

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

Form #4

Do Not Mark In This Box

FILED

DEC 15 P 1:33

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY: 19-34-3

AMENDMENT TO AN EXISTING RULE: YES  NO

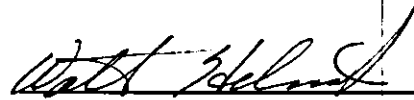
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 30

TITLE OF RULE BEING PROPOSED: Dangerous Wild Animals

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

Title 61  
Legislative Rule  
Dangerous Wild Animals  
Series 30

FILED  
2014 DEC 15 P 1:34  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§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. --

1.4. Effective Date. --

**§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;

3.1.g.4. Caracals; and

3.1.g.5. Serval, excluding hybrids with domestic cats, commonly known as savannah cats.

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. Alligators;

3.1.p. Crocodiles;

3.1.q. Caimans, excluding dwarf caimans;

3.1.r. Gharials; and

3.1.s. Nonhuman primates, excluding:

3.1.s.1. Lemurs;

3.1.s.2. Golden lion, black faced lion, golden-rumped lion, cotton top, emperor, saddlebacked, blackmantled, and Geoffroys tamarins;

3.1.s.3. Southern and northern night monkeys;

3.1.s.4. Dusky titi and masked titi monkeys;

3.1.s.5. Muriquis;

3.1.s.6. Goeldi's monkeys;

3.1.s.7. White-faced, black-bearded, white-nose bearded, and monk sakis;

3.1.s.8. Bald and black uakaris;

3.1.s.9. Black-handed, white-bellied, brown-headed, and black spider monkeys;

3.1.s.10. Common woolly monkeys; and

3.1.s.11. Red, black, and mantled howler monkeys.

3.1.t. All species in the genus Pteropus including the following:

3.1.t.1. Flying foxes;

3.1.t.2. Fruit bats;

- 3.1.t.3. Mongoose (6 genera);
- 3.1.t.4. Meerkat;
- 3.1.t.5. European wild rabbits;
- 3.1.t.6. European hare;
- 3.1.t.7. Wild dogs, red dogs, and dhole;
- 3.1.t.8. Multimammate rat/mouse;
- 3.1.t.9. Raccoon dogs;
- 3.1.t.10. Brushtail possum;
- 3.1.t.11. Nutria or coypu; and
- 3.1.t.12. Gambian pouched rat.
- 3.1.u. All of the following constricting snakes that may reach six (6) feet or longer:
  - 3.1.u.1. Green anacondas;
  - 3.1.u.2. Yellow anacondas;
  - 3.1.u.3. Reticulated pythons;
  - 3.1.u.4. Indian pythons;
  - 3.1.u.5. Burmese pythons;
  - 3.1.u.6. North African rock pythons;
  - 3.1.u.7. South African rock pythons;
  - 3.1.u.8. Amethystine pythons; and
  - 3.1.u.9. Species of the following families, excluding timber rattlesnake and copperhead.
    - 3.1.u.9.a. Atractaspididae;
    - 3.1.u.9.b. Elapidae;
    - 3.1.u.9.c. Viperidae;
    - 3.1.u.9.d. Boomslang snakes;
    - 3.1.u.9.e. Twig snakes; and
    - 3.1.u.9.f. Brown tree snakes.
- 3.1.v. All of the following birds:
  - 3.1.v.1. Monk or Quaker Parakeet;
  - 3.1.v.2. Skylarks;
  - 3.1.v.3. Fruit thrush, or bulbuls;
  - 3.1.v.4. European blackbird;
  - 3.1.v.5. Mistle thrush;
  - 3.1.v.6. Fieldfares;
  - 3.1.v.7. Song thrush;
  - 3.1.v.8. Madagascar weaver;
  - 3.1.v.9. Dioch or Red-billed quleas;
  - 3.1.v.10. Yellowhammer;
  - 3.1.v.11. Java sparrow;
  - 3.1.v.12. Spotted munia;
  - 3.1.v.13. Pink starling; and
  - 3.1.v.14. All species of the following genera:
    - 3.1.v.a.1. Zosterops;
    - 3.1.v.a.2. Passer; and
    - 3.1.v.a.3. All species in the family Cuculidae (Cuckoos).
- 3.1.w. All of the following Amphibians:
  - 3.1.w.1. Tiger salamander;

- 3.1.w.2. African clawed frog;
- 3.1.w.3. Cuban tree frog;
- 3.1.x. All of the following crayfish:
  - 3.1.x.1. Virile crayfish;
  - 3.1.x.2. Rusty crayfish;
  - 3.1.x.3. Red lobster or Red swamp crayfish; and
  - 3.1.x.4. Mitten crab;
- 3.1.y. All of the following snails:
  - 3.1.y.1. Chinese mystery snail;
  - 3.1.y.2. New Zealand Mudsnaill; and
  - 3.1.y.3. Faucet snail; and
- 3.1.z. All of the following Mollusks:
  - 3.1.aa.1. Zebra mussel;
  - 3.1.aa.2. Quagga mussel; and
  - 3.1.aa.3. Asiatic clam.

#### **§61-30-4. Caging.**

4.1. Animals listed in this section shall be caged in accordance with ~~USDA Animal Care Use Animal Welfare Act and Animal Welfare Regulations, Zoological Association of American (ZAA) Animal Care & Enclosure Standards, 2014 Edition.~~

#### **§61-30-5. Fees.**

5.1. An applicant shall annually ~~pay \$100 for each animal that the Dangerous Wild Animal Board approves the applicant to possess.~~ 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 1<sup>st</sup> 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 1<sup>st</sup> to review current permits in order to make permits effective for the next calendar year beginning January 1<sup>st</sup>.

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