



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Dangerous Wild Animal Board TITLE-SERIES: 74-01
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 74-01 Dangerous Wild Animals

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §19-34-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rules gives the Dangerous Wild Animal Board authority to promulgate legislative rules

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Establishes WV Dangerous Wild Animal list, caging requirements, registration and permit fees for the possession of dangerous wild animals on the list, establishes dates for the board to meet

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

for public safety

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

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

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 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

E. 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. -- WV 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~~ upon 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) 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;

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. 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. Annual Review.

6.1. 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.

6.2. 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.

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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.