



Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

PROHIBIT EXOTIC ANIMALS AND WOLF-DOG CROSSES

House Bill 4791 (Substitute H-2)
Sponsor: Rep. Michael Hanley

House Bill 4792 (Substitute H-2)
Sponsor: Rep. Michael A. Prusi

House Bill 4793 (Substitute H-1*)
Sponsor: Rep. Gerald Law

First Analysis (6-19-97)
Committee: Health Policy

THE APPARENT PROBLEM:

The last two decades have seen a growing interest in the ownership of exotic animals such as wild cats (lions, tigers, lynx, and so on), monkeys, bears, and wolf-dog crosses. Some are attracted to these species because of the "uniqueness" of the animals, where others seek them out as status pets. Still others are attracted by the money that can be made in selling the offspring. Reportedly, wolf-dog crosses can cost from \$250 to over \$1,000 per puppy, bears from several hundred dollars to several thousand dollars, exotic cats can cost thousands of dollars, and monkeys can range from a few thousand to tens of thousands of dollars. However, as the number of these animals in captivity has risen, so has the number of people killed or injured in attacks. Statewide, three children have been killed by wolf-dog crosses, many children and adults injured, and scores of pets and livestock killed. In addition, "pet" bears and lions have been responsible for several deaths and a number of maulings. Reports abound of exotic animals and wolf-dog crosses being chained in yards or kept in small, dirty pens. These animals are often neglected or poorly cared for, may escape easily, or are turned loose by their owners when they become too hard to handle. Even if cared for properly, many owners have reported being attacked by previously "friendly" animals for no apparent reason.

To many experts in the field, the reasons are easy to understand -- wild animals are wild animals, and therefore pose a definite public health risk to owners and to others who encounter the animals. Animal experts maintain that certain aggressive and predatory traits are instinctual in exotic animals and wolf-hybrid crosses, and impossible to overcome through training or to breed out in a few generations. They cite the domestic dog, which has had the advantage of 15,000 years in which to breed out dangerous or undesirable

traits. Often something as simple as a child falling down, or a person running or staring one of these wild or exotic animals or wolf-dog crosses in the eyes, can be interpreted by the animal as a sign of weakness or a challenge, and thus precipitate an attack. In the June, 1994 issue of Smithsonian, an article on wolf-dog crosses related a story of a wolf-dog cross named Nahanni whose owner had taken her into many schools to "teach kids just how lovely wolves really are." Then one day, after four years of being with the family, Nahanni attacked and bit the owner's husband. The day of the attack, the husband had been limping slightly due to lower back pain. The owner had to get rid of Nahanni because the animal continued to attack the husband after that day every time he went into the pen. This story underscores the problem of keeping exotic animals or wolf-dog crosses as pets -- the animals can appear docile, but can attack with no or little provocation.

Currently, the state does not regulate the standard of care or the type of enclosure provided for exotic animals owned privately, nor are sales of wolf-dog crosses regulated. Many have expressed concerns that the lack of regulation contributes to mistreatment of the animals and increases the likelihood of fatal or injurious encounters by owners and strangers. Further, concerns have been raised in regards to the spread of rabies by wolf-dog crosses. Currently, there is no approved vaccination against rabies for wolf-dog crosses, and little is known about the progression of the disease among wolves and wolf-dog crosses.

Several municipalities have enacted ordinances banning the ownership of exotic animals or wolf-dog crosses, but due to concerns over the threat to the public health of

the state's residents, many would like to see a uniform ban

state-wide on future ownership of these animals. Legislation has been proposed to address these concerns.

THE CONTENT OF THE BILLS:

The bills would prohibit the future ownership of exotic animals such as lions, bears, and monkeys and wolf-dog crosses, provide regulation for animals currently kept as pets, and establish penalties. In particular, the bills would do the following:

House Bill 4791 would create the Dangerous Exotic Animal Act and House Bill 4793 would create the Wolf-Dog Cross Act to prohibit possession of such animals (except in compliance with the act), prohibit conveying ownership of them, and prohibit breeding a dangerous exotic animal or wolf-dog cross. "Dangerous exotic animal" would be defined as a non-native cat of the *Felidae* family (excluding domestic cats), a non-native bear, and a nonhuman primate (excluding nonhuman primates owned by scientific research facilities). It would not matter whether the animals were wild or captive bred. "Wolf-dog cross" would be defined as a canid that was a crossbreed resulting from the breeding of a wolf with a dog, the breeding of two wolf-dog crosses, or a wolf-dog cross with a dog, or an animal represented by the owner by any means to be a wolf-dog cross or the descendant of a wolf-dog cross. House Bill 4791 would not apply to facilities licensed or approved by the Association of Zoos and Aquaria, the United States Department of Agriculture, or the Fish and Wildlife Service of the United States Department of the Interior, and the permit requirement and ban on breeding wolf-dog crosses under House Bill 4793 would not apply to these agencies.

A person at least 21 years of age could keep any dangerous exotic animal or wolf-dog cross owned at the time of the bills' effective dates if he or she obtained a permit and provided certain specified care.

Permits. Application would have to be made within 90 days of the bills' effective dates to the local unit of government for a nontransferable permit. Annual permit fees would be established by the municipality to cover costs of enforcing the bills' provisions and would have to be at least \$200 (this would be in addition to the original \$100 application fee). The application would have to include information pertaining to the property and the facility or enclosure the animals would be kept in, the number and type of dangerous exotic animals or wolf-dog crosses that would be kept, and a notarized statement that a local ordinance did not exist that prohibited dangerous exotic animals or wolf-dog crosses. A municipality could not grant a permit to a person who had been convicted of violating a state or federal criminal law, had a court order requiring a dangerous exotic animal or wolf-dog cross to

be euthanized or taken away, or who would not comply with the bills' provisions regarding the care and keeping of dangerous exotic animals and wolf-dog crosses. For wolf-dog crosses, written certification by a veterinarian that the wolf-dog cross had been sexually sterilized would have to be provided. Permits would have to contain the name of the person, the address where the animal would be kept, the number of animals kept, the place and conditions of quarantine, the name and address of the treating veterinarian, proof of liability insurance coverage on the animal, terms and conditions for exporting the animal to another state or country, and other information as determined by the municipality. The municipality would have to notify the Department of Agriculture of the name and address of a permit holder and the type of animal owned. Possessing an animal without a permit would result in the confiscation and relocation of the animal and liability for the costs associated with the confiscation and relocation.

Required care. A dangerous exotic animal or wolf-dog cross would have to be under adult supervision and control to prevent injuries to humans or other animals. Animals could not be tethered outdoors on a chain or leash, or transported unless in a travel cage. During times of cage cleaning, a shift cage would have to be used. At all other times, the animals would have to be in a facility that met the bills' specifications (e.g., have a double-gated safety entrance locked at all times, have safety barriers to prevent human contact with the animal, and be constructed of materials to prevent escape or injury to the animal). The bill would also specify the level of care to be provided to the animals with regard to sanitary conditions of the cage or enclosure; food and water requirements; adequate drainage of surface water; veterinarian care provided and documented; and that conditions such as temperature, exercise, diet, and ventilation be conducive to the animal's physical and psychological health and comfort. The death of an animal would have to be certified in writing by a veterinarian, law enforcement authority, or the permitting agency and the certification submitted to the department within 10 business days after the animal's death. In addition, the facility that a dangerous exotic animal was kept in would have to meet specified federal requirements.

In addition, the bills would provide for the following:

Transporting or exporting dangerous exotic animals or wolf-dog crosses. The transportation of animals in a vehicle would have to comply with the standards of the International Air Transport Association and other requirements as specified by the bills, such as being individually caged (unweaned offspring could be caged with the mother), being in cages of sufficient size, receiving fresh air without harmful drafts or engine

exhaust fumes, being adequately protected from the elements, having cage or quarters cleaned properly, and being fed appropriately and watered twice a day. An animal could not be exported to another state or country unless the import and possession of a dangerous exotic animal or wolf-dog cross was lawful in the other state or country, and the new destination and new owner had been approved by the regulatory agency in that state or country.

Penalties and violations. Enforcement of the bills could be done by any law enforcement authority. "Law enforcement authority" would be defined as a law enforcement officer of a municipality and would include an animal control officer, a conservation officer of the Department of Natural Resources, a state trooper, or a federal law enforcement officer. Appearance tickets could be issued by all but federal officers. Permits to own dangerous exotic animals or wolf-dog crosses would have to be presented upon the request of a law enforcement officer, and the locations where the animals were being kept would be subject to inspection at reasonable hours. A violation of the bills' provisions would be a misdemeanor, punishable by one or more of the following:

--Imprisonment of up to 90 days.

--Up to 1,000 hours of community service.

--A fine of at least \$2,000.

--Revocation of a permit. (A permit could be revoked after an evidentiary hearing were held if the owner had been convicted of cruelty to animals, violated the bills' provisions, was under certain court orders regarding the animal, or if the animal had seriously injured or killed a human or other animal.)

--Loss of privileges to own or possess any dangerous exotic animal or wolf-dog cross for a period of time determined by the court.

--Payment of the cost of prosecution.

--Payment of the cost to law enforcement authorities to care for, relocate, or euthanize any confiscated animal.

A person would have to be notified in writing by a law enforcement authority of a violation. The violation would have to be corrected within 30 days of receiving the notice or the animal would be conveyed to a person with an appropriate permit. Notification of the action taken would have to be made to the law enforcement authority. Unless the law enforcement authority had been notified that the animal had been conveyed, an unannounced second inspection would be conducted at a cost to the

owner of \$100 or actual costs. If the violation had not been corrected, the person's permit would be revoked after an evidentiary hearing and the animal confiscated. The animal would be placed in a nature preserve or other approved facility or euthanized (at the owner's expense) if no suitable place were found. Dangerous exotic animals or wolf-dog crosses housed in conditions that constituted a clear and present danger to humans would be immediately confiscated and placed in an approved facility at the owner's expense.

Further, an owner would be jointly and severally liable in a civil action for the death of or injury to a human or animal, or for property damage caused by a dangerous exotic animal or wolf-dog cross, whether or not a permit had been obtained. A person would also be responsible for all expenses associated with recapturing an animal that was released or escaped. (An escape or release would have to be reported immediately to a local law enforcement authority.) Confiscation or capture could be done by means of tranquilization or other humane methods.

In addition, a district court could issue a summons to show cause why a dangerous exotic animal or wolf-dog cross should not be euthanized, confined, sterilized, or confiscated if presented with a complaint alleging that the animal was not properly maintained, destroyed property, or killed or seriously injured any human or other animal. If the court found any of the allegations to be true, the court could order the animal to be euthanized; confined on the owner's property or sterilized, or both; or confiscated and relocated to an approved facility. The owner would be responsible for all costs incurred with the confiscation and placement of the animal.

Miscellaneous provisions. Municipalities could adopt ordinances governing dangerous exotic animals and wolf-dog crosses more restrictive than the provisions of the bills. However, a municipality could not adopt an ordinance that would prohibit the possession of a dog exclusively based on its breed. A person who witnesses an attack or potential attack by a dangerous exotic animal or wolf-dog cross on a human or other animal would not be liable in damages for killing a wolf-dog cross or exotic animal. The owner of a wolf-dog cross would be responsible for trespass damages under certain conditions if the wolf-dog cross entered another person's field or enclosure where livestock were produced.

In addition, if a dangerous exotic animal or wolf-dog cross exposed a human or livestock or a mammalian pet to rabies through penetration of the skin by any means, or by exposure to saliva, the incident would have to be reported within 48 hours to the local health department in the case of human exposure, or the permitting agency in the case of animal exposure. A wolf-dog cross that

potentially exposed a human or other animal to rabies would have to be euthanized and examined for rabies according to rules promulgated by the Department of Community Health.

House Bill 4792 would amend the Natural Resources and Environmental Protection Act (MCL 324.101 et al) to add Part 429 entitled "Native Cats and Bears in Captivity." The bill would prohibit the possession or conveyance of ownership of a captive wild animal, except in compliance with the bill's provisions, and would prohibit the breeding of such animals. The bill would define "captive wild animal" as a cat of the *Felidae* family of a species native to Michigan that was either wild or captive bred and would include a hybrid cross with such a cat, and a bear of a species native to the state, whether wild or captive bred. The bill's prohibition on ownership of a captive wild animal would not apply to a facility licensed or approved by the Association of Zoos and Aquaria, the United States Department of Agriculture, or the Fish and Wildlife Service of the United States Department of the Interior; a person engaged in the rehabilitation of wild animals as authorized by the Department of Natural Resources; and a person who was in lawful possession of an animal on the bill's effective date. Further, the bill would specify that the Department of Natural Resources could issue a permit to allow possession of a wild native animal to a public or private university or college or to another public agency performing or associated with the bona fide scientific study or research of wildlife. (Note: The DNR currently requires a permit to possess a native wild native animal.)

A person in possession of a captive wild cat would have to follow the standards of care applicable specifically to cats as well as the standards applicable to all dangerous exotic animals as specified in House Bill 4791. If the animal was a bear, the standards of care applicable specifically to bears other than polar bears would have to be followed as well as the standards applicable to all dangerous exotic animals as specified in House Bill 4791. In addition, the department could issue orders or promulgate departmental rules to provide for additional or more stringent standards than what the bill provides for.

Exporting or attempting to export a prohibited captive wild animal to another state or country would be prohibited unless the export were approved by the department, the import and possession of the animal were lawful in the other state or country, and the destination and new owner had been approved by the regulatory agency in the other state or country that had the authority to do so. The bill's provision would not limit any authority of the Department of Agriculture under the Animal Industry Act (MCL 287.701 et al.). Further, the

requirements of the bill would be in addition to any other requirements that governed prohibited captive wild animals under state or federal law.

The bill is tie-barred to House Bill 4791.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The reasons for a ban on wolf-dog crosses are many and compelling. Three children have died in Michigan from wolf-dog cross attacks and scores of attacks on humans and animals have been documented over the past decade. According to veterinarians and wildlife experts, the instincts for predatory and territorial behavior are too ingrained for these animals to safely interact with humans and other animals on a day to day basis. Children often inadvertently trigger predatory behavior in these animals due to their small size and tendency to fall down or run (which is interpreted by the animal as a show of weakness). Unfortunately, children are also less able to protect themselves. A case in point is five-year-old Angie Nickerson of Michigan who was killed and partially consumed by a wolf-dog cross that had escaped from its chain as she walked from the bus stop to her house. In another story, a twelve-year-old girl recounted the horror of being attacked by a wolf-dog cross as she also waited for the bus, and of the seven hours of surgery she endured to repair the damage to her arms and head. The dog that attacked her had since attacked and killed both her family dog and a neighbor's dog, but was still free to roam.

The majority of the deaths and injuries nation-wide caused by wolf-dog crosses have been to toddlers and preschoolers, and have been by animals that escaped from pens or chains. Other deaths and injuries have occurred when children or adults, in not knowing the dangers these animals present, have approached the animals to pet them or have inadvertently wandered into their reach. Though the provisions of House Bill 4793 regarding enclosures may appear to some to be overly restrictive, it must be understood that wolf-dog crosses tend to be highly destructive and excellent at escaping confinement. Animal control officers have recounted stories of these animals almost destroying pens at shelters, attacking workers, and killing other dogs at the shelters. Wolf-dog crosses confiscated and held at one Michigan shelter attempted to drag a worker into their pen by grabbing her ponytail. These animals can leap over or dig under most fences. They break thick chains and seem to chew through metal. If people are allowed to keep the animals

they currently own, then due to the serious risk the animals pose to others, it is only right that stringent requirements for the construction of enclosures be adopted.

Other concerns raised about wolf-dog crosses involve the fraudulent marketing of shepherd or malamute crosses as wolf-dog crosses in order to command a higher fee. In fact, many supporters of allowing ownership of wolf-dog crosses may base their beliefs on positive experiences with shepherds or malamute crosses rather than experiences with true wolf-dog crosses.

Further, unlike the proven rabies vaccine for domestic dogs, there is no approved rabies vaccine for wolf-dog crosses. Additionally, there is not enough information about the progression of the disease in wolves and wolf-dog crosses to adequately assess the danger posed to humans and domesticated animals.

A further concern is that as these animals are mated with wolves or escape into the wild and mate with wild wolves, the wolf recovery program will be compromised by the interference in the gene pool.

In short, the bills would serve to protect wild native animals, dangerous exotic animals, and wolf-dog crosses currently kept as pets by establishing a standard of care appropriate to the breed. Humans, pets, and livestock would be protected from wild native animals, dangerous exotic animals, and wolf-dog crosses by the bills' provisions for appropriate pens and enclosures that should ensure against escapes, children or adults sticking their hands through cages to pet an animal, or people inadvertently walking within an animal's reach. In case of injury or property loss, victims would have legal recourse to recover damages through civil suits. Most importantly, the bills would send an important message would be sent that wild animals belong in the wild, and not in the backyard.

Against:

The ban on breeding dangerous exotic animals and captive wild animals should be modified to allow the breeding by authorized persons of certain small cats that do not pose the same danger as the larger cats. Private breeding helps to perpetuate species that have declining numbers as zoos do not have the space necessary to use for breeding for all species. Reportedly, some well-respected breeders of small cats are outside of zoological associations and fisheries and wildlife agencies. Some small cat species need help beyond what zoos can provide in order to perpetuate their species and protect against extinction.

Against:

Many exotic animals and wolf-dog crosses make wonderful pets and do not cause problems. It is not right for government to restrict the choice of pets. Besides, this is a local issue and so should be decided on a local level through ordinances. Many communities have rejected attempts to ban these animals, and should have the right to continue to allow them. Plus, this issue of banning wolf-dog crosses has been debated for years and it comes down to the unfairness of banning a specific breed. Attempts to ban other breeds of dogs have failed in the past, too. In addition, House Bill 4793 would be very difficult to enforce, as it would be hard to prove or disprove that a dog was or was not a wolf-dog cross. People with shepherd or malamute crosses could unfairly face stiff penalties under the bill should their pet bite a person or have their pets confiscated unnecessarily because someone thinks the dog looks like a wolf-dog cross, where wolf-dog cross owners may go without being sanctioned. Perhaps with better owner education, sufficient measures can be taken that would address safety concerns.

Response:

While it is true that some owners of big cats, monkeys, bears, and wolf-dog crosses do provide proper care and appropriate enclosures, many do not. Due to the serious nature of the attacks on people by these animals, the risks to the public far outweigh the right of the few to continue to possess the animals. Besides, the bills also afford greater protection to the animals, as it is well documented that many of these animals are poorly fed, chained so as to prevent proper exercise, and housed in unsanitary conditions. Reportedly, many of the baby monkeys sold on the market are stolen from tranquilized mothers in the wilds, transported under improper conditions (temperature, food, and so on), and because they typically are unweaned, die from improper nourishment and poor conditions. As for local ordinances, if a community should pass an ordinance to ban these animals, the owners often move to a neighboring community without a ban. In one case, a person with an African lion moved from one community to another after an ordinance was passed. Within weeks of the move, the lion severely mauled a young boy who had wandered within the lion's reach. The grave danger these animals pose demands state-wide uniformity in the laws.

In regards to the debate over the suitability of wolf-dog crosses as pets, the evidence is overwhelming that the majority (up to 85 percent by some reports) of these wolf-dog crosses are undependable and likely to exhibit aggressive and potential dangerous behavior. Though there have been more people killed or injured by certain

dog breeds such as pit bulls, there is a higher ratio of attacks to the number of animals with wolf-dog crosses. Plus, training and selective breeding are much more associated with the aggressive behavior exhibited by pit bulls, where instinct and basic nature appears to be the problem with wolf-dog crosses. Also, though it is true that certain dogs and wolf-dog crosses are hard to differentiate, experts can often make accurate determinations based on eye color, head shape, and how the animal walks or positions its legs. The intent of the bill is not to conduct house to house searches and confiscate pets, but to identify an animal that poses a documented public health risk and implement a policy that will diminish the danger from animals currently owned by people and drastically decrease or eliminate the numbers of these animals being kept as pets in the future.

POSITIONS:

The Association of Animal Control Officers supports the bills. (6-17-97)

The Michigan Humane Society supports the bills. (6-17-97)

The Michigan Veterinary Medical Association supports the bills. (6-17-97)

The Michigan Department of Agriculture is neutral on the bills. (6-17-97)

Analyst: S. Stutzky

■ 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.

