

# HOUSE BILL NO. 4234

February 11, 2021, Introduced by Reps. Hoitenga and Steven Johnson and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40116 (MCL 324.40116), as amended by 2016 PA 377.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 40116. (1) An individual shall not take game during the  
2 established daylight shooting hours from August 15 through April 30  
3 unless the individual wears a cap, hat, vest, jacket, or rain gear  
4 of hunter orange or ~~a color authorized by the commission under~~

1 ~~subsection (4).~~ **hunter pink.** Hunter orange or a ~~color authorized by~~  
 2 ~~the commission under subsection (4)~~ **hunter pink** includes camouflage  
 3 that is not less than 50% hunter orange or a ~~color authorized by~~  
 4 ~~the commission under subsection (4).~~ **hunter pink.** The garments that  
 5 are hunter orange or a ~~color authorized by the commission under~~  
 6 ~~subsection (4)~~ **hunter pink** must be the hunter's outermost garment  
 7 and be visible from all sides of the hunter.

8 (2) Subsection (1) does not apply to an individual engaged in  
 9 the taking of deer with a bow or crossbow during archery deer  
 10 season, an individual taking bear with a bow or crossbow, an  
 11 individual engaged in the taking of turkey or migratory birds other  
 12 than woodcock, an individual engaged in the sport of falconry, or  
 13 an individual who is stationary and in the act of hunting bobcat,  
 14 coyote, or fox.

15 (3) The failure of an individual to comply with this section  
 16 is not evidence of contributory negligence in a civil action for  
 17 injury to the individual or for the individual's wrongful death.

18 ~~(4) The commission shall review and determine whether hunter~~  
 19 ~~pink or any additional colors are effective and safe for~~  
 20 ~~individuals to wear while hunting. By October 1, 2017, the~~  
 21 ~~commission shall issue an order under section 40113a authorizing~~  
 22 ~~what additional garment colors may be worn under subsection (1)~~  
 23 ~~based on the determination made by the commission under this~~  
 24 ~~subsection.~~

25 (4) ~~(5)~~ As used in this section:

26 (a) "Hunter orange" means the highly visible color commonly  
 27 referred to as hunter orange and includes blaze orange, flame  
 28 orange, and fluorescent blaze orange.

29 (b) "Hunter pink" means the highly visible color commonly

- 1 referred to as hunter pink and includes blaze pink, flame pink, and
- 2 fluorescent blaze pink.