

**SUBSTITUTE FOR
HOUSE BILL NO. 4793**

(as amended June 19, 1997)

A bill to provide regulations and prohibitions concerning wolf-dog crosses; 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-dog crosses; 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 ["Angie Nickerson act"].

3 Sec. 2. As used in this act:

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

6 (b) "Dog" means a domesticated animal of the subspecies
7 *Canis lupus familiaris*.

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1 (c) "Facility" means a cage, pen, or enclosure where a
2 wolf-dog cross is kept.

3 (d) "Law enforcement authority" means a law enforcement
4 officer of a local unit, including an animal control officer; a
5 conservation officer of the department of natural resources; a
6 law enforcement officer of this state; or a law enforcement offi-
7 cer of the state or federal government.

8 (e) "Livestock" means that term as defined in the dog law of
9 1919, 1919 PA 339, MCL 287.261 to 287.290.

10 (f) "Local unit" means a city, village, township, or
11 county.

12 (g) "Permit" means a permit issued under section 4.

13 (h) "Permitting agency" means the agency of a local unit
14 that issues permits under section 4.

15 (i) "Person" means an individual, partnership, corporation,
16 association, governmental entity, or other legal entity.

17 (j) "Veterinarian" means a person licensed to practice vet-
18 erinary medicine under article 15 of the public health code, 1978
19 PA 368, MCL 333.16101 to 333.18838.

20 (k) "Wolf" means an animal of the species *Canis lupus* or
21 *Canis rufus*.

22 (l) "Wolf-dog cross" means a canid that is any of the
23 following:

24 (i) A crossbreed resulting from the breeding of a wolf with
25 a dog.

26 (ii) A crossbreed resulting from the breeding of 2 wolf-dog
27 crosses.

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1 (iii) A crossbreed resulting from the breeding a wolf-dog
2 cross with a dog.

3 (iv) An animal that is represented by the owner, whether by
4 advertisements, registration papers, sworn statements, or any
5 other method, as a wolf-dog cross [.

6]

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

8 (a) Possess a wolf-dog cross except in compliance with this
9 act.

10 (b) Make or receive, or attempt to make or receive, a con-
11 veyance of ownership of a wolf-dog cross unless the person is
12 exporting the wolf-dog cross to another state or country in com-
13 pliance with section 9 or the conveyance is in compliance with
14 section 15 or 16.

15 (c) Breed a wolf-dog cross.

16 Sec. 4. (1) Except as provided in section 18, a person may
17 possess a wolf-dog cross if the person was in possession of that
18 individual animal on the effective date of this act and obtains a
19 permit. The permit applies only to that individual animal. The
20 permit is not nontransferable to another person. The permit is
21 valid in any local unit in which the possession of the wolf-dog
22 cross is not prohibited by ordinance. A person shall file an
23 application for a permit within 90 days after the effective date
24 of this act with the local unit where the animal is kept.

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

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

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

6 (c) A photograph of the wolf-dog cross's facility, the
7 dimensions of the facility, and a scale diagram of the property
8 where the wolf-dog cross will be kept, including the location of
9 any residence on that property.

10 (d) A notarized statement that the existing facility or the
11 construction of a facility as required by this act is not prohib-
12 ited by an ordinance of a local unit in which the wolf-dog cross
13 will be kept.

14 (e) A description of the number and type or types of
15 wolf-dog crosses possessed by the applicant, a description of the
16 property where the wolf-dog cross is to be kept, a detailed
17 description of each wolf-dog cross possessed by the applicant,
18 and, if requested by the local unit, a description of when,
19 where, and how the applicant came to possess each wolf-dog
20 cross.

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

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

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

25 (c) The applicant has not been convicted of violating a
26 state or federal criminal law or a local ordinance substantially
27 corresponding to a state or federal criminal law.

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

3 (e) The facility and conditions in which the wolf-dog cross
4 will be kept comply with this act.

5 (f) The wolf-dog cross has been sexually sterilized as cer-
6 tified in writing by a veterinarian.

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

8 (a) The name and address of the person in possession of a
9 wolf-dog cross, the address where the wolf-dog cross will be
10 kept, if different, and the number of wolf-dog crosses possessed
11 by the person in possession of a wolf-dog cross.

12 (b) A statement of the terms and conditions under which the
13 export of a wolf-dog cross is permitted under this act subject to
14 other requirements of state and federal law.

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

16 (d) The name and address of the veterinarian who will pro-
17 vide veterinary care to the wolf-dog cross.

18 (e) Proof that the owner of the wolf-dog cross has liability
19 insurance coverage for the wolf-dog cross.

20 (f) Any other reasonable information as determined by the
21 local unit, which may include, but need not be limited to, a des-
22 ignation of permits required by a local unit, the department of
23 community health, the department of natural resources, the United
24 States department of agriculture, or the fish and wildlife serv-
25 ices of the United States department of the interior.

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1 (5) A local unit that issues a permit shall notify the
2 department of the name and address of the person in possession of
3 a wolf-dog cross.

4 (6) A person in possession of a wolf-dog cross shall annu-
5 ally pay the local unit the annual permit fee established under
6 subsection (2)(b).

7 Sec. 5. A person in possession of a wolf-dog cross shall
8 ensure all of the following:

9 (a) That the wolf-dog cross is under adult supervision and
10 control so as to prevent injury to any animal or human.

11 (b) That, except when the wolf-dog cross's facility is being
12 cleaned as required under this section or the wolf-dog cross is
13 being transported as provided by section 8, the animal is never
14 tethered outdoors or transported outside of a travel cage, such
15 as on a leash or chain but is constantly kept in a facility that
16 meets all of the following requirements:

17 (i) Is sufficiently secure to prevent the wolf-dog cross's
18 escape and protect the wolf-dog cross from injury.

19 (ii) Has a floor area of at least 900 square feet, plus an
20 additional 450 square feet for each wolf-dog cross in excess of 1
21 kept in the facility.

22 (iii) Has walls extending at least 3 feet below ground, and
23 at least 8 feet above ground with an inward overhang of at least
24 3 feet.

25 (iv) Is constructed of cement blocks, bricks, concrete,
26 chain link fence, wires, or bars of a suitable thickness, gauge,

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1 or diameter to prevent the wolf-dog cross's escape and protect it
2 from injury.

3 (v) Is well braced and securely anchored at ground level and
4 utilizes metal clamps, ties, or braces of a strength prescribed
5 for cage construction for wolf-dog crosses.

6 (vi) Has a double-gated safety entrance with a lock that is
7 kept locked at all times when the wolf-dog cross is kept in the
8 facility.

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

12 (viii) Is enclosed within a secondary fence that is located
13 at least 3 feet outside of the walls of the facility and adequate
14 to prevent a human from coming into contact with the wolf-dog
15 cross.

16 (c) That the wolf-dog cross is not mistreated or neglected.

17 (d) That the conditions in which the wolf-dog cross is kept,
18 including, but not limited to, the following, are safe and condu-
19 cive to the wolf-dog cross's physical and psychological health
20 and comfort:

21 (i) Temperature.

22 (ii) Ventilation.

23 (iii) Humidity.

24 (iv) Drainage.

25 (v) Sanitation.

26 (vi) Diet.

1 (vii) Exercise.

2 (e) That potable drinking water is provided daily in a
3 clean, accessible container, unless otherwise directed by a
4 veterinarian.

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

7 (g) That there is adequate drainage of surface water from
8 the facility.

9 (h) That food is unspoiled and not contaminated with
10 insects, fecal material, or any other substance that may cause
11 the food to be unpalatable, that may decrease the nutrient value
12 of the food, or that may pose a health risk to the wolf-dog
13 cross.

14 (i) That fecal and food wastes are removed from the facility
15 daily and stored or disposed of in a manner that prevents noxious
16 odors, insect pests, or risks to human health or the environment;
17 that hard floors are scrubbed and disinfected weekly; and that
18 large facilities with dirt floors are raked every day and that
19 the raked waste is removed every day.

20 (j) That a shift cage is used to temporarily contain the
21 wolf-dog cross while its primary facility is being cleaned. The
22 shift cage shall be of a size appropriate for the wolf-dog cross
23 and of a construction adequate to safely contain the wolf-dog
24 cross.

25 (k) That care for the wolf-dog cross is provided by a veter-
26 inarian at the expense of the owner as needed and that such care
27 is documented.

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1 (1) That when the wolf-dog cross dies, the death is
2 certified in writing by a veterinarian, law enforcement authori-
3 ty, or the permitting agency and that the certification is sub-
4 mitted to the department within 10 business days after the
5 death.

6 Sec. 6. The person in possession of a wolf-dog cross shall
7 have the wolf-dog cross sexually sterilized by a veterinarian.

8 Sec. 7. (1) If a wolf-dog cross potentially exposes a human
9 to rabies by any penetration of the skin by teeth, any scratch
10 that causes penetration of the skin, any abrasion that causes
11 penetration of the skin, or contamination of open wounds or
12 mucous membranes with saliva or other infectious material, the
13 potential exposure shall be reported to the local health depart-
14 ment within 48 hours.

15 (2) If a wolf-dog cross potentially exposes livestock or a
16 mammalian pet to rabies by any penetration of the skin by teeth,
17 any scratch that causes penetration of the skin, any abrasion
18 that causes penetration of the skin, or contamination of open
19 wounds or mucous membranes with saliva or other infectious mate-
20 rial, the potential exposure shall be reported to the permitting
21 agency within 48 hours.

22 (3) If a wolf-dog cross potentially exposes a human, live-
23 stock, or mammalian pet to rabies by any means identified in
24 subsection (1), the wolf-dog cross shall be humanely euthanized.
25 The wolf-dog cross shall be immediately examined for rabies in
26 the manner provided by rules promulgated under section 5111 of
27 the public health code, 1978 PA 368, MCL 333.5111.

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1 Sec. 8. A person transporting a wolf-dog cross in a vehicle
2 shall comply with the standards of the international air trans-
3 port association and with all of the following requirements:

4 (a) The wolf-dog cross shall be individually caged, even
5 while inside a passenger vehicle or in the open bed of a truck.
6 However, a female wolf-dog cross and each of her unweaned pups,
7 if any, shall be transported in the same cage.

8 (b) The vehicle shall provide fresh air without injurious
9 drafts and provide adequate protection from the elements to the
10 wolf-dog cross.

11 (c) The wolf-dog cross cargo area shall be free of engine
12 exhaust fumes.

13 (d) Fecal and food wastes shall be removed from the wolf-dog
14 cross's quarters on at least a daily basis.

15 (e) The temperature within the wolf-dog cross's enclosure
16 shall not be harmful to the wolf-dog cross's health.

17 (f) The wolf-dog cross's cage shall be large enough to
18 ensure that the wolf-dog cross has sufficient space to stand
19 erect, turn around, and lie naturally.

20 (g) The wolf-dog cross shall not be placed in an enclosure
21 over or next to other animals unless each enclosure has a fitted
22 floor or lateral partition that prevents excreta from entering
23 lower or adjacent enclosures.

24 (h) A wolf-dog cross shall be given potable water at least
25 twice daily and fed at least once daily, unless otherwise
26 directed by a veterinarian.

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1 Sec. 9. A person shall not export or attempt to export a
2 wolf-dog cross to another state or country unless all of the
3 following requirements are met:

4 (a) The import and possession of the wolf-dog cross is
5 lawful in the other state or country.

6 (b) The destination and proposed new owner of the wolf-dog
7 cross have been approved by the regulatory agency in the other
8 state or country having authority to do so, if any.

9 Sec. 10. The department shall provide each pet shop
10 licensed by the department under 1969 PA 287, MCL 287.331 to
11 287.340, and each animal control shelter or animal protection
12 shelter registered by the department under that act with informa-
13 tion on the requirements of this act.

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

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

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

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

20 (d) Revocation of a permit.

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

23 (f) Payment of the cost of prosecution.

24 (g) Payment of the cost to law enforcement authorities to
25 care for, relocate, or euthanize any confiscated wolf-dog cross.

26 (2) This act may be enforced by any law enforcement
27 authority. A law enforcement authority, other than a law

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1 enforcement officer of the federal government, may issue an
2 appearance ticket as described and authorized by sections 9a to
3 9g of chapter IV of the code of criminal procedure, 1927 PA 175,
4 MCL 764.9a to 764.9g, for misdemeanor violations of this act.

5 (3) A person in possession of a wolf-dog cross shall present
6 a permit upon the request of a law enforcement authority.

7 Sec. 12. (1) Locations where wolf-dog crosses are kept in
8 captivity are subject to inspection at reasonable hours by a law
9 enforcement authority.

10 (2) If a law enforcement authority finds that this act is
11 being violated, the law enforcement authority shall notify the
12 person in possession of the wolf-dog cross in writing of the
13 violation. By not more than 30 days after the notice is deliv-
14 ered, the person in possession of the wolf-dog cross shall cor-
15 rect the violation or convey the wolf-dog cross to a person who
16 has a permit for the wolf-dog cross under this act or is other-
17 wise authorized by law to possess the wolf-dog cross, and shall
18 notify the law enforcement authority of the action taken. Notice
19 that the wolf-dog cross was conveyed under this subsection shall
20 include evidence of the conveyance satisfactory to the law
21 enforcement authority.

22 (3) Unless the person in possession of the wolf-dog cross
23 notifies the law enforcement authority that the wolf-dog cross
24 was conveyed to another person under subsection (2), the law
25 enforcement authority shall conduct an unannounced second inspec-
26 tion at a reasonable time between not less than 30 or more than
27 60 days after notice of the violation was delivered under

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1 subsection (2). When the second inspection is conducted, the
2 person in possession of the wolf-dog cross shall pay a reinspec-
3 tion fee of \$100.00 or actual, reasonable costs, whichever is
4 greater, to the law enforcement authority. If, upon the second
5 inspection, the law enforcement authority finds that the person
6 in possession of the wolf-dog cross has not corrected the viola-
7 tion, the permitting agency shall revoke the person's permit
8 after an evidentiary hearing conducted in the manner provided
9 under the administrative procedures act of 1969, 1969 PA 306, MCL
10 24.201 to 24.328, and the law enforcement authority shall confis-
11 cate the wolf-dog cross. The law enforcement authority shall
12 place the wolf-dog cross in a nature preserve or wildlife sanctu-
13 ary where hunting is not allowed, in an animal protection shel-
14 ter, or in a zoo accredited by the association of zoos and aqua-
15 ria, where the wolf-dog cross will be safely and humanely cared
16 for in compliance with this act or humanely euthanized. If such
17 a placement is not available, the law enforcement authority shall
18 place the wolf-dog cross under section 15(2)(c), or have the
19 animal humanely euthanized at the owner's expense.

20 (4) A wolf-dog cross housed in conditions constituting a
21 clear and present danger to human safety shall, under the direc-
22 tion of a law enforcement authority, be immediately placed in
23 approved facilities at the expense of the owner.

24 Sec. 13. (1) A law enforcement authority or other person
25 may kill a wolf-dog cross if the person sees the wolf-dog cross
26 pursuing, worrying, or wounding livestock or poultry or attacking
27 a person. The person is not liable in damages or otherwise for

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1 killing the wolf-dog cross. A wolf-dog cross's entry onto a
2 field or enclosure that is owned by or leased by a person produc-
3 ing livestock or poultry, outside of a city, unaccompanied by the
4 wolf-dog cross's owner or the owner's agent constitutes a tres-
5 pass, and the owner is liable in damages.

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

9 Sec. 14. (1) The owner and the person in possession of a
10 wolf-dog cross are jointly and severally liable in a civil action
11 for the death of or injury to any animal, or a human, or for
12 property damage caused by the wolf-dog cross, whether or not the
13 person possesses a permit.

14 (2) If a wolf-dog cross escapes or is released, intention-
15 ally or unintentionally, the person who was in possession of the
16 wolf-dog cross shall immediately contact a law enforcement offi-
17 cer of the local unit where the escape or release occurred to
18 report the escape or release. The owner and the person in pos-
19 session of the wolf-dog cross are jointly and severally responsi-
20 ble for all expenses associated with efforts to recapture a
21 wolf-dog cross that is released or escapes.

22 Sec. 15. (1) A district court may issue a summons to show
23 cause why a wolf-dog cross should not be humanely euthanized,
24 securely confined, sexually sterilized, or confiscated if the
25 court is presented with a sworn complaint alleging 1 or more of
26 the following:

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1 (a) The wolf-dog cross is not maintained as required by
2 section 5(a).

3 (b) The wolf-dog cross has destroyed property of value,
4 habitually caused damage while trespassing on the property of a
5 person who is not the owner of the wolf-dog cross, or injured
6 other animals.

7 (c) The wolf-dog cross has killed or seriously injured a
8 human or another animal.

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

12 (a) That the wolf-dog cross be humanely euthanized.

13 (b) That the wolf-dog cross be securely confined under this
14 act on the owner's property, or sexually sterilized, or both, as
15 the court determines appropriate.

16 (c) That the wolf-dog cross be permanently confiscated from
17 the owner and transferred to a person approved by the law
18 enforcement authority to care for the wolf-dog cross on a tempo-
19 rary or permanent basis at a location where the wolf-dog cross
20 will be safely and humanely cared for or humanely euthanized in
21 accordance with this act.

22 (3) If a wolf-dog cross is confiscated under this section,
23 the owner and the person in possession of the wolf-dog cross are
24 jointly and severally liable for all costs associated with the
25 confiscation and placement of the wolf-dog cross.

26 Sec. 16. (1) A permit may be revoked by the permitting
27 agency after an evidentiary hearing conducted in the manner

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1 provided in the administrative procedures act of 1969, 1969 PA
2 306, MCL 24.201 to 24.328, if the department finds that 1 or more
3 of the following have occurred:

4 (a) The person in possession of a wolf-dog cross has been
5 convicted of cruelty to animals.

6 (b) The person in possession of a wolf-dog cross has vio-
7 lated this act.

8 (c) A court order has been issued against the person in pos-
9 session of a wolf-dog cross under section 15(2).

10 (d) The wolf-dog cross has seriously injured or killed a
11 human or another animal.

12 (2) Subject to section 18, a person who possesses a wolf-dog
13 cross without a permit for that wolf-dog cross as required under
14 this act shall, by not more than 14 days after delivery of writ-
15 ten notification by a law enforcement authority, transfer the
16 ownership of the wolf-dog cross to a person authorized under this
17 act to possess the wolf-dog cross. A person who violates this
18 subsection is liable for all costs associated with the confisca-
19 tion of the wolf-dog cross and the attempt to place the wolf-dog
20 cross in a lawful situation.

21 Sec. 17. (1) A local unit may adopt an ordinance governing
22 wolf-dog crosses that is more restrictive than this act.

23 (2) A local unit shall not adopt an ordinance that prohibits
24 the possession of a dog exclusively based on the breed of that
25 dog.

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1 (3) The requirements of this act are in addition to other
2 requirements governing wolf-dog crosses under state and federal
3 law.

4 Sec. 18. The requirements of sections 3(c) and 4 of this
5 act do not apply to a facility licensed or approved by the asso-
6 ciation of zoos and aquaria, the United States department of
7 agriculture, or the fish and wildlife service of the United
8 States department of the interior.