

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 30

TITLE OF RULE BEING PROPOSED: Dangerous Wild Animals

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 199

SECTION 64-9-10, PASSED ON March 14, 2015

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: June 1, 2015


Authorized Signature

Title 61
Legislative Rule
Dangerous Wild Animals
Series 30

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§61-30-1. General.

1.1. Scope. This legislative rule establishes the West Virginia Dangerous Wild Animals list, caging requirements, permit fees, as well as establishes a date for the Dangerous Wild Animal Board to annually review the list of prohibited Dangerous Wild Animals to determine if animals should be added to the list.

1.2. Authority. -- WV Code §19-34-3

1.3. Filing Date. -- April 14, 2015

1.4. Effective Date. -- June 1, 2015

§61-30-2. Definitions.

2.1. "Animal Welfare Act" means a law passed by the United States Congress in 1966 7 U.S.C. §2132 (e) in which sets for caging standards to help protect animals from inhumane treatment.

2.2. "Applicant" means any person who requests permission from the Dangerous Wild Animal Board to possess a Dangerous Wild Animal.

2.3. "Cage" means an enclosure of wires, bars, or a glass sided container, which is used to confine mammals, birds, reptiles, amphibians or aquatic animals to prevent escape.

2.4. "Caging Requirements" means standards which a cage must meet to confine mammals, birds, reptiles, amphibians, or aquatic animals to prevent escape.

2.5. "Dangerous Wild Animal Board" or "Board" means a board of consisting of the Commissioner of Agriculture, the Secretary of the West Virginia Department of Health and Human Services, and the Director of the West Virginia Division of Natural Resources, or their respective designees, which oversees and regulates dangerous wild animals, and issues and revokes permits

2.6. "Dangerous Wild Animal List" means a list of mammals, birds, reptiles, amphibians, or aquatic animals, including hybrids, that are considered dangerous to humans, other animals, or to the environment to their inherent nature and capability to do significant harm.

2.7. "Permit" means approval or permission granted to an applicant by the Dangerous Wild Animal Board to possess a Dangerous Wild Animal in the state of West Virginia.

§61-30-3. Dangerous Wild Animal List.

3.1. A person may not possess any dangerous wild animal on the following list without first obtaining a permit from the Board:

- 3.1.a. Hyenas;
- 3.1.b. Gray wolves, excluding hybrids;
- 3.1.c. Lions;
- 3.1.d. Tigers;
- 3.1.e. Jaguars;
- 3.1.f. Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards; and
- 3.1.g. All of the following, including hybrids with domestic cats unless otherwise specified:
 - 3.1.g.1. Cheetahs;
 - 3.1.g.2. Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;
 - 3.1.g.3. Cougars, also known as pumas or mountain lions; and
 - 3.1.g.4. Caracals.
- 3.1.h. Bears; (excluding black bears native to this state);
- 3.1.i. Elephants;
- 3.1.j. Rhinoceroses;
- 3.1.k. Hippopotamuses;
- 3.1.l. Cape buffalo;
- 3.1.m. African wild dogs;
- 3.1.n. Komodo dragons;
- 3.1.o. Nonhuman primates, excluding:
 - 3.1.o.1. Lemurs;
 - 3.1.o.2. Golden lion, black faced lion, golden-rumped lion, cotton top, emperor, saddlebacked, blackmantled, and Geoffroys tamarins;
 - 3.1.o.3. Southern and northern night monkeys;
 - 3.1.o.4. Dusky titi and masked titi monkeys;
 - 3.1.o.5. Muriquis;
 - 3.1.o.6. Goeldi's monkeys;
 - 3.1.o.7. White-faced, black-bearded, white-nose bearded, and monk sakis;
 - 3.1.o.8. Bald and black uakaris;
 - 3.1.o.9. Black-handed, white-bellied, brown-headed, and black spider monkeys;
 - 3.1.o.10. Common woolly monkeys; and
 - 3.1.o.11. Red, black, and mantled howler monkeys.

§61-30-4. Caging.

4.1. Animals listed in this section shall be caged in accordance with Zoological Association of American (ZAA) Animal Care & Enclosure Standards, 2014 Edition.

§61-30-5. Fees.

5.1. An applicant shall annually submit a \$10.00 application fee to the West Virginia Department of Agriculture in order to register all dangerous wild animals in his or her possession and shall also submit the following fees for any of the following animals which he or she possesses:

5.1.a. A \$150.00 fee for each mammal;

5.1.b. A \$100.00 fee for each reptile, other than snakes;

5.1.c. A \$50.00 fee for each snake.

§61-30-6. Annual Review.

6.1. The Dangerous Wild Animal Board shall meet annually by June 1st to review the list of prohibited Dangerous Wild Animals set forth in section three of this rule.

6.2. The Dangerous Wild Animal Board shall meet annually on or by December 1st to review current permits in order to make permits effective for the next calendar year beginning January 1st.

6.2.a. On or by December 1st each year the board shall meet to determine if animals should be added to the list.