



A Survey of Provincial, Territorial and Municipal Legislation for Exotic Animals

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Patricia L. Farnese and Barbara von Tigerstrom

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EXECUTIVE SUMMARY

The regulatory framework governing private ownership of exotic animals varies from one provincial jurisdiction to the next. Generally, a combination of regulations specifically aimed at captive exotic animals, public health statutes and animal health statutes must be relied upon to address the public health risks associated with interacting with exotic animals kept as pets or for public display in small private zoos and exhibitions.

It may come as a surprise that provincial Animal Health and Wildlife statutes are often of little assistance in managing health risks of exotic animals. This is because the “animal” and “wildlife” are frequently narrowly defined and thus only apply to livestock and domestic wildlife. Where broader definitions exist, an exotic animal found with a specified, reportable disease may fall within the jurisdiction of these statutes. Without explicit contemplation of exotic animals, however, it is unclear that provincial animal health officers will become aware of exotic animals that pose other health and safety risks.

Several provinces have public health regulations that prohibit or restrict the sale of particular species, for example turtles, racoons, or certain types of birds. Apart from these regulations, provincial and territorial public health legislation does not specifically address exotic animals or particular types of animals. However, public health statutes typically contain provisions regarding animals that are infected with communicable diseases or otherwise could present a threat to public health, or they define threats to public health broadly enough that such animals could be included. These are then subject to the powers exercised by public health authorities, for example to make orders for seizure, isolation, or if necessary, destruction of an animal. Reporting of animal or zoonotic diseases is not typically included in public health legislation, but there are some exceptions. For example, Manitoba’s public health legislation contains specific provisions regarding zoonotic diseases, and information sharing between animal health and public health authorities.

In addition to provincial regulations, municipal bylaws are an important component to the regulatory framework governing private ownership of exotic animals. All provinces have provided some authority to municipalities to enact bylaws to regulate animals and most have been granted broad authority to regulate in this area. Exotic animal bylaws that have been tested in court, however, have all been quashed for either lack jurisdiction or bad faith. In theory, there is nothing that would prevent municipalities from restricting the ownership of exotic pets, subject to acting in good faith and within the jurisdiction granted to them by the province.

Model legislation has been produced in Canada and the United States that would address private ownership of exotic animals. These provide examples of how categories of exotic, wild, or prohibited animals could be defined. They typically prohibit possession of animals falling within these categories, subject to certain exceptions or

permit requirements. In addition to possession, the model laws suggest prohibiting or regulating related activities such as breeding and sale.

To date, relatively little academic literature has focused specifically on the regulation of exotic animal ownership from a public health perspective, though a larger body of literature discusses potential health or environmental threats from exotic animals and other legal issues such as environmental protection, animal welfare, and trade in endangered species. Calls for stricter regulation of trade in and importation or ownership of exotic animals are commonly found in the literature. Authors that have analyzed U.S. laws criticize gaps and variations found in federal, state, and municipal laws, and call for stronger and more consistent regulation. Some articles also discuss specific issues such as wild-domestic animal hybrids and the use of exotic service animals. Proposals for reform also stress the need to move to a more proactive approach.

Non-governmental organizations such as the BC SPCA and the Canadian Veterinary Medical Association, as well as government bodies such as the Centers for Disease Control, have also called for more consistent, comprehensive, and proactive regulation.

INTRODUCTION

This report provides an overview of the scope of provincial, territorial and municipal legislation that address the public health risk of exotic animals. The public health risks posed by exotic animals are twofold. First, they can cause physical injury or death through attacks, stings, and bites. Second, exotic animals can transmit diseases to humans.

There is no one accepted definition of exotic animals and depending on the purpose for which they are used, the definitions can be quite divergent. For example, statutes that regulate zoos will define exotic species differently than those aimed at preventing the spread of invasive species. In this report, exotic animals refer to wildlife taken from their natural habitat or bred in captivity for the purpose of becoming household pets or featured in small, private zoos and exhibitions. To this end, the regulation of large public zoos such as the Toronto Zoo and the Vancouver Aquarium is not specifically discussed. Likewise, the regulation of agricultural operations that involve wildlife, such as game, fur, and fish farms is not a focus of this report.

At common law, property in wildlife is generally held by the provincial crown. In all jurisdictions, this common law rule has been replaced by a statutory rule. As a result, an individual can only acquire rights to wildlife in accordance with rules established in statute. In most instances, wildlife is defined in a way that limits these rules to native wildlife species. Thus, in jurisdictions where a specific prohibition does not exist in law, possession and ownership of exotic animals is not illegal. This means that exotic animals can be kept as pets or in private zoos after a person successfully obtains a permit from the federal government to import an exotic animal from another province or country or acquires an exotic animal born within her home province. Not surprisingly, restricting who can possess an exotic animal is an effective way to eliminate the health and safety risks they pose.

The following survey of provincial, territorial, and municipal legislation identifies those jurisdictions where laws are in place that may address the public health and safety risks posed by exotic animals. For the most part, these laws are not explicitly aimed at exotic animals. Rather, public health and animal health laws may be broadly interpreted to include exotic animals. Specific laws that target exotic animals are identified where they exist.

EXISTING LEGISLATION

BRITISH COLUMBIA

WILDLIFE AND ANIMAL STATUTES

Wildlife Act, RSBC 1996, c488

Section 6.4 allows for “non-native species” to be designated as “controlled alien species” if they pose a health or safety risk. Pursuant to this authority, the *Controlled Alien Species Regulation* has been enacted and represents an explicit regulation of exotic animals in the province. Because these regulations only deal with non-native, exotic species, however, risks posed by native exotic animals, such as grizzly and black bears, wolves, and cougars, are not included. Thus, it is important to review more general provisions of the *Wildlife Act*.

Bears, cougars and wolves are defined as “wildlife”, “big game” and “dangerous wildlife” in the *Wildlife Act*. Coyotes are also identified as “dangerous wildlife” and along with raptors and other “big game,” such as mountain sheep and mountain goat, fall under the Act’s definition of “wildlife.” Possession, importing or trafficking in live wildlife without authorization is prohibited although an exception exists that allows wildlife to be imported if they are part of a circus whose main place of business is not BC.

Controlled Alien Species Regulation, BC Reg 233/3009

The regulation divides exotic animals into two categories: prohibited species and restricted species. Prohibited species can only be possessed and transported if a permit is obtained by the province. Also, outside of a zoo or an educational or research institute, prohibited species cannot be bred without the province’s permission. Prohibited species include all primates, elephants, big cats, crocodiles, and many non-native, poisonous reptiles and amphibians. In addition, boa constrictors and pythons that are 3m or more in length are categorized as prohibited species. Smaller boa constrictors and pythons are Restricted Species. It is an offence release or to allow to be released into the environment either a restricted or prohibited species.

This regulation defines “zoo” by referencing the definition in the *Permit Regulation* (BC Reg 253/200) where zoo is defined as “a place or enclosure where animals are kept in captivity for public viewing or public display, but does not include a permitted rehabilitation facility or a business for the sale of live animals.” Based on this definition, small private zoos have no statutory obligation to prevent exotic animals from breeding in captivity. Thus, if perspective owner can obtain a permit, these small zoos can be a source of exotic species as they are not in the business of selling live animals.

Beyond restricting access to exotic species by requiring a permit or authorization, the *Wildlife Act* and the *Controlled Alien Species Regulation*, do not specifically address health and safety risks. Therefore, their impact will depend on the authorization and permitting processes. If difficult to obtain or if their grant is conditional on health and safety measures being in place, the *Wildlife Act* has the potential to significantly reduce the risks exotic animals pose to people.

Animal Disease Control Act, RSBC 1996, c14

Although the title of this Act would suggest that it would have the capacity to address health and safety risks posed by exotic animals, such is not the case. The *Animal Disease Control Regulation* (BC Reg 4/2010) narrows the application of the Act to domestic animals raised for commercial agricultural purposes.

Community Charter, SBC 2003, c26

Section 8 of this Act grants municipalities the authority to pass bylaws in relation to public health and animals. Animals are broadly defined as “any member of the animal kingdom, other than a human being” thereby suggesting municipalities have broad authority to regulate exotic animals. Without the province’s authorization, however, municipalities cannot act if to do so would “occupy the field where [the] province has acted.” The *Community Charter* specifies that bylaws in relation to public health and wildlife are subject to this limitation.

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, SBC 2008, c 28

In s. 1, a “health hazard” is defined to include “a condition, a thing or an activity” that “endangers, or is likely to endanger, public health”; a “thing” is defined to include “organisms, other than humans.” Defined terms also include an “infected thing” as well as an “infected person,” which “is or is likely infected with, or has been or has likely been exposed to, a prescribed infectious agent.”

Mandatory reporting of infection or exposure in s. 10 applies to both an “infected thing” and an “infected person.” In the case of an infected thing, the identity and contact information of the person who has custody or control of the thing must be reported. Section 11 provides for mandatory reporting of prescribed health hazards.

Under s. 24 (inspection powers) a health officer may require production of or may remove “things,” which as noted above are defined to include non-human organisms. Section 27 authorizes a medical health officer to issue orders where a person has custody or control of an infected thing and the order is necessary to protect public health. A medical health officer has authority under s. 28 to order a person to do anything the medical health officer reasonably believes is necessary “to determine whether an infectious agent or a hazardous agent exists, or likely exists” and/or “to prevent the transmission of an infectious agent or a hazardous agent.” In the case of an infected thing, the order will be directed to any person with custody or control of the infected thing. Specific orders that may be made are set out in s. 29 (none are directly relevant to animals, but according to s. 28(2)(a), in the case of an infected thing, a medical health officer may make “any order, with any necessary modifications, that can be made under this Division as if the infected thing were an infected person”).

Section 80 addresses the relationship between this Act and other enactments. Subsection (1) provides that if a health officer has powers and duties under another enactment, “the provisions of this Act and the regulations made under it apply to the exercise of those powers and the performance of those duties, unless a contrary intention is expressed in the other enactment.

The making of regulations enabled by s. 113 includes regulations for reporting of animal bites [s. 113(3)(h)].

Health Act Communicable Disease Regulation, BC Reg 4/83

In s. 1, “communicable disease” is defined as illness arising through the transmission of an infectious agent or its product “directly from an infected person or animal” or indirectly through a vector or the environment. A “laboratory” is defined for the purposes of mandatory reporting in s. 2 of the Regulation to include “the Animal Health Centre, Ministry of Agriculture and Lands, Abbotsford, British Columbia.”

Physicians and laboratories are required by s. 2 to report an animal or person known or suspected to be suffering from or to have died from a specified communicable disease.

ALBERTA

WILDLIFE AND ANIMAL STATUTES

Wildlife Act, RSA 2000, c.W-10

Native and non-native exotic animals are subject to different rules under the *Wildlife Act* in Alberta. Native exotic animals (i.e. bears, cougars, wolves) are defined as “wildlife” while non-native exotic animals (elephants, big cats, primates) are considered “controlled animals.”

Section 55 prohibits the possession of wildlife or controlled animals without a permit. Likewise, a permit is required to import wildlife or controlled animals (s.58) or to release them from captivity (s.61). If one escapes, the owner or person in charge of the animal must make reasonable efforts to recapture it. If the animal is not recaptured within 48 hours, the escape must be reported to the province. Wildlife Officers also have the authority to close public areas if the presence of wildlife or a controlled animal is believed to pose a health or safety risk to the public (s81).

The *Wildlife Act* gives the Minister the authority to order permit holders to make live wildlife or controlled animals or samples there from available for testing if they are suspected of posing a health or ecological risk to animals (s103(m)). Public Health statutes must be relied upon if the risk is to humans.

Wildlife Regulation, AR 143/97

The *Wildlife Regulation* contains provisions related to wildlife and controlled animals in zoos. The regulation adopts the “Government of Alberta Standards for Zoos in Alberta” which defines a “zoo facility” as “a facility primarily for public viewing of wildlife and controlled animals at a specified premise, which is authorized to possess and traffic in wildlife and controlled species.” The Standards require zoos to have a permit. Pursuant to s.79 of the regulation, a zoo permit authorizes its holder to operate a zoo and to possess and traffic live wildlife and controlled animals.

In order to obtain a zoo permit, a “Zoo Development Plan” must be approved. The plan must outline how compliance with the Standards will be achieved. The Standards cover a number of areas including recording keeping and animal tracking requirements, public and staff safety standards, and animal health standards. If infectious diseases are suspected, zoo operators may be required to submit their animals or samples there from for testing in provincial veterinary laboratories. In addition, contact between animals and the public is only permitted where that activity has been included in the Zoo Development Plan and approved. Additional record keeping requirements are outlined in section 149 of the regulation.

The regulation also makes reference to a permit for a “Wildlife Rehabilitation Facility.” This permit authorizes its holder to operate such a facility “primarily for the purpose of rehabilitating injured, diseased or orphaned wildlife or any other wildlife that is not fully capable of surviving in the wild” (s80). Like a zoo, these facilities must submit a written plan that names a veterinarian who will be able to provide veterinarian services to the animals (s78). No other health or safety requirements are specified in the regulation.

Animal Health Act, SA 2007, cA-40.2

The *Animal Health Act* defines animals broadly by including a non-exhaustive list of animals and birds. Although exotic animals are not explicitly named in this list, nothing precludes their inclusion. As such, the Act creates a list of reportable and notifiable diseases and requires the owner or any other “authorized person who knows or ought to know” of animals that has been found or are suspected to have one of these listed diseases to report this information to the chief provincial veterinarian within 24 hours. To date, the diseases on these lists are those that are known to pose a threat to domestic animals or have the potential to impact human health. The list of diseases can be found in the *Reportable and Notifiable Disease Regulations* (AB Reg 209/2008).

In addition, the *Animal Health Act* grants inspectors the power to investigate, to quarantine, restrict transport, to mandate biosecurity measures and to destroy animals and fomites where disease is identified. These powers are similar to those found in all animal health acts across Canada.

Of most interest to the present study, however, is s62 which allows the Minister to make regulations that prohibit the possession of imported animals that have or may carry a reportable disease. To the extent that it is known that an exotic animal has the potential to introduce a foreign disease into Alberta, the list of reportable diseases can be amended to include that disease and the importation of the exotic animal prohibited.

Fur Farms Act, RSA 2000, cF-30

Although, this Act admittedly has limited application as it only applies to arctic fox, badger, beaver, bobcat, coyote, ermine, fisher, lynx, marten, mink, muskrat, raccoon, red fox, river otter, skunk, wolf (grey wolf), wolverine, it may be relevant to the regulation of the health and safety risks posed by exotic animals in one respect. Section 10 gives the Minister the authority to refuse entry into the province of any of the animals above if it is carrying a contagious or infectious disease.

PUBLIC HEALTH STATUES

The public health statute and its regulations contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health. The regulations contain specific provisions regarding certain species of turtles and birds.

Public Health Act, RSA 2000, c P-37

Animals are mentioned in several of the definitions in s. 1. A “communicable disease” is defined to include “an illness in humans that is caused by an organism or micro-organism or its toxic products and is transmitted directly or indirectly from an infected person or animal or the environment.” A “contact” is defined as a “person or animal suspected to have been in association with an infected person or animal.”

“Disinfestation” can include destruction or removal of animal forms on domestic animals (or humans or in the environment). “Infection” is defined as “the entry and multiplication of an infectious agent in the body of a person or animal.” Both isolation and quarantine are defined to include restrictions on either persons or animals.

The powers of a medical officer of health in the event of a confirmed communicable disease (s. 29) do not specifically mention measures relating to animals but are broad enough to include such measures (“whatever steps the medical officer of health considers necessary” to suppress or protect from the disease, break the chain of transmission, remove the source of infection, etc.).

Regulations enabled by s. 66 of this Act include regulations “respecting the prevention, prevention, investigation and suppression among animals of infectious diseases communicable to humans” [s. 66(h)].

Communicable Diseases Regulation, Alta Reg 238/85

The relevant definitions in the regulations are the same as in the Act.

Section 10(1) prohibits the importation, sale, offering for sale, or distribution of “turtles of the genera *Pseudemys*, *Graptemys*, *Chrysemys* or *Chelydra*.” Subsection (2) exempts post secondary institutions from this prohibition if they “obtain prior written authorization from the Chief Medical Officer.”

Section 11(1) prohibits the sale or offering for sale of “a budgerigar or other psittacine bird unless it has been fed exclusively, from the time it was able to consume seed until the time of its delivery to the purchaser, on seed to each gram of which 5.0 mg of chlortetracycline has been added.” A person engaged in selling or offering for sale budgerigars or other psittacine birds is required by s. 13 to maintain complete records

of suppliers and purchasers, and by s. 11(2) to report any sickness or death in excess of the usual rate to the medical officer of health. The medical officer of health may then order that the sale of the remainder of the flock be suspended, or, if more than 40% of the birds are infected and the medical officer of health is of the opinion that the infection cannot be controlled, order the destruction of the entire flock or stock [s. 11(3)-(4)]. Section 12 requires a person “who submits a dead budgerigar or other psittacine bird to a diagnostic laboratory for necropsy [to] ensure that the body of the bird is submitted in a manner acceptable to the director of the laboratory.”

The required measures for specific diseases set out in Schedule 4 include some with respect to infected animals.

SASKATCHEWAN

WILDLIFE AND ANIMAL STATUTES

The Wildlife Act, 1998, SS 1998, cW-13.12

The *Wildlife Act, 1998* defines non-native wildlife as “exotic wildlife” and include a “vertebrate of any species, excluding fish,” that are not native to the province and are “usually found wild in nature” within their natural habitat. The Act includes “exotic wildlife” in the definition of “wildlife,” therefore there is no doubt that the Act intends to regulate exotic animals. As will be outlined, *The Captive Wildlife Regulations* are the principal means that health and safety risks posed by exotic animals are regulated in Saskatchewan.

The Captive Wildlife Regulations, cW-13.1 reg 13

Section 3(b) of the regulations create a limited exception to the requirement that a person requires a license to hold exotic wildlife in captivity. A license is not required for:

- (i) finches, macaws, budgies, parrots, cockatiels, parakeets, lovebirds, peacocks, guinea fowl, turkeys, chukar partridges, bobwhite quail and pheasants other than ring-necked pheasants;
- (ii) guinea pigs, rats, mice, gerbils, hamsters and ferrets;
- (iii) lizards, crocodilians and snakes other than poisonous snakes or snakes of the family Boidae (constrictors); and
- (iv) frogs, toads, newts and salamanders; but is otherwise subject to these regulations.

The Act, however, creates separate licensing regimes for zoos defined as “a location where captive wildlife is held primarily for public display purposes,” commercial wildlife farms defined as “a location where native wildlife is held for commercial purposes,” and falconers.

A license will only be granted if the person applying has written confirmation from the relevant municipality that it is not opposed to the license (s6) and that the persons holds sufficient insurance to cover claims for “loss of life, bodily injury or property damage caused to any person as a result of the captive wildlife”(s7). In addition, captive wildlife can only be obtained from a person with a captive wildlife license (s9) or after obtaining an import permit (s13).

If a license is granted, section 11 stipulates that captive wildlife are not permitted to roam free, escape or be released into the wild without approval. Moreover, if captive wildlife do escape, all reasonable efforts must immediately be made to restore the escaped animals to captivity. The escape must also be reported.

The regulations also specify that a provincial employee will be designated as a “resource officer.” License holders must keep records of the health status of captive animals and make those available to the resource officer upon request (s10). Captive wildlife known or suspected to be diseased cannot be transferred to others and the provincial Director of Fish and Wildlife has the authority to order the animal destroyed or quarantined (s15(1)).

In addition, s15 specifies that the animals imported to Saskatchewan must be held in quarantine for a minimum of 14 days. Animals will only be released from quarantine after they have been examined by a veterinarian and determined to be free of disease. All diseases or deaths from disease must be reported (s16).

Finally, s20 requires that enclosures containing “dangerous wildlife,” be surrounded by a secondary fence that prevents the public from getting within 1m of the animal’s primary enclosure. Signs must be conspicuously placed warning the public that the animal is dangerous. Dangerous wildlife is defined as “wildlife which is dangerous by nature or known to be dangerous except in an enclosure.”

The Diseases of Animals Act, RSS 1978, cD-30

This Act broadly defines animal as “including birds.” Therefore, on its face, nothing would appear to limit its scope in a way that prevents its application to exotic animals. A further review of the Act and its regulations, however, creates some uncertainty about whether it can be used to address the health and safety risks associated with exotic animals. In particular, *The Control of Animal Disease Regulations, (Sask Reg 274/75)* narrows the definition of animal to just “horses, cattle, sheep, swine, and live poultry.” In addition, the Act defines disease as “any condition that adversely affects the health of an animal.” As a result, this Act cannot be relied upon to address low pathogenic, endemic diseases of exotic animals that may pose a risk to humans, but otherwise rarely impact the health status of animals.

Theoretically regulations could be created pursuant to *The Diseases of Animals Act* that would apply to other animals although the likelihood may be low given that the existence of *The Captive Wildlife Regulations*. If that is the case, where a disease affects the health status of both animals and humans, the Act may be useful. Section 3 gives inspectors the power to enter premises outside of homes to prevent or control any disease. As a result, the Act’s application to pets may be limited to the extent that they reside within their owner’s home. Nothing, however, would preclude its application to large pets, such as big cats, that may reside outdoors. Likewise, private zoos and exotic animal exhibitions should be captured by this Act. Like similar Acts in other jurisdictions, when the Act applies, inspectors have powers to investigate, to quarantine, restrict transport, to mandate biosecurity measures and to destroy animals where disease is identified.

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, 1994, SS 1994, c P-37.1

Animals are mentioned in several of the definitions in s. 2. A “communicable disease” is defined to include an infection in humans that is “caused by an organism or micro-organism or its toxic products” and “is transmitted directly or indirectly from an infected person or animal or the environment.” A “contact” is defined as a “person or animal” that “has likely been infected or exposed to infection by a communicable disease.” A “health hazard” is defined to include “an animal other than a human being” that “is or may become harmful or dangerous to health.”

Local authorities have powers under ss. 24, 25, and 27 to take measures regarding health hazards, including in s. 25(b) an order directed at the person who owns an animal that is a health hazard. A medical health officer has broad powers under s. 38 to make orders to decrease or eliminate health risks from communicable disease, including orders to “restrict or prohibit the sale of animals” or to require a person to “reduce the number of animals of any species specified in the order” on lands or premises owned or controlled by the person.

The regulations enabled by s. 46 include regulations “respecting the detection, investigation, notification, treatment, prevention and control among animals of infectious diseases that are communicable to humans.”

Disease Control Regulations, RRS c P37.1 Reg 11

Section 25 sets out requirements (reporting, examination, etc.) where a person is bitten by an animal and rabies is suspected.

Health Hazard Regulations, RRS c P-37.1 Reg 10

Section 14 sets out requirements for the disposal of a dead animal (subject to the Wildlife Regulations, 1981).

MANITOBA

WILDLIFE AND ANIMAL STATUTES

The Wildlife Act, CCSM, cW130

The Act defines “exotic wildlife” as any animal that is “wild by nature but not indigenous in the province, and is declared by the regulations to be exotic wildlife.” The *Exotic Wildlife Regulation* (Man reg 78/99), however, limits the application of the Act by listing very few animals as exotic wildlife. They include: nutria; raccoon dog; all subspecies of wild boar; all non-native species and subspecies of the deer family; and, all non-native species and subspecies of the bovide family. Clearly, the purpose of this act is not to address the health and safety risks posed by exotic animals.

The Animal Diseases Act, CCSM cA85

Unlike many other jurisdictions, *The Animal Diseases Act* provides the only regulatory measures that may be capable of responding to health risks posed by exotic animals. Animals are defined extremely broadly as including “any creature not human.” Likewise, the Act adopts an encompassing definition of disease:

- 1.1(1) In this Act, "disease" means a condition or group of characteristic symptoms or behaviours
- (a) that are generally recognized by the scientific community as resulting or likely resulting from a single cause, which may be an organism, poison, toxin or other agent; and
 - (b) that
 - (i) may cause products derived from a diseased animal to be unsafe or unfit for use or consumption,
 - (ii) is a threat to the health or well-being of other living things or the economic interests of the animal industry, or
 - (iii) is otherwise a threat to public interest;
- and includes a syndrome, and a condition or group of characteristic symptoms or behaviours that is designated as a disease in the regulations.

Similar to other jurisdictions, inspectors have powers to investigate, to quarantine, restrict transport, to mandate biosecurity measures and to destroy animals where disease is identified. Likewise, the *Reportable Diseases Regulations* (Man reg 59/2007) creates a list of reportable diseases known to pose a threat to domestic animals or have the potential to impact human health. They include various salmonellas and influenzas.

The public health statute and its regulations contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health. The regulations contain specific provisions regarding turtles, racoons, and skunks. The legislation also has specific provisions regarding zoonotic diseases, and information sharing between animal health and public health authorities.

Public Health Act, CCSM, c P210

Animals are mentioned in several of the definitions in s. 1. A “communicable disease” is defined as “an illness that is caused by the transmission of an infectious agent or its toxic products directly or indirectly from an infected person, animal or plant, an inanimate object or the environment.” A “health hazard” is defined to include “a plant, animal or other organism” that “presents or might present a threat to public health” (“animal or other organism” does not include human beings). Both isolation and quarantine are defined to include restrictions on either persons or animals. A “zoonotic disease” is defined as “a communicable disease that is or might be capable of being transmitted directly or indirectly” from “an animal to a person” or from “a person to an animal.”

Medical officers, inspectors, and health officers have authority under s. 24 to make orders with respect to health hazards. Orders may be directed at the owners or person in charge of an animal. Available orders include isolation, removal, destruction, elimination, reduction, treatment or quarantine of animals; quarantine of places occupied by an animal; or a prohibition on selling, distributing, etc. animals. Animals that are reasonably believed to be a health hazard can be seized and, if necessary, destroyed (s. 30). A medical officer can require animals to be produced for testing, etc., and can take samples or photographs of animals (s. 86).

Section 41 contains requirements for the reporting of zoonotic diseases by veterinarians and laboratories.

Regulations enabled under s. 112 include regulations regarding “public attractions involving animals”; isolation, quarantine, treatment, immunization, etc. of animals that may be a threat to public health, disposing of dead animals that may be a threat to public health, and control of animals that are disease vectors.

Disease Control Regulation, Man Reg 26/2009

Section 6 requires persons who sell, distribute, or display turtles to display an advisory in prescribed form, warning of the transmission of bacteria from turtles to humans and recommended precautions.

Section 7 prohibits the keeping of racoons and skunks on premises other than medical or veterinary research facilities or laboratories, or zoos.

Health Hazards Regulation, Man Reg 29/2009

Section 2 authorizes inspectors to prepare and serve abatement notices regarding potential health hazards.

Reporting of Diseases and Conditions Regulation, Man Reg 37/2009

Section 11-18 contain further provisions regarding reporting of zoonotic diseases. Reporting obligations are imposed on veterinarians, officers appointed under the *Wildlife Act* or *Provincial Parks Act*, inspectors appointed under the *Animal Diseases Act*, wildlife biologists, and veterinary laboratories. Zoonotic diseases must be reported if they are reportable diseases or if a disease or condition presents a threat to public health but is not otherwise reportable. Positive and negative test results for rabies must be reported. Reports regarding rabies are to be made to a medical officer or public health nurse. All other reports of zoonotic diseases are to be made to the Director appointed under the *Animal Diseases Act*; the Director is then to provide information about the reports to the chief public health officer “in accordance with a protocol approved by the chief public health officer.”

Schedule 2 specifies reportable zoonotic diseases (currently: Anthrax, Influenza, Rabies, Tularemia, West Nile Virus, Western Equine Encephalitis).

ONTARIO

WILDLIFE AND ANIMAL STATUTES

Fish and Wildlife Conservation Act, 1997, SO 1997, c41

The Act defines “wildlife” as “an animal that belongs to a species that is wild by nature, and includes game wildlife and specially protected wildlife.” Because game wildlife and specially protected wildlife are defined to only include native species, the Act has limited application to exotic animals. Section 40 only requires a person to have a license if they intend to keep live game wildlife or live specially protected wildlife in captivity. Thus, the *Wildlife in Captivity* (Ont reg 668/98) regulation is of no assistance.

Animal Health Act, 2009, SO 2009, c31

“Animal” is defined in this Act as any creature that is not human and includes any other thing prescribed as an animal, but does not include any thing prescribed as excluded.” As no regulations have been enacted pursuant to this Act, there is nothing that would preclude its application to exotic animals. Similar to other jurisdictions, the act empowers inspectors with the ability to investigate, to quarantine, to restrict transport, to mandate biosecurity measures and to destroy animals and fomites where disease is identified or suspected. The Act also creates a framework to create a list of reportable diseases, but no suggest list exists today.

PUBLIC HEALTH STATUTES

The public health statute and its regulations contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health. The regulations contain specific provisions regarding rabies and psittacosis and ornithosis infection in birds.

Health Protection and Promotion Act, RSO 1990, c H.7

In s. 1 a “health hazard” is defined to include an “animal other than man” that “has or that is likely to have an adverse effect on the health of any person.”

Section 13 gives a medical officer of health or a public health inspector broad powers to order a person to “take or refrain from taking any action ... in respect of a health hazard,” which may include “requiring the removal of anything that the order states is a health hazard from the premises.” Such orders may be directed at the owner of an animal.

A medical officer of health or a public inspector may, under s. 19, seize an animal if there are reasonable and probable grounds to believe it is a health hazard. The animal may be detained for examination and may be destroyed, if a health hazard is found.

A medical officer of health also has authority under s. 22 to make orders in respect of communicable diseases. The Chief Medical Officer of Health may collect specimens or order them to be provided, including specimens from an animal, to investigate, eliminate, or reduce a risk to health.

The regulations enabled under s. 96 include regulations regarding classification of animals; exemption of animals from any provisions of the Act; detention, isolation, examination, etc. of animals; reporting of animal diseases that may adversely affect the health of humans; immunization of domestic animals; reporting of animal bites that may result in rabies; and disposition of dead animals or animal specimens.

Communicable Diseases – General, RRO 1990, Reg 557

Section 2 contains provisions regarding the reporting and handling of suspected exposure to or cases of rabies in humans, and isolation and examination of dogs or cats suspected of having rabies. The provisions include notification of the District Veterinarian of the Animal Health Division, Food Production and Inspection Branch, Agriculture Canada.

Section 4 deals with suspected infection of captive birds or poultry with psittacosis or ornithosis. Veterinarians and laboratory directors must report known or suspected cases to the medical officer of health. The section sets out the responsibilities of a medical officer of health who knows or suspects that a captive bird(s) or poultry flock is infected with psittacosis or ornithosis (e.g. investigation and prevention, notification of the Manager of the Disease Control and Epidemiology Service, isolation, and if necessary, destruction of infected birds). Section 5 outlines the responsibilities of the owner or custodian of birds suspected to be infected. Birds from a flock where ornithosis has been suspected may only be slaughtered for food with permission of the medical officer of health.

Rabies Immunization, RRO 1990, Reg 567

This regulation makes rabies immunization mandatory for specified animals (cat, dog, horse, cow, bull, calf or sheep) kept in any of the listed health units.

QUEBEC

WILDLIFE AND ANIMAL STATUTES

Conservation and Development of Wildlife Act, RSQ 2002, cC-61.1

Rather than defining wildlife, the Act defines “animal” as:

any mammal, bird, amphibian or reptile of any genus, species or subspecies propagating naturally in the wild in Québec or elsewhere from indigenous stock, or not easily distinguishable from wild species by its size, colour or shape, whether or not it is born or kept in captivity.

Nothing in the remainder of the Act or its regulations suggests that the Act’s application excludes exotic animals. “Wildlife Protection Officers” are authorized to investigate, to quarantine, to restrict transport, to mandate biosecurity measures and to destroy animals where disease is identified or suspected. Specifically, s. 23(2) permits officers to “kill or capture any animal that is seriously injured, diseased or noxious or that may endanger the life or safety of people.”

Section 42 requires that a person hold a licence to keep an animal in captivity unless the regulations provide otherwise. The categories of licenses available are outlined in Quebec’s extensive *Animals in Captivity Regulation*.

Animals in Captivity Regulation, RRQ, cC-61.1, r59

A licence is not required to hold a limited list of native amphibians, reptiles, and small mammals found included in Schedule I to the regulations (s6). A larger list of animals including all amphibians, all reptiles except crocodiles, poisonous lizards and snakes and turtles, a number of small birds and mammals found in Schedule II can also be kept without a licence (s8).

Section 2.1 requires that anyone keeping animals in captivity to display to the public for remuneration hold either a zoological garden, wildlife observation centre, an exhibition purposes, or a non-resident circus licence. Falconers are also required to hold a license (s75).

Section 26 limits the kinds of animals wildlife observation centres can have to those animals that do not require a permit to hold in captivity. Wildlife rehabilitation centres are only authorized to keep injured or orphaned animals of native species for rehabilitation purposes (s32). Likewise, a holder of licence for wildlife exhibition purposes is limited to animals included in Schedule II of the regulations.

In contrast, a non-resident circus licence allows all native or exotic species be held for exhibition or entertainment purposes (s74.1). Similar, section 20 provides:

A zoological garden licence authorizes its holder to keep animals of native or exotic species in captivity for conservation, research, educational, exhibition and recreational purposes.

Each type of license has specific requirements to prevent exotic animals from harming humans. For example, zoological gardens, wildlife observation centres, and circuses must specify how the animals' enclosures will prevent animal attack or transmission of fatal infectious diseases (s27(5)). A licence for exhibition purposes or a circus will only be granted if the applicant has sufficient liability insurance. An exhibition must also have an animal health program in place. Provisions also exist to address reporting the escape of wildlife.

Animal Health Protection Act, RSQ cP-42

This Act defines animals as domestic animals and animals held in captivity. The definition of a "contagious disease" also clearly identifies that the Act is concerned with both diseases that "may be transmitted by an animal to another animal or to a human by direct contact." As a result, the Act applies to exotic animals.

The Act authorizes the provincial officials to sample animals and their premises, other than private homes, to determine the health status of animals (s2.0.1). If an animal is found to have a contagious or parasitic disease, officials can order the animal destroyed (s3.4). In addition, officials can order animals quarantined, restrict transport, and mandate biosecurity measures where animals are found or suspected to be diseased (s3.3)

Unlike other animal health laws in Canada, the obligation to report the presence of a disease is not limited to a list of reportable diseases. Section 3.1. provides that the "owner or custodian of an animal shall report to a veterinary surgeon any fact indicating the existence of a contagious or parasitic disease, an infectious agent or a syndrome in the animal." On its face, this section should require reporting of all diseases found in exotic animals in zoos and exhibitions. It is not clear whether pets would be considered "captive animals" and thus subject to this legislation.

PUBLIC HEALTH STATUTES

The public health statute contains general provisions that could cover threats from animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, RSQ c S-2.2

Reporting obligations in ss. 92-93 apply to any “threat to the health” of “the population” or of persons in health or social services facilities. Section 98 provides for coordination of activities among a public health director undertaking an epidemiological investigation and government departments, municipalities, or bodies acting under other legislation. A public health director may require animals to be presented for examination or may take or require taking of samples from an animal for the purpose of an epidemiological investigation. If a public health director “is of the opinion that there exists a real threat to the health of the population,” the director may order the destruction of an animal, or order any other necessary measure.

NEW BRUNSWICK

WILDLIFE AND ANIMAL STATUTES

Fish and Wildlife Act, cF-14.1

The Act defines “exotic wildlife” as:

any bird, mammal or other vertebrate that is not indigenous to the Province and is of a species of wildlife that in its natural habitat is usually wild by nature, whether or not the bird, mammal or other vertebrate is bred or reared in captivity, and includes any hybrid offspring of any such bird, mammal or other vertebrate and any part of any such bird, mammal or other vertebrate;

Similar to Saskatchewan, exotic wildlife is included in the larger definition of “wildlife.” The definition of wildlife also encompasses native wildlife. In addition, the Act regulates “wildlife farms” defined as “a place on which any wildlife or any exotic wildlife is kept for sale, trade, barter, public exhibition, propagation or for scientific or other purposes.” As a result, there can be no doubt that this Act contemplates exotic animals. The extent of this regulation, however, is limited.

Section 38.1 requires a permit before exotic animals can be imported, kept or released from captivity. If a license is not obtained, the exotic animal can be confiscated (s90.1).

Although a definition exists for wildlife farm and the Minister has the authority to make regulations with respect to these farms, none exist.

Diseases of Animals Act, SNB 2011, c142

The *Diseases of Animals Act* only applies to cattle, goats, horses, sheep and swine, and any young of cattle, goats, horses, sheep and swine. As a result, it cannot be used to address the health and safety risks posed by exotic animals.

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, SNB 1998, c P-22.4

The definition of “health hazard” in s. 1 includes an “animal other than man” that “has or is likely to have an adverse effect on the health of a person.”

Anyone who has “reasonable grounds to believe that a health hazard exists,” and has not yet been reported, is required under s. 4 to notify a medical officer of health or public health inspector of the hazard. A medical officer of health or public health inspector has an obligation under s. 5 to investigate a health hazard, and has broad powers to make orders with respect to health hazards under s. 6. Such orders may be directed to a person who owns or is in charge of an animal. A medical officer of health or public health inspector is authorized by s. 7 to seize items including animals and to destroy them if they are found to be a health hazard. The Minister has further powers to deal with health hazards under s. 8.

A medical officer of health has powers under s. 32 to make orders in respect of communicable diseases and to require production of an animal for inspection or examination.

The regulations enabled under s. 68 include regulations classifying animals or exempting them from provisions in the Act or regulations, regarding “the reporting of cases of human contact with animals that have or may have diseases that adversely affect the health of any person” and regarding “the destruction, testing of or quarantine of animals that may have diseases that adversely affect the health of persons.”

Reporting and Diseases Regulation, NB Reg 2009-136

According to Schedule A, reportable events include exposure to a suspected rabid animal.

NOVA SCOTIA

WILDLIFE AND ANIMAL STATUTES

Wildlife Act, RSNS 1989, c504

The *Wildlife Act* includes “exotic wildlife” in its definition of “wildlife.” Exotic wildlife is defined as “all birds, mammals and other vertebrates that are not indigenous to the Province and that in their natural habitat are usually wild by nature, and includes any part of such birds, mammals or other vertebrates.” Wildlife is further defined as “vertebrates that, in their natural habitat, are usually wild by nature.” Therefore, the Act applies to the kinds of exotic animals that are the focus of this report.

Section 62 prohibits keeping live wildlife. Section 64 similarly requires a permit to import live wildlife.

General Wildlife Regulations NS reg 205/87.

Sub-section 6(6) of the *General Wildlife Act Regulations* provides that a conservation officer can inspect captive wildlife. Captive wildlife are not allowed to roam free, be released or escape into the wild. If an animal does escape, the wildlife’s owner must “make all reasonable efforts to return the wildlife to captivity and report the full details of the escape to a conservation officer within 48 hours of the escape” (s6(7)). Sub-section prohibits holding or transferring diseased or suspected diseased wildlife to another person. Specific falconry permits are also required in Nova Scotia.

Animal Health and Protection Act, RSNS 1989, c15

This Act only defines animal as “horses, cattle, sheep, swine, goats, rabbits, bees, foxes, chinchilla, mink and domestic fowl.” As a result, it cannot be used to address the health and safety risks posed by exotic animals.

PUBLIC HEALTH STATUTES

The public health statute and its regulations contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health. The regulations contain a specific prohibition on sale of turtles.

Health Protection Act, SNS 2004, c 4

The definition of “health hazard” in s. 3 includes an “animal or organism other than human” that “presents or may present a threat to the public health.” A communicable disease is defined in s. 4 to include a disease transmitted “directly or indirectly from an infected person or animal,” and “disease vector” is defined as a “plant or animal that is a carrier of a communicable disease or a notifiable disease or condition.”

A medical officer has authority under s. 20 to make orders regarding health hazards; according to s. 21, orders may be directed at a person responsible for an animal and may include an order to “isolate, hold or contain” an animal. A medical officer may require an animal to be produced for inspection or examination, and may seize or take photographs of the animal (s. 58).

The regulations enabled under s. 74 include regulations classifying animals; regarding “the detention, isolation, examination, disposition or destruction of any animal that has or may have a disease or a condition that may adversely affect the health of any person”; requiring immunization of domestic animals “against any disease that may adversely affect the health of any person”; requiring the reporting of animal diseases that “may adversely affect the health of any person”; and “prescribing the classes of persons who must make and receive reports” regarding animal diseases.

Prevention of Salmonella Infection by the Control of the Sale of Turtles Regulations, NS Reg 23/72 [under Health Protection Act]

Section 1 prohibits the sale of “turtles of any kind or genera”; section 2 exempts from this prohibition the sale of turtles to “zoos, universities, or other post secondary educational institutions or to such other persons as the Deputy Minister of Health and Wellness may authorize.”

Rabies Control Regulations, NS Reg 42/42

Section 7 prescribes the manner of disposal of an animal that has died of rabies. Section 9 provides that animals other than dogs “which are rabid or which have been injured or bitten by or have been exposed to another animal which has been declared to be rabid” may be destroyed by order of a local Board of Health or Medical Health Officer. Any actions taken under this regulation by a local Board of Health or Medical Health Officer must be reported to the Provincial Health Officer under s. 10.

Communicable Diseases Regulations, NS Reg 196/2005

Section 2 defines a “contact” to include either a person or an animal that is “suspected to have been in associating with an infected person or animal... to a sufficient degree to have had the opportunity to become infected.”

PRINCE EDWARD ISLAND

WILDLIFE AND ANIMAL STATUTES

Wildlife Conservation Act, SPEI, cW-4.1

“Exotic” wildlife is defined as “any wildlife of a species or type that is not indigenous to the province and that in its natural habitat is usually found wild in nature, but does not include ratite birds.” PEI’s definition of “wildlife” is the broadest in the country as it is not limited to animals. Wildlife is defined as “wild life, wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae, bacteria and other wild organisms.” As a result, exotic animals fall within the jurisdiction of this act.

Although the Act authorizes the creation of specific regulations on the possession or release of exotic wildlife, none exist. Section 10 allows a Minister to issue a permit to “capture and mark any wildlife” although it is not expressly prohibited to hold wildlife in captivity without a permit. As a result, this Act and its accompanying regulations are of little assistance in addressing the health and safety risks posed by exotic animals.

Animal Health and Protection Act, SPEI, cA-11.1

The definition of “animal” in this Act only applies to livestock. As a result, it cannot be used to address the health and safety risks posed by exotic animals.

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, RSPEI 1988, c P-30

In section 1, “communicable disease” is defined as “an illness caused by an infectious agent or its toxic products which is transmitted directly or indirectly to a person from an infected person or animal or through the agency of an intermediate environment.”

The Chief Health Officer or a health officer is authorized by s. 5 to issue directions or orders where there are reasonable and probable grounds to believe that “there is some ... circumstance that is or is likely to be dangerous or injurious to public health,” and the

direction or order is necessary and the least intrusive effective means of dealing with the matter.

Notifiable and Communicable Diseases Regulation, PEI Reg EC330/85

The owner of an animal “which is a suspected or known transmitter of a regulated disease” must comply with a direction of the Chief Health Officer or his delegate (s. 5).

NEWFOUNDLAND AND LABRADOR

WILDLIFE AND ANIMAL STATUTES

Wild Life Act, RSNL 1990, cW-8

The Act defines “wild life” as those “wild animals, fish and birds” to which the regulations apply. It is not clear, however, whether the regulations apply to exotic animals. Although exotic animals are not contemplated in the existing regulations, they are not explicitly excluded. Therefore, it can be argued that to the extent that these regulations are not limited to specific species, they should apply to exotic animals.

While the Minister is authorized to make regulations with respect to breeding or exhibiting wild life, no such regulations exist. The only regulations that may be relevant to the health risk posed by exotic animals are found in the *Wildlife Regulations*.

Wild life Regulations, CNLR 1156/96

The regulations require a permit to have live wild life in one’s possession or control (s.82). Prior permission is required to import wild life (s83) or to release it to the wild. Section 90 makes it an offence to traffic in wild life.

Animal Health and Protection Act, SNL 2010, cA-9.1 (To be proclaimed)

This Act broadly defines an “animal” as a “non-human vertebrate,” thus nothing precludes its application to exotic animals. Pursuant to this Act, inspectors have similar powers as those in other jurisdictions to investigate, inspect, quarantine, restrict transport, mandate biosecurity measures, and to destroy animals where disease is identified or suspected.

PUBLIC HEALTH STATUTES

The public health statutes contain general provisions that could cover threats from animals that are infected with communicable diseases or otherwise present a risk to health. There are no provisions regarding specific types of animals except for a provision regarding disease in cattle.

Health and Community Services Act, SNL 1995, c P37.1

A health officer, inspector, or other designated or authorized person may enter a building or lands and make orders or directions “with respect to [a] matter that he or she considers advisable in the interest of the public health” (s. 5).

The regulations enabled by s. 11 include regulations “providing for the prevention or removal or both of all matters, things and conditions ... which, in the opinion of the minister, constitute or are likely to constitute a menace to public health,” as well as regulations “providing for the testing of cattle for tuberculosis.”

Communicable Diseases Act, RSNL 1990, c C-26

Section 12 deals with disease among cattle.

Section 14 empowers the minister to authorize and direct an investigation into “the causes and circumstances of an outbreak of communicable disease or outbreak of unusual and unexplained mortality,” and to direct the removal or abatement of a “remediable unsanitary condition.”

The regulations enabled under section 33 include regulations regarding communicable diseases.

YUKON

WILDLIFE AND ANIMAL STATUTES

Wildlife Act, RSY 2002, c229

Although this act defines “wildlife” as “a vertebrate animal of any species or type that is wild by nature, and includes wildlife in captivity, but does not include fish,” the act is mainly focused on the regulation of wildlife harvesting. As a result, few provisions have application to exotic animals.

It is prohibited to keep live wildlife in captivity without a licence. Section 132 authorizes conservation officers and wildlife technicians to hunt any wildlife they reasonably believe to be dangerous or diseased. Conservation officers are also authorized to seize wildlife believed to be diseased (s95(1)).

Animal Health Act, RSY 2002, c5

“Animals” is broadly defined as “a non-human living being with a developed nervous system.” As many animal health statutes in Canada, inspectors are authorized to investigate, inspect, quarantine, restrict transport, mandate biosecurity measures, and to destroy animals where disease is identified or suspected. Reporting requirement for diseases, however, are limited to owners of domesticated animals. Section 32 is of note as inspectors are required to “notify, as soon as possible, the medical health officer within the meaning of the Public Health and Safety Act of all cases of diseases communicable to humans.”

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health and Safety Act, RSY 2002, c 176

A medical health officer is required by s. 16 to report a suspected hazard to public health or safety to “the prescribed officer of the Department of Health and Social Services, and the mayor or chief administrative officer of the affected municipality”; the prescribed officer is then to direct an investigation in consultation with representatives

of the municipality. The prescribed officer may, under s. 17, direct the medical health officer or a health officer to take “any step authorized by this Act to eliminate or decrease the hazard or mitigate its effects.”

The regulations enabled in s. 2 include regulations for “control and prevention of communicable diseases,” for “testing of animals for tuberculosis, infectious bovine abortion, or any disease communicable to human beings,” and for “the confinement and disposition of diseased or injured animals and the disposal of dead animals.”

Communicable Diseases Regulations, YCO 1961/48

A “contact” is defined in s. 2 as a “person or animal known to have been in association with a person or animal infected with a communicable disease and ... presumed to have been exposed to infection therefrom.”

Orders available to a medical officer of health under s. 12 include an order to detain “any dog, cat or other animal which, in his opinion is capable of transmitting a communicable disease, to any person or other animal.”

NORTHWEST TERRITORIES

WILDLIFE AND ANIMAL STATUTES

Wildlife Act, RSNWT 1988, c.W-4

The primary purpose of this Act is regulating the harvest of wildlife. Not surprisingly, the definition of wildlife only includes wild vertebrates native to NWT. To this end, exotic animals, other than those native species, such as polar bears and caribou, that would be considered exotic in other locations, are not contemplated by this act.

Section 53 prohibits the capture of live wildlife without a license. Similarly, it is an offence to traffic in wildlife (s54). A permit is required to import live, non-native, wild vertebrates into NWT (s59(2)).

Section 25 authorizes conservation officers and wildlife technicians to hunt any wildlife they reasonably believe to be dangerous or diseased.

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, SNWT 2007, c 17

In s. 1, a “communicable disease” is defined as “an infection in humans that is caused by an organism or micro-organism or its toxic products and is transmitted directly or indirectly from an infected person or animal, or from the environment” and a “health hazard” is defined to include an “animal or organism other than a human” that “is or may become harmful or dangerous to health, that hinders the suppression of disease or the prevention of injury, or that otherwise presents a risk to the public health.”

The Chief Public Health Officer is empowered by s. 11 to make any order considered necessary to protect public health if a health hazard exists, and by s. 25 to make an order “requiring a person to take or refrain from taking any action ... to decrease or eliminate the risk to the public health presented by a reportable disease.”

The regulations enabled under s. 50 include regulations regarding health hazards, reporting of diseases, and “the detection, investigation, notification, treatment, prevention and control among animals of diseases that are communicable to humans.”

Reportable Disease Control Regulations, NWT Reg 128-2009

A “contact” is defined in s. 1 as “a person or animal known to have been in association with a person or animal infected with a reportable disease.”

NUNUVAT

WILDLIFE AND ANIMAL STATUTES

Wildlife Act

Similar to other Wildlife Acts in the North, this Act is not intended to regulate exotic species. It is intended to manage the harvest of wildlife. Even though s6(2) provides that this act applies to “all terrestrial, aquatic, avian and amphibian flora and fauna that are wild by nature or wild by disposition,” its ability to address the risks posed by exotic animals is negligible.

A license is required to import live wildlife into Nunavut (s105). In addition, one must be authorized to keep wildlife in captivity (s84). Conservation officers can destroy or capture diseased or dangerous animals (s92).

PUBLIC HEALTH STATUTES

Neither the public health statute nor its regulations contains specific provisions regarding exotic animals or any other specific types of animals, but they contain provisions regarding animals that are infected with communicable diseases or otherwise present a risk to health.

Public Health Act, RSNWT (Nu) 1988, c P-12

The regulations enabled in s. 25 include regulations for “control and prevention of communicable diseases,” for “testing of animals for tuberculosis, infectious bovine abortion, or any disease communicable to human beings,” and for “the confinement and disposition of diseased or injured animals and the disposal of dead animals.”

Communicable Diseases Regulations, RRNWT (Nu) 1990, c P-13

A “contact” is defined in s. 2 as a “person or animal known to have been in association with a person or animal infected with a communicable disease and ... presumed to have been exposed to infection therefrom.”

Under s. 10, if the Chief Medical Officer is notified of or suspects a case of communicable disease, he or she “shall investigate ... and if satisfied that action is necessary, shall ensure that the specific control measures for the disease are taken.”

MUNICIPAL BYLAWS

All provinces have provided some authority to municipalities to enact bylaws to regulate animals and most have been granted broad authority to regulate in this area. Exotic animal bylaws that have been tested in court, however, have all been quashed for either lack jurisdiction or bad faith. In theory, there is nothing that would prevent municipalities from restricting the ownership of exotic pets, subject to acting in good faith and within the jurisdiction granted to them by the province. Although not specifically on point, a municipal bylaw banning the sale of dogs in pet stores was recently upheld (*International Bio Research v. City of Richmond*).

Zoocheck Canada has maintained a list of exotic bylaws they are aware of throughout Canada. One hundred forty-nine (149) municipal bylaws are on that list. Often, an attack by or escape of an exotic animal has led to the bylaw's creation. For the most part, these bylaws ban the possession of listed species. A comprehensive exotic animal bylaw has not been discovered.

Given the paucity of provincial regulation, it is not surprising that Ontario (67) has the most exotic animal bylaws. They are followed by British Columbia (35), Quebec (15), Alberta (12), Manitoba (7), New Brunswick (5), Nova Scotia (3), Saskatchewan (2), and Newfoundland and Labrador (1) and Prince Edward Island (1). Whitehorse is the only northern municipality with an exotic animal bylaw.

MODEL LEGISLATION

We searched for model legislation regarding exotic animals, focusing on Canada and the United States.

CANADA

The British Columbia SPCA has been actively involved in promoting legislation regarding this issue and has adopted a position statement on exotic animals which states: “The BC SPCA is opposed to the breeding and keeping of exotic or wild animals, including their hybrids, as companion animals, and to the importation and commercial trade in exotic or wild animals destined for the pet market.”¹ The statement defines exotic animals as species that “are non-domesticated, non-indigenous wild animals, whether captured from the wild or captive-bred” and wild animals as species that “have genetically evolved in complex ecological systems resulting in mutual interdependencies with other animals and the surrounding environment.” This statement was part of BC SPCA’s submission to the BC Ministry of Environment Wildlife Act Review Process, which resulted in the adoption of BC’s new legislation on “controlled alien species.”²

As part of this work, the BC SPCA has developed a model Animal Control Bylaw that includes provisions on exotic/wild animals.³ The model bylaw defines a “prohibited animal” as “an animal of any species listed in Schedule 2 of this bylaw, including animals that are hybrids of these species.”⁴ Examples of species included in Schedule 2 include “all nonhuman primates,” “all felidae, except the domestic cat,” bears, elephants, saltwater fish, “venomous or poisonous reptiles and amphibians,” “reptiles and amphibians over 2ft adult size,” and all birds except for a limited list of commonly domesticated or pet birds (e.g. chicken or budgie).⁵

Under section 8 of the model bylaw, it is prohibited to breed, possess, exhibit “for entertainment or educational purposes” or “display in public” any prohibited animal.⁶ Exceptions provided in s. 8(2) are local government facilities for impounded animals, policy department premises, BC SPCA premises, the premises of a licensed veterinarian providing temporary care to the prohibited animal, an accredited zoo or aquarium, premises accredited to keep animals for educational or research purposes, and “premises that keep prohibited animals for which a valid permit is in place pursuant to the Wildlife Act.” “Wildlife” is defined in the bylaw as “wildlife as defined by the BC

¹ BC SPCA, “Exotic Animals: Position Statement” (2007), online:

<http://www.sPCA.bc.ca/assets/documents/welfare/exotic-animal-legislation/appendix-a-bc-sPCA-position.pdf>.

² BC SPCA, Exotic animal legislation, online: <http://www.sPCA.bc.ca/welfare/campaign-issues/exotic-animal-legislation.html>.

³ BC SPCA, *Model Animal Control Bylaws: The Foundation of a Safe, Humane Community* (Vancouver: BC SPCA, n.d.).

⁴ *Ibid.* at 8, s. 1(1).

⁵ *Ibid.* at 15, Schedule 2.

⁶ *Ibid.* at 12, s. 8(1).

Wildlife Act and/or other animals indigenous to Canada whose ownership in captivity violates Provincial or Federal Canadian statutes.”⁷

A model Pet Store Licensing Bylaw,⁸ prohibits pet store operators from selling, offering to sell, or displaying to the public any prohibited animal.⁹

UNITED STATES

An American organization called “Born Free USA” has produced several pieces of model legislation on issues relating to wild and exotic animals, including sale, private possession, and use in travelling shows and circuses.¹⁰ We reviewed the model State Legislation Prohibiting the Private Possession of Exotic Animals.¹¹

The model state legislation defines “wild and exotic animal” as a member of any of the families listed, “including hybrids thereof,” which “due to their inherent nature, may be considered dangerous to humans.” The list includes specific types of mammals and reptiles. The legislation also provides that the Department of Fish and Game (or other relevant department) “may declare species not listed as a wild and exotic animal if the confinement of the animal within the state can be shown to constitute a threat to public health and safety.” Section 3 of the model act sets out a broad prohibition on owning, possessing, or breeding wild or exotic animals. Section 4 then sets out exemptions, for example for wildlife sanctuaries, educational or education institution, or a “lawfully operated circus or rodeo.” Section 5 provides for permits to be issued to those who were already lawfully in possession of a wild or exotic animal prior to the effective date of the act. Other provisions include requirements for microchip identification, spaying or neutering, caging standards, care and treatment, signage and notification, and inspection. The Department may confiscate any wild or exotic animal kept in contravention of the act (s. 15).

Another American organization, the National Animal Interest Alliance, has a Model Animal Control Law that includes provisions on exotic animals.¹² An “exotic animal” is defined as “an animal of a non-domesticated species not commonly kept as a household pet or for food and fiber production. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.” Section 7 of the model law provides that “carnivores such as tigers, lions, cheetahs, leopards and other

⁷ *Ibid.* at 8, s. 1(n).

⁸ *Ibid.* at 20-24.

⁹ *Ibid.* at 23, s. 9(1)(c)(ii). The list of prohibited animals is in Schedule 1 (identical to Schedule 2 of the Animal Control Bylaw).

¹⁰ Born Free USA, Model Legislation, online: http://www.bornfreeusa.org/b4c_model.php.

¹¹ Born Free USA, An Act Relating to Private Possession of Wild and Exotic Animals, online: http://c205900.r0.cf1.rackcdn.com/Model_State_Legislation_Private_Possession.pdf. Their website also mentions city ordinances but they do not provide a model city ordinance.

¹² National Animal Interest Alliance, *Model Animal Control Law*, online: <http://www.naiaonline.org/pdfs/NAIAModeAnimalControllLaw.pdf>.

wild cats and other species such as snakes, alligators, bears, wolves, foxes, coyotes, or non-human primates” may only be kept with a permit. It also provides for annual inspection of the premises on which such animals are kept, and sets out some requirements for a permit (e.g. experience of the owner, microchip identification) and housing and transportation requirements. It recognizes the authority of state departments of wildlife regarding poisonous snakes and rare or endangered species listed by the state, federal authorities regarding rare or endangered species listed by the federal government, and the US Department of Agriculture, as well as state and local laws, regarding exotic animals kept for exhibit or educational purposes.

The Model State Public Health Act promulgated by the Centers for Law & the Public’s Health contains some provisions regarding transmission of disease from animals to humans (e.g. definition of “infectious disease,” reporting of diseases, testing of samples) but no provisions specifically relating to exotic animals or particular types of animals.¹³

¹³ Model State Public Health Act (September 2003), online:
http://www.turningpointprogram.org/Pages/pdfs/statute_mod/MSPHAfinal.pdf.

LITERATURE REVIEW

We searched for both academic journal articles and government or non-government reports or policy papers relating to exotic animals and public health. The most relevant material is reviewed below and listed in the bibliography attached to this report.

ACADEMIC LITERATURE

We searched legal databases (e.g. Quicklaw and Westlaw) and multidisciplinary databases (e.g. Academic Search Complete, Science Direct) for literature on exotic animals and public health, specifically focusing on legal and policy issues.

We also found many articles in both legal and multidisciplinary databases discussing other issues relating to exotic animals, in particular invasive exotic species, trade in endangered species, and animal welfare (regarding exotic animals in zoos, for example). Several articles emphasize the magnitude of this issue by citing estimates of the number of exotic animals being kept by private individuals: 10,000-20,000 large cats, over 17 million birds, almost 9 million reptiles, and 3000 great apes in the U.S.;¹⁴ an estimated 20 million U.S. households owning at least one exotic pet;¹⁵ and an estimated black market in exotic species worth \$6-10 billion annually worldwide.¹⁶

Most of the articles on exotic animals and public health, especially in the multidisciplinary databases, discussed potential health threats from exotic animals, such as zoonotic diseases that are or could be transmitted by particular species, such as monkeypox from rodents such as rats or prairie dogs,¹⁷ salmonella or parasites from reptiles or amphibians,¹⁸ and B-virus (circopithecine herpes virus) from macaque monkeys.¹⁹ Some also discuss risks of injury from exotic animals such as tigers, monkeys, or snakes.²⁰

¹⁴ Catherine M. Brown, “Reaping the Whirlwind? Human Disease from Exotic Pets” (2008) 58:1 BioScience 6 at 6 [“Reaping the Whirlwind”].

¹⁵ Sarah Babcock, Antoinette E. Marsh & Jeanie Lin, “Legal implications of zoonoses for clinical veterinarians” (2008) 233:10 JAVMA 1556 at 1559.

¹⁶ Erika Check, “Health concerns prompt US review of exotic-pet trade” (2004) 427 Nature 277; “Reaping the Whirlwind,” *supra* 14 at 6.

¹⁷ Check, *supra* 16; C. Chastel, “Le monkeypox humain” (2009) 57 Pathologie Biologie 175; “Reaping the Whirlwind,” *supra* 14; Bruno B. Chomel, Albino Belotto & François-Xavier Meslin, “Wildlife, Exotic Pets, and Emerging Zoonoses” (2007) 13:1 Emerging Infectious Diseases 6.

¹⁸ Chomel, Belotto & Meslin, *ibid.*; Kristine M. Smith, Katherine F. Smith & Jennifer P. D’Auria, “Exotic Pets: Health and Safety Issues for Children and Parents” (2012) 26 Journal of Pediatric Health Care e2.

¹⁹ Stephanie R. Ostrowski et al., “B-virus from Pet Macaque Monkeys: An Emerging Threat in the United States?” (1998) 4:1 Emerging Infectious Diseases 177; Rodney William Tregle et al., “Cercopithecine Herpesvirus 1 Risk in a Child Bitten by a Bonnet Macaque Monkey” (2011) 41:4 Journal of Emergency Medicine e89.

²⁰ P.J. Nyhus, R.L. Tilson & J.L. Tomlinson, “Dangerous Animals in Captivity: Ex Situ Tiger Conflict and Implications for Private Ownership of Exotic Animals” (2003) 22 Zoo Biology 573; Smith, Smith & D’Auria, *supra* 18.

Many articles, in addition to outlining public health threats from exotic animals, discuss the need for stricter regulation in trade of these animals, as well as better surveillance.²¹

We located a number of articles that specifically discuss legal issues relating to exotic animals, including the regulation of ownership and possession of exotic animals. We focused our review on literature that addressed issues of ownership and public health concerns, rather than the larger body of literature regarding trade in endangered species and environmental law concerns regarding invasive species.

Most of the legal literature is from the U.S.²² The laws applicable to private possession of exotic animals have been described as a “veritable maze” of federal, state, and local statutes.²³ American authors identify the Endangered Species Act and the Lacey Act as the main federal legislation in the U.S.; both apply to international and inter-state transfers of animals rather than possession.²⁴ Brown argues that the Lacey Act is “severely limited,” not only because it just applies to interstate and foreign trade, but also because it prohibits the importation only of a limited list of species designated as harmful by the Department of the Interior.²⁵ Others are similarly critical of its limitations.²⁶ Other relevant federal laws include the Animal Welfare Act, which applies primarily to commercial entities such as zoos or breeders;²⁷ the Migratory Bird Act, regulating the possession, treatment, and disposition of wild species of birds;²⁸ and Executive Order 13,112, which deals specifically with invasive species.²⁹ In addition, importation of specific species of animals has sometimes been restricted or prohibited by orders made on an ad hoc basis by the U.S. federal government.³⁰ The lack of a comprehensive framework of federal laws has been criticized.³¹

Several authors highlight the variability of state (and municipal) laws on ownership and possession of exotic animals.³² For example, Robert Brown, writing in 2006, stated that

²¹ See e.g. Bridget M. Kuehn, “Animal-Human Diseases Targeted to Stop Pandemics Before They Start” (2006) 295 JAMA 1987; Check, *supra* 16; Mary Quirk, “Calls for a more inclusive ban of exotic animals” (2003) The Lancet 528.

²² None of the Canadian articles were reviewed were directly relevant.

²³ Alyce Miller & Anuj Shah, “Invented Cages: The Plight of Wild Animals in Captivity” (2005) 1 Journal of Animal Law 23 at 42.

²⁴ Adolf K. Maas, “Legal Implications of the Exotic Pet Practice” (2005) 8 Veterinary Clinics: Exotic Animal Practice 497; Robert Brown, “Exotic Pets Invade United States Ecosystems: Legislative Failure and a Proposed Solution” (2006) 81 Indiana Law Journal 713 [“Exotic Pets”].

²⁵ “Exotic Pets,” *ibid.* at 719.

²⁶ See e.g. Jane Cynthia Graham, “Snakes on a Plain, or in a Wetland: Fighting Back Invasive Nonnative Animals – Proposing a Federal Comprehensive Invasive Nonnative Animal Species Statute” (2011) 25 Tulane Environmental Law Journal 19 at 39.

²⁷ See Miller & Shah, *supra* 23 at 42.

²⁸ Maas, *supra* 24.

²⁹ See e.g. Graham, *supra* 26 at 42-44.

³⁰ Check, *supra* 16.

³¹ Graham, *supra* 26 at 49.

³² “Exotic Pets,” *supra* 24 at 724-25; Maas, *supra* 24 at 500-501. See also Babcock, Marsh & Lin, *supra* 15 at 1559; Miller & Shah, *supra* 23 at 43-51; Graham, *supra* 26 at 64; Bruce A. Levin, “Lions and Lionesses, Tigers and

twenty-one states have “some type of ownership ban on certain wildlife,” while fourteen other states require permits for ownership of certain species, and fifteen state have no permit or license requirements at all.³³ He provides examples of the variation between states, and concludes by observing:

The fragmented, inconsistent state laws that govern the possession of wildlife give the pet-trade industry considerable freedom in distributing potentially harmful animals to the general public. In Florida, a person can walk into a pet store and purchase a python, lizard, or iguana without having any knowledge about how to properly handle the dangerous creature. Additionally, if a resident of a state with relatively stringent regulations on exotic animal ownership wants an outlawed pet, he or she could legally purchase the animal in a less-restrictive state (such as Iowa [which does not regulate possession at all]) and illegally transport it back to his or her home state. To access all markets, a pet dealer needs only to set up an exotic pet business in a state with lenient regulations and advertise his or her merchandise over the Internet...³⁴

Graham notes similar concerns in her article.³⁵ Although these analyses focus on invasive species in the U.S., much the same concerns would be relevant to public health concerns and Canadian law. Concerns about inconsistencies, gaps, and loopholes in the law are a common theme in the literature.³⁶ Levin also notes difficulties of definition and classification.³⁷

Babcock, Marsh & Lin note, in addition, that requirements to report zoonotic diseases “vary greatly” among states.³⁸ Articles by Cutts and Kramek describe the different positions taken by various states with respect to wild-domestic animal hybrids (including bans, restrictions, treating hybrids as domestic animals, or having no laws at all).³⁹

Adair discusses the rather unique question of the use of exotic animals as “service animals” for people with disabilities.⁴⁰ Among the issues arising in this context are risks from dangerous animals and restrictions on ownership of particular species.⁴¹

Tigresses, Bears &... Other Animals: Sellers’ Liability for Dangerous Animals” (1983) 58 Notre Dame Law Review 537 at 549-50.

³³ “Exotic Pets,” *supra* 24 at 724.

³⁴ “Exotic Pets,” *supra* 24 at 725.

³⁵ Graham, *supra* 26 at 65-66.

³⁶ See e.g. Miller & Shah, *supra* 23 at 58; Graham, *supra* 26 at 74-75; Levin, *supra* 32 at 553-54.

³⁷ Levin, *supra* 32 at 551.

³⁸ Babcock, Marsh & Lin, *supra* 15 at 1560.

³⁹ Lisa A. Cutts, “Walking on the Wild Side: Classification and Liability for Owners of Wild-Domestic Animal Hybrids” (2009) 18 San Joaquin Agricultural Law Review 71 at 81-88; Barbara J. Kramek, “Hybrids Howl: Legislators Listen – These Animals Aren’t Crying Wolf” (1992) 23 Rutgers Law Journal 633 at 645-51.

⁴⁰ Robert L. Adair, “Monkeys and Horses and Ferrets... Oh My! Non-Traditional Service Animals Under the ADA” (2010) 37 Northern Kentucky Law Review 415.

⁴¹ *Ibid.* at 417ff.

An article by Tilden includes a comparative review of laws relating to exotic animal ownership and welfare in several countries, including Canada.⁴² This review notes the variation between countries and among jurisdictions within Canada, highlighting Nova Scotia as having the most developed laws for captive animals from an animal welfare perspective.⁴³

Finally, several authors discuss the role of other general legislation and the common law in relation to exotic animal ownership, e.g. zoning, nuisance, and the liability of owners or sellers.⁴⁴

Several authors have suggested reforms that might address the risks of exotic animal ownership in countries such as the U.S. (we found none specifically discussing Canada). Catherine M. Brown outlines three possible approaches: (1) regulating known risks by banning imports of certain species – a reactive approach; (2) regulating “unknown risks” by banning importation of species whose risks are not well understood; or (3) a complete ban on importing exotic species for pets.⁴⁵ She argues that the second approach is supported by the precautionary principle, while the third is “strongly opposed by both potential owners and members of the pet-trade industry.”⁴⁶

Other recommendations in the U.S. context include:⁴⁷ developing a comprehensive statute to replace the current patchwork of laws; using a “clean list” approach (i.e. a list of permitted species which are established to be safe) rather than the current “dirty list” approach (i.e. a list of prohibited species with known problems);⁴⁸ uniform restrictions on exotic animal ownership;⁴⁹ increased public awareness; and use of penalties and incentives to increase compliance.

GOVERNMENT AND NON-GOVERNMENT REPORTS AND PROPOSALS

We also conducted an internet search for government and non-government reports and proposals relevant to the topic. Given the scope of this project, it was not possible to do a comprehensive search or analysis of this type of documents, but a few significant sources were found and are summarized here.

The BC SPCA reviewed municipal bylaws in 2007 and found that “most municipalities are lacking adequate bylaws” to regulate issues relating to companion animals, including

⁴² Jennifer Logan Tilden, “Behind a Glass, Darkly” (2006) 2 *Journal of Animal Law* 143 at 147ff.

⁴³ *Ibid.* at 151-52.

⁴⁴ See e.g. Andrea Hart Herbster, “More than Pigs in a Parlor: An Exploration of the Relationship Between the Law and Keeping Pigs as Pets” (2000) 86 *Iowa Law Review* 339; Levin, *supra* 32.

⁴⁵ “Reaping the Whirlwind,” *supra* 14 at 7.

⁴⁶ *Ibid.*

⁴⁷ Graham, *supra* 26 at 74-81.

⁴⁸ See also “Exotic Pets,” *supra* 24 at 726.

⁴⁹ See also “Exotic Pets,” *supra* 24 at 727.

ownership, sale, and exhibition of exotic animals.⁵⁰ According to their review, 17 municipalities “place restrictions on exhibitions involving wild or exotic animals,” while 12 municipalities ban ownership and 7 ban the sale of certain wild or exotic species.⁵¹ The information provided shows significant variation among both large and small municipalities in the province. For example, Vancouver has bylaws relating to sale, ownership, and exhibition or performance; Kamloops has bylaws on ownership and exhibition/performance but not sale; and Victoria has a bylaw on exhibition/performance only.⁵² The report notes that “[m]any BC municipalities are entirely without bylaws that restrict either animal performances or the sale or ownership of exotic/wild animals.”⁵³ Municipalities with no bylaws include, for example, Nelson, Penticton, Prince George, Vernon and West Vancouver. This survey highlights some of the issues with variability in local laws discussed in the U.S. literature. For example, Vancouver has bylaws on sale and ownership, while North Vancouver has a bylaw only for ownership but not sale, and West Vancouver and Port Coquitlam have no bylaws at all.⁵⁴ This situation raises obvious issues regarding the effectiveness of the Vancouver bylaws. The BC SPCA emphasizes the risks to public safety, the environment, and animal welfare from keeping exotic/wild animals as pets,⁵⁵ and “strongly encourages” municipalities to adopt the model bylaws it has developed.⁵⁶

The Canadian Veterinary Medical Association has adopted a formal Position stating:

The Canadian Veterinary Medical Association (CVMA) opposes keeping any native or exotic wild animal species, or their hybrids as pets. Doing so may compromise animal welfare, pose unnecessary risks to human and other companion animal health and safety, and may adversely impact the ecosystem. Veterinarians also are discouraged from performing surgical procedures on these animals for the sole purpose of making the animal a safer companion.⁵⁷

The document suggests that “guidelines are necessary to distinguish non-traditional captive-born animals, which can potentially be acceptable pets, from wild animals.”⁵⁸ It further states that native or exotic animal species “do not make good pets,” citing safety concerns and difficulties in caring for these animals.⁵⁹ Finally, it suggests a list of criteria to determine when an animal should be considered unacceptable as a pet, including: “a significant health or safety risk to people or other animals,” environmental risks, impacts

⁵⁰ BC SPCA, *Model Animal Control Bylaws: The Foundation of a Safe, Humane Community* (Vancouver: BC SPCA, n.d.) at 2.

⁵¹ *Ibid.*

⁵² *Ibid.*, Appendix, at 33.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.* at 6-7.

⁵⁶ *Ibid.* at 2. The model bylaw is discussed in the section on model legislation above.

⁵⁷ Canadian Veterinary Medical Association, “Keeping Native or Exotic Wild Animals as Pets” (2011), online: <http://canadianveterinarians.net/ShowText.aspx?ResourceID=30>.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

on conservation (of this or other species), inability to provide for the needs of the animal, and lack of locally available veterinary support.⁶⁰

In testimony before the U.S. House of Representatives Natural Resources Subcommittee on Fisheries, Wildlife and Oceans, a representative of the Centers for Disease Control (CDC), discussing the role of the CDC and the Department of Health and Human Services (HHS) stated that:

HHS/CDC's current approach to controlling zoonotic disease threats has involved issuing emergency orders or rules prohibiting importation of implicated animals. These actions are usually taken after an outbreak occurs, rather than proactively preventing outbreaks from animals well documented in the literature to harbor pathogens that can directly or indirectly effect [sic] humans, regardless of geography. This approach cannot fully prevent the introduction of zoonotic diseases, and HHS/CDC would welcome the opportunity to participate in the development of broader prevention strategies – in concert with other federal agencies – including risk-based, proactive approaches to preventing the importation of animals and vectors that pose a public health threat.⁶¹

In earlier testimony before the U.S. Senate Committee on Environment and Public Works, the Animal Protection Institute had urged the government to give the CDC or HHS authority to adopt regulations to prohibit interstate transport and possession of “all exotic animals that have the potential to spread communicable diseases.”⁶²

⁶⁰ *Ibid.*

⁶¹ Centers for Disease Control and Prevention, “CDC Congressional Testimony: United States House of Representatives Natural Resources Subcommittee on Fisheries, Wildlife and Oceans” (26 June 2008), online: <http://www.cdc.gov/washington/testimony/2008/t20080626.htm>.

⁶² “Statement of the Animal Protection Institute” (16 July 2003), Committee on Environment and Public Works, online: http://epw.senate.gov/108th/API_061703.htm.

CONCLUSIONS

As explained, the regulatory framework governing private ownership of exotic animals varies from one provincial jurisdiction to the next. The public health risks associated with interacting with exotic animals kept as pets or for public display in small private zoos and exhibitions are relied upon to address a combination of regulations specifically aimed at captive exotic animals, public health statutes and animal health statutes.

This report has identified significant gaps in the ability for governments to identify and respond to the public health risks posed by exotic animals. Further research is needed to identify the best way to fill in these gaps. For example, an important subject for future research is identifying how to prioritize the development of regulatory responses to these health risks. This research would include establishing the criteria from which to determine these regulatory priorities.

Once priorities have been set, the next step would be to identify whether these public health risks can be captured by modifying existing public health and animal health regulations or if a new regime is needed. If a new regime is needed, careful thought must go into its design so as to ensure that it complements existing public health regulations rather than creating a regime that has the potential to conflict what already exists.

It is thus important to determine whether and to what extent public health authorities (e.g. medical officers of health acting under public health statutes) have used powers under those statutes to deal with health threats from exotic animals, and if so, whether and how this activity is coordinated with animal health or wildlife authorities. Where no formal regulations exist, informal coordination may occur that could serve as a starting point for building a more effective strategy to address the public health risks associated with exotic animals.

The Manitoba model of explicitly addressing zoonotic diseases and coordinating between public health and animal health authorities in public health legislation can serve as a starting point for discussing how to begin filling these regulatory gaps. Likewise, the model legislation discussed in this report should be broadly disseminated and considered by provincial and federal animal and human health authorities.

BIBLIOGRAPHY

JOURNAL ARTICLES

Adair, Robert L., "Monkeys and Horses and Ferrets... Oh My! Non-Traditional Service Animals Under the ADA" (2010) 37 Northern Kentucky Law Review 415.

Attaran, Amir & Elvina C. Chow, "Why Canada is Very Dangerously Unprepared for Epidemic Diseases: A Legal and Constitutional Diagnosis" (2011) 5 Journal of Parliamentary and Political Law 287.

Babcock, Sarah, Antoinette E. Marsh & Jeanie Lin, "Legal implications of zoonoses for clinical veterinarians" (2008) 233:10 JAVMA 1556.

Bokma, Bob H., "Role of Import and Export Regulatory Animal Health Officials in International Control and Surveillance for Animal Diseases" (2006) 1081 Annals of the New York Academy of Sciences 84.

Brown, Catherine M., "Reaping the Whirlwind? Human Disease from Exotic Pets" (2008) 58:1 BioScience 6.

Brown, Robert, "Exotic Pets Invade United States Ecosystems: Legislative Failure and a Proposed Solution" (2006) 81 Indiana Law Journal 713.

Bryson, Chantelle J., "The Wildlife Amendment Act" (2001) 28 Manitoba Law Journal 227.

Chastel, C., "Le monkeypox humain" (2009) 57 Pathologie Biologie 175.

Check, Erika, "Health concerns prompt US review of exotic-pet trade" (2004) 427 Nature 277.

Chomel, Bruno B., Albino Belotto & François-Xavier Meslin, "Wildlife, Exotic Pets, and Emerging Zoonoses" (2007) 13:1 Emerging Infectious Diseases 6.

Cutts, Lisa A., "Walking on the Wild Side: Classification and Liability for Owners of Wild-Domestic Animal Hybrids" (2009) 18 San Joaquin Agricultural Law Review 71.

Graham, Jane Cynthia, "Snakes on a Plain, or in a Wetland: Fighting Back Invasive Nonnative Animals – Proposing a Federal Comprehensive Invasive Nonnative Animal Species Statute" (2011) 25 Tulane Environmental Law Journal 19.

Herbster, Andrea Hart, "More than Pigs in a Parlor: An Exploration of the Relationship Between the Law and Keeping Pigs as Pets" (2000) 86 Iowa Law Review 339.

Kramek, Barbara J., "Hybrids Howl: Legislators Listen – These Animals Aren't Crying Wolf" (1992) 23 Rutgers Law Journal 633.

Kuehn, Bridget M., "Animal-Human Diseases Targeted to Stop Pandemics Before They Start" (2006) 295 JAMA 1987.

Levin, Bruce A., "Lions and Lionesses, Tigers and Tigresses, Bears &... Other Animals: Sellers' Liability for Dangerous Animals" (1983) 58 Notre Dame Law Review 537.

Maas, Adolf K., "Legal Implications of the Exotic Pet Practice" (2005) 8 Veterinary Clinics: Exotic Animal Practice 497.

Miller, Alyce & Anuj Shah, "Invented Cages: The Plight of Wild Animals in Captivity" (2005) 1 Journal of Animal Law 23.

Nyhus, P.J., R.L. Tilson & J.L. Tomlinson, "Dangerous Animals in Captivity: Ex Situ Tiger Conflict and Implications for Private Ownership of Exotic Animals" (2003) 22 Zoo Biology 573.

Ostrowski, Stephanie R. et al., "B-virus from Pet Macaque Monkeys: An Emerging Threat in the United States?" (1998) 4:1 Emerging Infectious Diseases 177.

Quirk, Mary, "Calls for a more inclusive ban of exotic animals" (2003) The Lancet 528.

Reaser, J.K., E.E. Clark & N.M. Meyers, "All Creatures Great and Minute: A Public Policy Primer for Companion Animal Zoonoses" (2008) 55 Zoonoses Public Health 385.

Smith, Kristine M., Katherine F. Smith & Jennifer P. D'Auria, "Exotic Pets: Health and Safety Issues for Children and Parents" (2012) 26 Journal of Pediatric Health Care e2.

Tilden, Jennifer Logan, "Behind a Glass, Darkly" (2006) 2 Journal of Animal Law 143.

Tregle, Rodney William et al., "Cercopithecine Herpesvirus 1 Risk in a Child Bitten by a Bonnet Macaque Monkey" (2011) 41:4 Journal of Emergency Medicine e89.

GOVERNMENT AND NON-GOVERNMENT ORGANIZATION DOCUMENTS

BC SPCA, *Model Animal Control Bylaws: The Foundation of a Safe, Humane Community* (Vancouver: BC SPCA, n.d.).

Canadian Veterinary Medical Association, "Keeping Native or Exotic Wild Animals as Pets" (2011), online: <http://canadianveterinarians.net/ShowText.aspx?ResourceID=30>.

Centers for Disease Control and Prevention, "CDC Congressional Testimony: United States House of Representatives Natural Resources Subcommittee on Fisheries, Wildlife and Oceans" (26 June 2008), online: <http://www.cdc.gov/washington/testimony/2008/t20080626.htm>.

National Association of State Public Health Veterinarians, "Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2011" (2011) 60:4 Morbidity and Mortality Weekly Report 1.

“Statement of the Animal Protection Institute” (16 July 2003), Committee on Environment and Public Works, online: http://epw.senate.gov/108th/API_061703.htm.