

HOUSE BILL No. 4793

May 15, 1997, Introduced by Reps. Law, Prusi, Hanley, Galloway, Godchaux, Rocca, DeVuyst, Kukuk, Freeman, Dobronski, Gire, Gubow, London, Olshove, Willard, Brewer, Jellema, Lowe, Hammerstrom, Bodem, Richner, McManus, Llewellyn, Green, Palamara, Bobier and Cassis and referred to the Committee on Health Policy.

A bill to provide regulations and prohibitions concerning wolf hybrids; to impose fees; to prescribe the powers and duties of certain federal, state, and local governmental entities and officials with respect to certain canids; to provide standards for the care of wolf hybrids; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "wolf hybrid act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of agriculture of this
5 state.

6 (b) "Dog" mean an animal of the species *Canis familiaris*.

7 (c) "Facility" means a cage, pen, or enclosure where a wolf
8 hybrid is kept.

1 (d) "Law enforcement authority" means a law enforcement
2 officer of a local unit, including an animal control officer; an
3 officer of the department of agriculture or a representative of
4 the department of agriculture under section 11(3); a conservation
5 officer of the department of natural resources; or a law enforce-
6 ment officer of the federal government.

7 (e) "Local unit" means a city, village, township, or
8 county.

9 (f) "Permit" means a permit issued under section 4.

10 (g) "Person" means an individual, partnership, corporation,
11 association, governmental entity, or other legal entity.

12 (h) "Veterinarian" means a person licensed to practice vet-
13 erinary medicine under article 15 of the public health code, 1978
14 PA 368, MCL 333.16101 to 333.18838.

15 (i) "Wolf" means an animal of the species *Canis lupus* or
16 *Canis rufus*.

17 (j) "Wolf hybrid" means a canid that is a crossbreed result-
18 ing from the breeding of a wolf with a dog, or a crossbreed
19 resulting from the breeding of 2 wolf hybrids, or that is repre-
20 sented by the owner, whether by advertisements, registration
21 papers, sworn statements, or any other method, as a wolf-dog
22 crossbreed or the descendent of a wolf-dog crossbreed.

23 Sec. 3. A person shall not do any of the following:

24 (a) Possess a wolf hybrid except in compliance with this
25 act.

26 (b) Make or receive, or attempt to make or receive, a
27 conveyance of ownership of a wolf hybrid unless the person is

1 exporting the wolf hybrid to another state or country in
2 compliance with section 9 or the conveyance is in compliance with
3 section 15 or 16.

4 (c) Breed a wolf hybrid.

5 Sec. 4. (1) Except as provided in section 18, a person
6 shall not possess a wolf hybrid unless the person was in posses-
7 sion of that individual animal on the effective date of this act
8 and obtains a permit. The permit applies only to that individual
9 animal and is nontransferable. A person shall file an applica-
10 tion for a permit within 90 days after the effective date of this
11 act with the local unit where the animal is kept.

12 (2) An applicant for a permit shall include with the appli-
13 cation all of the following:

14 (a) A nonrefundable permit application fee of \$100.00.

15 (b) An annual permit fee. The annual permit fee shall be
16 established by the local unit and shall be not less than \$200.00
17 or an amount necessary to cover the local unit's actual, reason-
18 able costs of enforcing this act, whichever is greater.

19 (c) A photograph of the wolf hybrid's facility, the dimen-
20 sions of the facility, and a scale diagram of the property where
21 the wolf hybrid will be kept, including the location of any resi-
22 dence on that property.

23 (d) A notarized statement that the existing facility or the
24 construction of a facility as required by this act is not prohib-
25 ited by an ordinance of a local unit in which the wolf hybrid
26 will be kept.

1 (e) A description of the number and type or types of wolf
2 hybrids possessed by the applicant, a description of the property
3 where the wolf hybrid is to be kept, a detailed description of
4 each wolf hybrid possessed by the applicant, and, if requested by
5 the local unit, a description of when, where, and how the appli-
6 cant came to possess each wolf hybrid.

7 (3) A local unit shall not issue a permit unless it finds
8 that all of the following apply:

9 (a) The requirements of subsections (1) and (2) are met.

10 (b) The applicant is 21 years of age or older.

11 (c) The applicant has not been convicted of violating a
12 state or federal criminal law or a local ordinance substantially
13 corresponding to a state or federal criminal law.

14 (d) A court order has not been issued against the applicant
15 under section 15(2).

16 (e) The facility and conditions in which the wolf hybrid
17 will be kept comply with this act.

18 (4) A permit shall set forth all of the following:

19 (a) The name and address of the person in possession of a
20 wolf hybrid, the address where the wolf hybrid will be kept, if
21 different, and the number of wolf hybrids possessed by the person
22 in possession of a wolf hybrid.

23 (b) A statement of the terms and conditions under which the
24 export of a wolf hybrid is permitted under this act subject to
25 other requirements of state and federal law.

26 (c) The place and conditions of quarantine, if required.

1 (d) A statement of any tests, veterinary examinations,
2 observation periods, and quarantine periods required by the
3 department.

4 (e) The name and address of the veterinarian who will pro-
5 vide veterinary care to the wolf hybrid.

6 (f) Proof that the owner of the wolf hybrid has liability
7 insurance coverage for the wolf hybrid.

8 (g) Any other reasonable information as determined by the
9 local unit, which may include, but need not be limited to, a des-
10 ignation of permits required by a local unit, the department, the
11 department of community health, the department of natural
12 resources, the United States department of agriculture, or the
13 fish and wildlife service of the United States department of the
14 interior.

15 (5) A local unit that issues a permit shall notify the
16 department of the name and address of the person in possession of
17 a wolf hybrid.

18 (6) A person in possession of a wolf hybrid shall annually
19 pay the local unit the annual permit fee established under sub-
20 section (2)(b).

21 Sec. 5. A person in possession of a wolf hybrid shall
22 ensure all of the following:

23 (a) That the wolf hybrid is under adult supervision and con-
24 trol so as to prevent injury to any animal or human.

25 (b) That, except when the wolf hybrid's facility is being
26 cleaned as required under this section or the wolf hybrid is
27 being transported as provided by section 8, the animal is never

1 tethered outdoors or transported outside of a travel cage, such
2 as on a leash or chain but is constantly kept in a facility that
3 meets all of the following requirements:

4 (i) Is sufficiently secure to prevent the wolf hybrid's
5 escape and protect the wolf hybrid from injury.

6 (ii) Has a floor area of at least 900 square feet, plus an
7 additional 450 square feet for each wolf hybrid in excess of 1
8 kept in the facility.

9 (iii) Has walls extending at least 3 feet below ground, and
10 at least 8 feet above ground with an inward overhang of at least
11 3 feet.

12 (iv) Is constructed of cement blocks, bricks, concrete,
13 chain link fence, wires, or bars of a suitable thickness, gauge,
14 or diameter to prevent the wolf hybrid's escape and protect it
15 from injury.

16 (v) Is well braced and securely anchored at ground level and
17 utilizes metal clamps, ties, or braces of a strength prescribed
18 for cage construction for wolf hybrids.

19 (vi) Has a double-gated safety entrance with a lock.

20 (vii) Has a concrete perimeter that is at least 6 feet wide,
21 with at least 3 feet of width inside the walls of the facility
22 and at least 3 feet of width outside the walls of the facility.

23 (viii) Is enclosed within a secondary fence that is located
24 at least 3 feet outside of the walls of the facility and adequate
25 to prevent a human from coming into contact with the wolf
26 hybrid.

1 (c) That the wolf hybrid is not mistreated or neglected.

2 (d) That the conditions in which the wolf hybrid is kept,
3 including, but not limited to, the following, are safe and condu-
4 cive to the wolf hybrid's physical and psychological health and
5 comfort:

6 (i) Temperature.

7 (ii) Ventilation.

8 (iii) Humidity.

9 (iv) Drainage.

10 (v) Sanitation.

11 (vi) Diet.

12 (vii) Exercise.

13 (e) That potable drinking water is provided daily in a
14 clean, accessible container, unless otherwise directed by a
15 veterinarian.

16 (f) That swimming or wading pools are cleaned as needed to
17 ensure sufficiently sanitary water quality.

18 (g) That there is adequate drainage of surface water from
19 the facility.

20 (h) That food is unspoiled and not contaminated with
21 insects, fecal material, or any other substance that may cause
22 the food to be unpalatable, that may decrease the nutrient value
23 of the food, or that may pose a health risk to the wolf hybrid.

24 (i) That fecal and food wastes are removed from the facility
25 daily and stored or disposed of in a manner that prevents noxious
26 odors, insect pests, or risks to human health or the environment;
27 that hard floors are scrubbed and disinfected weekly; and that

1 large facilities with dirt floors are raked every day and that
2 the raked waste is removed every day.

3 (j) That a shift cage is used to temporarily contain the
4 wolf hybrid while its primary facility is being cleaned.

5 (k) That care for the wolf hybrid is provided by a veteri-
6 narian at the expense of the owner as needed, that such care is
7 documented, and that a veterinarian's necropsy report is provided
8 to the department promptly after the wolf hybrid dies.

9 Sec. 6. A person in possession of a wolf hybrid shall have
10 an identification number placed on the wolf hybrid, at the
11 owner's expense, by or under the supervision of a veterinarian,
12 or of another person approved by the department. The department
13 shall assign an identification number to the wolf hybrid, and the
14 identification number shall be listed in the department's records
15 under 1939 PA 309, MCL 287.301 to 287.308. An identification
16 number shall be placed on a wolf hybrid by marking the number
17 with indelible ink on the wolf hybrid's inner left thigh or by
18 subcutaneously injecting the wolf hybrid with a microchip on
19 which the number is stored.

20 (2) The person in possession of a wolf hybrid shall have the
21 wolf hybrid sexually sterilized by a veterinarian.

22 Sec. 7. (1) A person in possession of a wolf hybrid shall
23 have the wolf hybrid vaccinated for rabies consistent with recom-
24 mendations of the "Compendium of Animal Rabies Control, 1997"
25 published by the national association of state public health vet-
26 erinarians, inc. The vaccine used shall be approved by the
27 United States department of agriculture for domestic dogs.

1 However, if, after the effective date of this act, a vaccine is
2 developed for wolf hybrids and approved by the department and the
3 United States department of agriculture, the wolf hybrid shall be
4 vaccinated with the new vaccine.

5 (2) A veterinarian is immune from civil and criminal liabil-
6 ity for vaccinating a wolf hybrid with a vaccine approved for
7 domestic dogs until such time as a vaccine has been approved for
8 wolf hybrids by the department and the United States department
9 of agriculture.

10 (3) A veterinarian vaccinating a wolf hybrid with a vaccine
11 approved for domestic dogs in compliance with subsection (1)
12 shall require the person in possession of the animal to sign an
13 affidavit indicating that he or she is aware that the use of such
14 a vaccine on a wolf hybrid is experimental and that the veteri-
15 narian administering the vaccine is not liable if the wolf hybrid
16 contracts rabies.

17 (4) If a wolf hybrid bites a human, livestock, or a pet, the
18 wolf hybrid shall be considered not to be vaccinated against
19 rabies and shall be humanely euthanized. The wolf hybrid's brain
20 shall immediately be tested for the presence of rabies virus or
21 antigen in the manner provided by rules promulgated under section
22 5111 of the public health code, 1978 PA 368, MCL 333.5111.

23 Sec. 8. A person transporting a wolf hybrid in a vehicle
24 shall comply with the standards of the international animal
25 transport association and with all of the following
26 requirements:

1 (a) The wolf hybrid shall be individually caged, even while
2 inside a passenger vehicle or in the open bed of a truck.
3 However, a female wolf hybrid and each of her unweaned pups, if
4 any, shall be transported in the same cage.

5 (b) The vehicle shall provide fresh air without injurious
6 drafts and provide adequate protection from the elements to the
7 wolf hybrid.

8 (c) The wolf hybrid cargo area shall be free of engine
9 exhaust fumes.

10 (d) Fecal and food wastes shall be removed from the wolf
11 hybrid's quarters on at least a daily basis.

12 (e) The temperature within the wolf hybrid's enclosure shall
13 not be harmful to the wolf hybrid's health.

14 (f) The wolf hybrid's cage shall be large enough to ensure
15 that the wolf hybrid has sufficient space to stand erect, turn
16 around, and lie naturally.

17 (g) The wolf hybrid shall not be placed in an enclosure over
18 or next to other animals unless each enclosure has a fitted floor
19 or lateral partition that prevents excreta from entering lower or
20 adjacent enclosures.

21 (h) A wolf hybrid shall be given potable water at least
22 twice daily and fed at least once daily, unless otherwise
23 directed by a veterinarian.

24 Sec. 9. A person shall not export or attempt to export a
25 wolf hybrid to another state or country unless all of the follow-
26 ing requirements are met:

1 (a) The export is approved by the department.

2 (b) The import and possession of the wolf hybrid is lawful
3 in the other state or country.

4 (c) The destination and proposed new owner of the wolf
5 hybrid have been approved by the regulatory agency in the other
6 state or country having authority to do so, if any.

7 Sec. 10. The department shall do all of the following:

8 (a) Provide each veterinarian, animal control shelter, and
9 animal protection shelter in this state with information on the
10 requirements of this act.

11 (b) Together with the department of natural resources,
12 inform the public of the requirements of this act.

13 Sec. 11. (1) A person who violates this act or an order
14 under section 15 is guilty of a misdemeanor punishable by 1 or
15 more of the following:

16 (a) Imprisonment for not more than 90 days.

17 (b) Community service work for not more than 1,000 hours.

18 (c) A fine of not less than \$2,000.00.

19 (d) Revocation of a permit.

20 (e) Loss of privileges to own or possess any animal for any
21 period of time determined by the court.

22 (f) Payment of the cost of prosecution.

23 (g) Payment of the cost to law enforcement authorities to
24 care for, relocate, or euthanize any confiscated wolf hybrid.

25 (2) This act may be enforced by any law enforcement
26 authority. A state or local law enforcement authority authorized
27 to enforce this act is authorized to issue an appearance ticket

1 as described and authorized by sections 9a to 9g of chapter IV of
2 the code of criminal procedure, 1927 PA 175, MCL 764.9a to
3 764.9g, for misdemeanor violations.

4 (3) The department may designate a person in this state to
5 serve as the department's representative under this act for a fee
6 established by the department.

7 (4) A person in possession of a wolf hybrid shall present a
8 permit upon the request of a law enforcement authority.

9 Sec. 12. (1) Locations where wolf hybrids are kept in cap-
10 tivity are subject to inspection at reasonable hours by a law
11 enforcement authority.

12 (2) If a law enforcement authority finds that this act is
13 being violated, the law enforcement authority shall notify the
14 person in possession of the wolf hybrid in writing of the
15 violation. By not more than 30 days after the notice is deliv-
16 ered, the person in possession of the wolf hybrid shall correct
17 the violation or convey the wolf hybrid to a person approved by
18 the department who is permitted under this act or otherwise
19 authorized by law to possess the wolf hybrid, and shall notify
20 the law enforcement authority of the action taken. Notice that
21 the wolf hybrid was conveyed under this subsection shall include
22 evidence of the conveyance satisfactory to the law enforcement
23 authority.

24 (3) Unless the person in possession of the wolf hybrid noti-
25 fies the law enforcement authority that the wolf hybrid was con-
26 veyed to another person under subsection (2), the law enforcement
27 authority shall conduct an unannounced second inspection at a

1 reasonable time between not less than 30 or more than 60 days
2 after notice of the violation was delivered under subsection
3 (2). When the second inspection is conducted, the person in pos-
4 session of the wolf hybrid shall pay a reinspection fee of
5 \$100.00 or actual, reasonable costs, whichever is greater, to the
6 law enforcement authority. If, upon the second inspection, the
7 law enforcement authority finds that the person in possession of
8 the wolf hybrid has not corrected the violation, the department
9 shall revoke the person's permit after an evidentiary hearing
10 under the administrative procedures act of 1969, 1969 PA 306, MCL
11 24.201 to 24.328, and the wolf hybrid shall be confiscated by the
12 law enforcement authority. The law enforcement authority shall
13 place the wolf hybrid in a nature preserve or wildlife sanctuary
14 where hunting is not allowed, in an animal protection shelter, or
15 in a zoo accredited by the association of zoos and aquaria, where
16 the wolf hybrid will be safely and humanely cared for in compli-
17 ance with this act or humanely euthanized. If such a placement
18 is not available, the law enforcement authority shall place the
19 wolf hybrid under section 15(2)(c), or have the animal humanely
20 euthanized at the owner's expense.

21 (4) A wolf hybrid housed in conditions constituting a clear
22 and present danger to human safety shall, under the direction of
23 the department, be immediately placed in approved facilities at
24 the expense of the owner.

25 Sec. 13. (1) A person who witnesses a wolf hybrid attack
26 any animal or a human, or who reasonably believes such an attack
27 is about to occur, may capture, repel, disable, or kill the wolf

1 hybrid that is attacking or about to attack. A person is immune
2 from civil or criminal liability for action authorized by this
3 section.

4 (2) A law enforcement authority may confiscate, or capture
5 by means of tranquilization or other humane methods, a wolf
6 hybrid to ensure the compliance with and enforcement of this
7 act.

8 Sec. 14. (1) The owner or person in possession of a wolf
9 hybrid is civilly liable for the death of or injury to any
10 animal, or a human, or for property damage caused by the wolf
11 hybrid, whether or not the person possesses a permit.

12 (2) If a wolf hybrid escapes or is released, intentionally
13 or unintentionally, the owner shall immediately contact a law
14 enforcement officer of the local unit where the escape or release
15 occurred to report the escape or release. An owner is responsi-
16 ble for all expenses associated with efforts to recapture a wolf
17 hybrid that is released or escapes.

18 Sec. 15. (1) A district court may issue a summons to show
19 cause why a wolf hybrid should not be humanely euthanized,
20 securely confined, sexually sterilized, or confiscated if the
21 court is presented with a sworn complaint alleging 1 or more of
22 the following:

23 (a) The wolf hybrid is not maintained as required by section
24 5(a).

25 (b) The wolf hybrid has destroyed property of value, habitu-
26 ally caused damage while trespassing on the property of a person

1 who is not the owner of the wolf hybrid, or injured other
2 animals.

3 (c) The wolf hybrid has killed or seriously injured a human
4 or another animal.

5 (2) After a hearing, if the court finds that any of the
6 allegations under subsection (1) are true, the court may order
7 any of the following:

8 (a) That the wolf hybrid be humanely euthanized.

9 (b) That the wolf hybrid be securely confined under this act
10 on the owner's property, or sexually sterilized, or both, as the
11 court determines appropriate.

12 (c) That the wolf hybrid be permanently confiscated from the
13 owner and transferred to a person approved by the department to
14 care for the wolf hybrid on a temporary or permanent basis at a
15 location where the wolf hybrid will be safely and humanely cared
16 for or humanely euthanized in accordance with this act.

17 (3) If a wolf hybrid is confiscated under this section, the
18 owner of the animal is responsible for all costs associated with
19 the confiscation and placement of the wolf hybrid.

20 Sec. 16. (1) A permit may be revoked by the department
21 after an evidentiary hearing under the administrative procedures
22 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, if the department
23 finds that 1 or more of the following have occurred:

24 (a) The person in possession of a wolf hybrid has been con-
25 victed of cruelty to animals.

26 (b) The person in possession of a wolf hybrid has violated
27 this act.

1 (c) A court order has been issued against the person in
2 possession of a wolf hybrid under section 15(2).

3 (e) The wolf hybrid has seriously injured or killed a human
4 or another animal.

5 (2) In addition to the sanctions provided in subsection (1),
6 a person who possesses a wolf hybrid and who does not obtain a
7 permit for that wolf hybrid as required under this act shall, by
8 not more than 14 days after delivery of written notification by
9 the department, transfer the ownership of the wolf hybrid to a
10 person authorized under this act to possess the wolf hybrid. A
11 person who violates this subsection is responsible for all costs
12 associated with the confiscation of the wolf hybrid and the
13 attempt to place the wolf hybrid in a lawful situation.

14 Sec. 17. (1) A local unit may adopt an ordinance governing
15 wolf hybrids that is more restrictive than this act.

16 (2) A local unit shall not adopt an ordinance that prohibits
17 the possession of a dog exclusively based on the breed of that
18 dog.

19 (3) The requirements of this act are in addition to other
20 requirements governing wolf hybrids under state and federal law.

21 Sec. 18. The permit requirements of section 4 of this act
22 do not apply to the possession of a wolf hybrid by a facility
23 licensed or approved by the association of zoos and aquaria, the
24 United States department of agriculture, or the fish and wildlife
25 service of the United States department of the interior.