



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY **Dangerous Wild Animal Board**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **74-01**

RULE NAME **Dangerous Wild Animals**

CITE AUTHORITY **§19-34-3**

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Vanessa L Harper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 74-01



Rule Id: 10024



Document: 29931



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Dangerous Wild Animal Board**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **74-01**

RULE NAME **Dangerous Wild Animals**

CITE AUTHORITY **§19-34-3**

PRIMARY CONTACT

Jodee Martin

1900 Kanawha Boulevard, East

Charleston, STATE ZIP

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Dangerous Wild Animal Board

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 74-01

RULE NAME Dangerous Wild Animals

CITE AUTHORITY §19-34-3

**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON
COSTS AND REVENUES OF STATE GOVERNMENT.**

NA

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accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Dangerous Wild Animal Board**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **74-01**

RULE NAME **Dangerous Wild Animals**

CITE AUTHORITY §19-34-3

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
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 AND ALTERATIONS	0.00	0.00	0.00
ASSETS	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Dangerous Wild Animal Board**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **74-01**

RULE NAME **Dangerous Wild Animals**

CITE AUTHORITY **§19-34-3**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

NA

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Title-Series: 74-01



Rule Id: 10024



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Dangerous Wild Animal Board**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **74-01**

RULE NAME **Dangerous Wild Animals**

CITE AUTHORITY §19-34-3

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

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Vanessa L Harper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 74-01



Rule Id: 10024



Document: 29931

Title 74
Legislative Rule
Dangerous Wild Animal Board

Series 1
Dangerous Wild Animal

§74-1-1. General.

1.1. Scope. -- This legislative rule establishes the West Virginia Dangerous Wild Animal list; the rule also establishes caging requirements, registration and permit fees for the possession of dangerous wild animals on the list as well as establishes ~~a date~~ dates for the Dangerous Wild Animal Board to annually review current permits, and to also annually review the list of prohibited Dangerous Wild Animals to determine if animals should be added or subtracted ~~to~~ from the list.

1.2. Authority. -- WV Code §19-34-3

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Date. – Five years from the effective date

§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 have been determined by the Board, ~~that are considered to be~~ 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.~~ The Dangerous Wild Animal List adopted by the Board is as follows:

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~~ Any person possessing an animal on the Dangerous Wild Animal List shall annually submit a \$10.00 application fee to the West Virginia Department of Agriculture in order to register ~~all dangerous wild animals on the Dangerous Wild Animal List~~ in his or her possession and shall also submit an annual fee of \$150.00 to the West Virginia Department of Agriculture for a permit to possess each animal in his or her possession. ~~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 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~~ Board shall meet to determine if animals should be added ~~to~~ or subtracted from the list.