyst: Nathan Leaman

¹ Prion diseases are caused by an infectious protein. The prion protein is essentially a misfolded protein. It propagates by inducing normal proteins to fold into the misfolded conformation; those proteins, in turn, induce others to fold abnormally. The accumulation of these misfolded proteins leads to cell death. Other TSE diseases include bovine spongiform encephalopathy ("mad cow disease") and scrapie in animals, and Creutzfeldt-Jakob Disease in humans.

FISCAL IMPACT

The bill would have no fiscal impact on the State and could have a small negative fiscal impact on local government. Any increase in misdemeanor arrests and convictions could increase resource demands on law enforcement, court systems, and community supervision. Any associated increase in fine revenue would increase funding to public libraries.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.