



Senate Fiscal Agency
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BILL ANALYSIS



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

Sponsor: Representative John Kivela

House Committee: Natural Resources

Senate Committee: Natural Resources

Date Completed: 5-31-17

RATIONALE

Since Michigan's first detected case of Chronic Wasting Disease (CWD) in 2008, a total of 12 deer have tested positive for the disease. In response, the Natural Resources Commission has restricted by order the importation of cervid parts from other states. Currently, a person may not possess the carcass or parts of a cervid originating from a state or province detected to have CWD in free-ranging deer, elk, or moose populations, except for deboned meats, certain parts, finished taxidermy mounts, or tissues imported for a diagnostic or research laboratory. Some contend, however, that other states could have undetected cases of CWD in free-ranging deer, and that an infected deer could cause additional cases of the disease in Michigan if its carcass or parts were imported. Accordingly, it has been suggested that the current restriction should be broadened in statute to apply to all states.

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.

The amendatory act could be referred to as the "John Kivela amendatory act".

MCL 324.40118

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). 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 Clinton, Eaton, Ingham, and Shiawassee 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 skullcap 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.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to the Department of Natural Resources, hunting contributes roughly \$2.3 billion to the economy and is enjoyed by nearly 770,000 people annually. The emergence and spread of CWD could jeopardize the deer hunting industry and the long-term health of the herd by overcoming the ability of the deer population to replace those animals killed by CWD. As the population declines and the spread of the disease becomes more pronounced, people might stop hunting because of a lower population of deer and because they do not want to harvest sick animals.

The bill represents an expansion of a current Natural Resources Commission order restricting the transportation of harvested free-range deer, elk, or moose from states with confirmed cases of CWD. Chronic Wasting Disease cases can be difficult to detect as animals are generally asymptomatic until the disease is in its late stages. According to testimony from the Department of Natural Resources, some states that were previously thought to be free of CWD have later been found to have a relatively high prevalence of the disease. Thus, diseased cervid carcasses may be brought across state lines unwittingly by hunters. By restricting what may be brought in from other states to parts that do not carry the disease (i.e., parts other than the brain and spinal cord), the bill could slow the spread of the disease.

Response: While measures such as those proposed by the bill should be taken against the spread of CWD, the State should use resources to educate people bringing back game from other states about the bill's prohibition, if it were enacted. This is particularly true since most of the individuals who would be affected by the bill would likely not violate the law if they knew about it, and the bill would criminalize what is currently legal and practiced.

Legislative Analyst: Nathan Leaman

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.

Fiscal Analyst: Ryan Bergan

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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.