

MODIFIED BOW AND CROSSBOW PERMITS

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House Bill 5741

Sponsor: Rep. Joel Sheltrown

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 6-9-08

A SUMMARY OF HOUSE BILL 5741 AS INTRODUCED 2-14-08

The bill would amend the Natural Resources and Environmental Protection Act concerning eligibility for hunting with modified bows and crossbows in the following ways:

- Modified bows. Currently, a person who only has use of one full arm can obtain a permit to use a modified bow that can be held, aimed, and shot with one arm. The bill would allow the modified bow to be operated with one arm *or one foot*.
- Crossbow permits for disabled persons. To obtain a permit to hunt with a crossbow under the bill, an applicant would generally need to obtain a certification from a licensed physical therapist (who would have to perform specific tests or measurements) that the applicant has a permanent disability consisting of one or more impairments to a hand, elbow, or shoulder. The impairment or impairments, alone or in combination, would have to total at least 60 percent (current policy is 80 percent). Even if possessing a sufficient degree of disability, a person would need to retain adequate coordination, as tested by the physical therapist, to qualify for the permit. Persons with a physician's diagnosis of specified amputations or spinal cord injuries could qualify for a crossbow permit without specific testing by a physical therapist.
- Crossbow permits for persons aged 69 and older. The bill would also allow anyone who is 69 years old or older to obtain a crossbow permit.

A crossbow is a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow bolt or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety and a draw weight of 100 pounds or greater. A crossbow is easier to operate than a standard bow. Persons with a permit to use a modified bow or a crossbow would still be required to have a hunting license for the type of game being hunted and to comply with all other hunting rules and regulations.

More details follow.

Modified bow permits. Under current Section 40114(2), the Department of Natural Resources (DNR) may issue a permit to hunt with a modified bow that can be operated with one *arm* to a person who (1) is permanently disabled, (2) has full use of only one

arm, and (3) who is unable to hold, aim, and shoot a bow. A person with a modified bow permit still must have the appropriate hunting license for the type of game being hunted and must comply with all other applicable hunting laws and rules. The bill would also allow the issuance of permits for modified bows that could be operated with one *foot* to persons who only have the full use of one arm.

Crossbow permits. Section 40114(3) currently authorizes the DNR to issue other types of permits, including a permit for "the taking of game with a crossbow by a person who is permanently disabled." The bill would add a new Section 40115 that would require applicants for a crossbow permit to submit a certification from a licensed physical therapist as to the applicant's permanent disability and would require that the DNR issue crossbow permits as provided in the new Section 40115. There would be no fee for a crossbow permit, but the person would need the appropriate hunting license for the type of game being hunted and would have to apply with all other applicable hunting laws and rules.

Physical therapist certification; test of "permanent disability". An applicant for a crossbow permit would have to submit a signed certification to the DNR from a licensed physical therapist indicating the applicant's percentage of disability based on testing. An applicant would be considered "permanently disabled" and eligible for a crossbow permit if he or she has an individual impairment of a hand, elbow, or shoulder of at least 60 percent or a combination of impairments to a hand, elbow, or shoulder. Note however, as set forth below, that persons with certain amputations and spinal cord injuries would qualify for a crossbow permit without testing by a physical therapist. See "Amputations" and "Spinal Cord Injuries" below.

Testing or measurement methods. In determining the percentage of impairment or disability of an applicant for a crossbow permit, a licensed physical therapist would have to use the following testing or measurement methods. These tests appear to be substantially identical to the tests specified in the current application for a crossbow permit found on the DNR website:

www.michigan.gov/documents/PR9134E_149461_7.pdf

- Upper extremity muscle weakness. Muscle weakness in involved upper extremity muscle groups with a grade of fair or below, as tested using "Techniques of Manual Muscle Testing, by Daniels and Worthingham, or other guidelines accepted by the American Medical Association (AMA). (But see specific measurements required for unilateral hand weakness set forth below.)
- Impaired range of motion. Tested with goniometric measurements using the "American Medical Association Guide to Evaluation and Permanent Impairment Rating," or other guidelines accepted by the AMA. (In occupational and physical therapy, a goniometer is an instrument which measures an axis and range of motion for a joint.)

- Peripheral nerve involvement. Tested using the "American Medical Association Guide to Evaluation and Permanent Impairment Rating," or other guidelines accepted by the AMA.
- Amputations. Amputations involving a wrist, elbow, shoulder, or four fingers at the proximal interphalangeal joint would not require objective test findings. However, an applicant would need to present a physician's diagnosis of the applicant's amputation or amputations to be qualified for a permit.
- Unilateral hand weakness. Grip dynamometer, pinch grip, and lateral grip measurements would be used in addition to manual muscle testing. The bill states that "a five percent deficit is 'standard acceptance' for the nondominant hand." (In other words, it is normal for a person's nondominant hand to be five percent weaker than his or her dominant hand.) Bilateral hand weakness or bilateral upper extremity weakness, or both, would be subject to manual muscle testing only.
- Spinal cord injuries. Any spinal cord injury "above the level of C-8," resulting in permanent disability to the lower extremities, leaving the applicant permanently nonambulatory, as diagnosed by a physician do not require objective test findings.
- Coordination assessment. The licensed physical therapist would assess a person's coordination, meaning the ability to execute smooth, accurate, and controlled movements. Incoordination or coordination deficit would mean abnormal motor function characterized by awkward, extraneous, uneven, or inaccurate movements, caused by central nervous system disorders (such as Parkinson's Disease, cerebral palsy, hemiplegia, hemiparesis, and closed head trauma) or by progressive neuromuscular diseases (such as muscular dystrophy, multiple sclerosis, and amyotrophic lateral sclerosis).

The bill says that the coordination assessment will eliminate severely impaired applicants from qualifying for a permit for safety reasons. Although not entirely clear, this would appear to mean that otherwise eligible persons who are found to have severe coordination impairment would not be eligible for a crossbow permit. It is not clear whether a person with a qualifying amputation or spinal cord injury, who does not otherwise need testing by a physical therapist, would still be required to pass a coordination assessment to obtain a permit.

Allow two crossbow permit disability exams every six months. A person who is determined ineligible for a crossbow permit by a licensed physical therapist can seek a second opinion from the same or different licensed physical therapist within 30 days of receiving test results, but cannot seek such a diagnosis more than twice in any six month period. Although not explicitly stated, it would appear that if the second therapist determined that the person was permanently disabled, contrary to the first physical therapist's opinion, the person would be eligible to apply for a crossbow permit.

Revocation of crossbow permit. A crossbow permit issued to a person meeting the permanent disability test is valid unless revoked under the Administrative Procedures Act.

Specifications for arrows, bolts, and quarrels for use by disabled crossbow hunters. The arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow under a permit issued to a person with a disability under Section 40115 would be required to have a broadhead hunting type of point at least 7/8 of an inch wide and at least 14 inches long. (Note: As written, these specifications would appear to apply only to disabled persons issued crossbow permits, not to older persons who qualify for crossbow permits.)

Crossbow permits for persons 69 and older. The bill would also add a new Section 40115a that would authorize the DNR to issue crossbow permits to persons who are at least 69 years old, whether disabled or not. As with other crossbow permits, the permit would be issued without cost to the applicant but the person would still need to have a hunting license for the game being hunted and to comply with all other hunting laws and rules.

MCL 324.40114

FISCAL IMPACT:

The bill would not have a fiscal impact on the state or local governmental units.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.