

## Form #2

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title:

Dangerous Wild Animal

Type of Rule:

☒

Legislative

☐

Interpretive

☐

Procedural

Agency:

Dangerous Wild Animal Board

Address:

West Virginia Department of Agriculture  
 Animal Health Division  
 1900 Kanawha Boulevard, East  
 Charleston, WV 25305

Phone Number:

304-558-2214

Email: jodeemartin@wvda.us

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure  
 will have on costs and revenues of state government.

There will be no additional cost to state government. There is a \$10.00 application fee, \$150 fee per each mammal, \$100 per reptile, other than snakes, \$50.00 per each snake, but at this time there is no data or information available to determine the number of animals that are currently owned.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of  
 Breakdown by fiscal year, including long-range effect.

| FISCAL YEAR                 |                                            |                                         |                                           |
|-----------------------------|--------------------------------------------|-----------------------------------------|-------------------------------------------|
| Effect of Proposal          | Current<br>Increase/Decrease<br>(use "--") | Next<br>Increase/Decrease<br>(use "--") | Fiscal Year<br>(Upon Full Implementation) |
| 1. Estimated Total Cost     | 0.00                                       | 0.00                                    | 0.00                                      |
| Personal Services           | 0.00                                       | 0.00                                    | 0.00                                      |
| Current Expenses            | 0.00                                       | 0.00                                    | 0.00                                      |
| Repairs & Alterations       | 0.00                                       | 0.00                                    | 0.00                                      |
| Assets                      | 0.00                                       | 0.00                                    | 0.00                                      |
| Other                       | 0.00                                       | 0.00                                    | 0.00                                      |
| 2. Estimated Total Revenues | 0.00                                       | 0.00                                    | 0.00                                      |

Dangerous Wild Animal

Rule Title:

Rule Title: \_\_\_\_\_

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

N/A

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

N/A

Date: December 30, 2015

Signature of Agency Head or Authorized Representative

Jeffery A. DVM



## **West Virginia Department of Agriculture**

1900 Kanawha Blvd. E., Charleston, WV 25305  
304-558-3550

**Walt Helmick**  
Commissioner

### **Statement of Circumstances**

**The Dangerous Wild Animal Board has amended this proposed rule due to the numerous public comments received and reviewed. The majority of the comments received were against specific animals including; but not limited to sugar gliders, savannah cats, turtles, hedgehogs, ferrets, geckos, tetra fish, and guinea pigs. There were also numerous comments regarding the pet store industry, and the negative impact the banning of such animals would cause.**

**The fee structure has also been amended, and a \$10.00 application fee added to the rule. After further review of caging standards the board agreed upon referencing the Zoological Association of America (ZAA) Animal Care & Enclosure Standards, 2014, or the most current edition.**

**The format of the proposed list filed with the Secretary of State's office on July 2, 2014 was simplified for easier understanding. Also, scientific names for animals were used, and exemptions for animals covered under Chapter 19, and Chapter 20 of the West Virginia Code were not listed clearly in the proposed rule. The original list filed for public comment does not appear numbered in the rule. In the amended rule, the list appears numbered to separate the species.**

*Small Plumber, DVM*



**West Virginia Department of Agriculture**

1900 Kanawha Blvd. E., Charleston, WV 25305  
304-558-3550

**Walt Helmick**  
Commissioner

**Brief Summary of Proposed Rule  
Dangerous Wild Animal Rule**

**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 meet annually to determine if animals should be added to the list.**

*Jewel Chandler, DVM*

Title 74  
Legislative Rule  
Dangerous Wild Animals  
Series 1

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§74-1-1. 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~~

**§74-1-2. 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.

**§74-1-3. 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.

#### **§74-1-4. 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.

#### **§74-1-5. 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.

**§74-1-6. 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.