



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Dangerous Wild Animal Board

TITLE-SERIES: 74-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Dangerous Wild Animal

CITE STATUTORY AUTHORITY: §19-34-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2019 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Madison Birchfield

ADDRESS: West Virginia Department of Agriculture

1900 Kanawha Blvd. East

EMAIL: rulescomments@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Establishes a list of dangerous wild animals, and includes registration and fee requirements.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Allow for WVDA to assist the Board and Division of Natural Resources. Adds species to list.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

n/a

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

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

Yes

Norman Bailey -- 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 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 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 from the list.

1.2. Authority. -- W.Va. Code §19-34-3

1.3. Filing Date. -- ~~May 17, 2017~~

1.4. Effective Date. -- ~~June 5, 2017~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect ~~on June 5, 2022~~ ten years from its 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)~~ 2131 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, 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. 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 and other monitor lizards greater than four feet and venomous lizards;

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.

3.1.p. Constrictor snakes greater than six feet, and venomous snakes excepting venomous snakes native to West Virginia permitted under WV DNR authority; and

3.1.q. Crocodilians, such as alligators, caimans, crocodiles, and gharials.

§74-1-4. Caging.

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

§74-1-5. Fees.

5.1. 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 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.

§74-1-6. Department of Agriculture Support.

6.1. The Department shall provide necessary staff and support services to the Board as needed.

6.2. The Department may assist the Division of Natural Resources and/or appropriate law enforcement, upon request, to enforce the provisions of this article.

§74-1-7. Annual Review.

~~6.1.~~ 7.1. The Board shall meet annually by June 1st to review the list of prohibited Dangerous Wild Animals set forth in section three of this rule and to determine if animals should be added or subtracted from the list.

~~6.2.~~ 7.2. The 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 or subtracted from the list.~~