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SFA



BILL ANALYSIS

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House Bill 4793 (Substitute S-2 as reported)
Sponsor: Representative Gerald Law
House Committee: Health Policy
Senate Committee: Hunting, Fishing and Forestry

Date Completed: 11-4-98

RATIONALE

Although current endangered species laws in Michigan prohibit private citizens from owning full-blooded wolves, Michigan does not regulate the ownership of wolf-dog crosses. Wolf-dog crosses are not considered to be members of a Federally endangered or threatened species, and therefore their regulation is left to state and local jurisdictions. Apparently, there has been a growing interest in the ownership of wolf-dog crosses because some people are fascinated with wolves or seek wolf-dog crosses as status pets, while others are attracted by the financial gain of selling the offspring for as much as \$1,000 per puppy.

The breeding of wolf-dog crosses for use as pets has raised a number of public health and safety concerns. Reportedly, most wolf-dog crosses are poorly adapted to be pets, and there have been numerous fatal and injurious attacks on people and other animals. Wolf-dog crosses sometimes are neglected, or are abandoned or released by their owners when they become difficult to handle. Even if the animals are cared for properly, many owners reportedly have been attacked by their wolf-dog crosses for no apparent reason.

Some people believe that since wolf-dog crosses can pose a serious risk of danger to the public, their possession, handling and care should be regulated, and standards for keeping wolf-dog crosses should be imposed. In addition, they suggest that owners' responsibilities and liabilities in instances of wolf-dog cross attacks should be clearly specified.

CONTENT

The bill would create the "Wolf-Dog Cross Act" to allow a person to possess one or more wolf-dog crosses if the person annually obtained a wolf-dog cross license, including a rabies

vaccination, for each wolf-dog cross. The bill also would provide for conditions of a wolf-dog cross facility and the handling and care of the animals; standards for keeping a wolf-dog cross in a person's residence, including a posted sign; specification of owners' responsibilities and liabilities, including a requirement that a wolf-dog cross be humanely euthanized if it had potentially exposed a human, livestock, or a mammalian pet to rabies; and penalties for violations of the bill.

"Wolf-dog cross" would mean a canid that was a crossbreed resulting from the breeding of a wolf with a dog, the breeding of two wolf-dog crosses, the breeding of a wolf-dog cross with a dog, the breeding of a wolf-dog cross with a wolf, or an animal represented by the owner through advertisement, registration papers, sworn statements, or any other method, as a wolf-dog cross.

The following is a more detailed description of the bill.

Required Handling and Care

A wolf-dog cross could not be tethered outdoors, such as on a leash or chain. It would have to be kept constantly in a facility that met the following requirements: sufficient security to prevent escape and protect the animal from injury; construction material of cement blocks, bricks, concrete, chain link fence, wires, or bars; anchor by metal clamps, ties, or braces; double-gated safety entrance and lock; a floor area of at least 900 square feet and an additional 450 square feet for each additional animal; and walls extending at least three feet below ground and at least eight feet above ground with an inward overhang of at least three feet.

Under the bill, the person in possession of the wolf-dog cross could, on a permanent or temporary basis, keep the animal in the person's residence if the animal were in a cage when not under the supervision of a person 21 years or older. The person also would have to comply with the following requirements: present a wolf-dog cross license upon the request of law enforcement authority; not place the wolf-dog cross under the supervision of a person under 21 years of age; post and maintain a sign stating, "A wolf-dog cross, which is potentially a dangerous animal, is kept on this property", at each fence gate and door providing access to a residence, building, or facility and on each side of the facility; and not mistreat or neglect the wolf-dog cross.

The bill also would require that conditions in which the wolf-dog cross would be kept, such as temperature, ventilation, humidity, drainage, sanitation, diet, and exercise be safe and conducive to the animal's physical health and comfort to promote normal behavior. Potable drinking water would have to be provided daily in a clean, accessible container unless otherwise directed by a veterinarian. While the animal's facility was being cleaned, the wolf-dog cross would have to be kept in an appropriate and safe cage in the residence under the supervision of a person 21 years of age or older, or in a shift cage.

Owner Responsibility and Liability

If a wolf-dog cross potentially exposed a human, livestock, or mammalian pet to rabies by any penetration of the skin by teeth, scratches or abrasions, or by contamination of open wounds or mucous membranes with saliva or other infectious material, or if the wolf-dog cross potentially exposed a human to any contagious zoonotic diseases, the potential exposure would have to be reported within 48 hours to the local health department in the case of human exposure or to the licensing agency in the case of animal exposure.

A wolf-dog cross that could have potentially exposed a human, livestock, or mammalian pet would have to be humanely euthanized and immediately examined for rabies under the rules promulgated in Section 5111 of the Public Health Code. The bill's provision, however, would not apply if the potential exposure occurred after the U.S. Department of Agriculture (USDA) had licensed a rabies vaccine for wolf-dog crosses. The person in possession of the wolf-dog cross would have to handle the animal according to any

quarantine and other provisions of the current published guidelines of the Center for Disease Control and Prevention.

The bill specifies that a law enforcement authority or other person who had seen a wolf-dog cross pursuing, attacking, or wounding livestock or poultry or attacking a person, could kill the animal but would not be liable for damages or otherwise. The wolf-dog cross's owner could be held liable for damages if the animal had trespassed into another person's field or enclosure where livestock and poultry were produced.

The bill specifies that the person in possession of a wolf-dog cross would be liable in a civil action for the death of or injury to any animal or person, or for property damage caused by the wolf-dog cross. The person in possession of the wolf-dog cross immediately would have to contact a law enforcement officer of the local unit to report an escape or release (unintentional or intentional) of a wolf-dog cross. He or she also would be liable for all expenses associated with efforts to recapture the escaped or released animal.

Penalties

A person who violated the bill, other than a provision applicable to a law enforcement authority, would be guilty of a misdemeanor punishable by a fine of at least \$1,000 but not more than \$5,000, plus costs of prosecution. The person also could be punished by imprisonment for up to 90 days and/or community service work for up to 1,000 hours.

Other Provisions

Under the bill, a veterinarian who vaccinated a wolf-dog cross with a rabies vaccine licensed by the USDA for canines, would not be liable for any injury or death caused by the transmission of rabies by the wolf-dog cross as a result of ineffectiveness of the vaccine when administered to a wolf-dog cross. This provision, however, would not apply to the administration of a rabies vaccine after the USDA licensed a rabies vaccine for wolf-dog crosses.

The bill specifies that the transportation of a wolf-dog cross in a vehicle would have to comply with the International Animal Transport Association standards applicable to a dog.

The bill's provisions would be in addition to any other requirements governing dogs under State and Federal law.

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

The domestic dog has had over 10,000 years of selected breeding to breed out dangerous or undesirable traits. Domestic dogs can live peacefully in a small area surrounded by other animals and children. They tend to look to a person, not another dog, as their leader and master. Wolves, however, are social predators that need a great deal of interaction with other members of the pack and travel great distances in pursuit of large prey. A wild wolf uses its intelligence to seek its prey and explore the territory. The breeding of wolf-dog crosses produces an animal that usually cannot live safely in human society, and yet is not really a wild animal.

The bill would help identify an animal that poses a documented public health risk and implement regulations that would diminish the danger, provide proper safety precautions, and establish a standard of care for wolf-dog crosses. Wolf-dog crosses have instinctual predatory and territorial traits that are unpredictable and hard to control. They often display predatory behavior, possessiveness, and aggression over food and possessions, grab and shred skin in serious confrontations, and are almost impossible to housebreak because they are not truly domesticated animals. The animals are dangerous because they have a tendency to attack when a person or other animal is relatively small or weak. Deaths and injuries can occur when children or adults approach the animals or wander into their reach. Predatory behavior also may be triggered by children screaming and playing.

In addition, a wolf-dog cross in captivity can easily become bored, unbalanced, and destructive. Reportedly, a wolf-dog cross is strong and excellent at escaping confinement, leaping over cage walls, digging under fences, breaking chains, and chewing through metal. Therefore, the bill would provide specific wolf-dog facility requirements.

Supporting Argument

In many cases, wolf-dog crosses escape or are released into the wild by owners who cannot handle the animals or no longer want them. Abandoned or escaped wolf-dog crosses are

problematic and pose a threat to wolf conservation. News of attacks by wolf-dog crosses could cause Michigan's wolf recovery program to suffer from the misperception that wild wolves are dangerous. In addition, the Department of Natural Resources and others are concerned that these wolf-dog crosses could interbreed with wild wolves and threaten the genetic integrity of wild wolf populations. The bill would require the owner of an escaped or released wolf-dog cross to contact a law enforcement officer, and would make the owner liable for recapture expenses.

Opposing Argument

The identification of a wolf-dog cross is unreliable because all dogs are descendants of wolves. There are no satisfactory tests or criteria, including visual observations, anatomical measurements, or DNA analysis to differentiate a wolf or wolf-dog cross from a domestic dog. People with certain dogs that resemble wolves or wolf-dog crosses, such as huskies or malamutes, could unfairly face stiff penalties and harsh consequences under the bill if a domestic animal were mistaken for a wolf-dog cross.

Response: Although certain dogs and wolf-dog crosses may be hard to differentiate, experts can often make accurate determinations based on physical characteristics such as eye color, feet size, body shape, single tracking, and certain behavioral traits. In addition, if an animal control officer or other law enforcement officer responded to a complaint against an animal, such as an allegation that it was a wolf-dog cross, the owner simply would have to show them information or proof of the breed: registration papers for a purebred; bill of sale from a pet store; adoption or sales contract from a public or private animal shelter; or bill of sale, paperwork, or verbal verification from the breeder or previous owner from whom the animal was obtained.

Opposing Argument

The bill should prohibit the breeding of wolf-dog crosses, as earlier versions of the proposal would have done. There is no legitimate reason for breeding and disseminating these animals. Wolf-dog crosses have become a cash crop at a time when great concern has been raised about the millions of surplus dogs that must be destroyed in shelters each year. Few individuals have the resources necessary to keep a wolf-dog cross happily, humanely, and safely. The proven liability problems associated with these animals makes it impossible for most shelters to attempt to place them, which leaves euthanasia as the only choice for an animal that does not work out. The joys that

a small number of well-behaved wolf-dog crosses may bring can easily be provided by a wide variety of dogs that have been bred to fit in with human society.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have a minimal fiscal impact on State government and local governments, depending on the number of wolf-dog crosses in the State.

A license for wolf-dog crosses would be the same as for regular dogs. Local units of government could experience increased enforcement costs to ensure that wolf-dogs were contained as required. An indeterminate increase in fine revenues could result from violations of the proposed Act.

Fiscal Analyst: G. Cutler
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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.