

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4756

BY DELEGATE KUMP

[Introduced February 07, 2020; Referred to the
Committee on Agriculture and Natural Resources
then Government Organization]

1 A BILL to amend and reenact §19-34-2 and §19-34-5 of the Code of West Virginia, 1931, as
 2 amended; and to amend said code by adding thereto a new section, designated §64-9-
 3 12, all relating to keeping reptiles, amphibians, and exotic birds from being included on
 4 the Dangerous Wild Animal Board's list of dangerous wild animals.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 34. DANGEROUS WILD ANIMALS ACT.

§19-34-2. Definitions.

1 As used in this article unless otherwise specified:

2 (1) "Board" means the Dangerous Wild Animal Board;

3 (2) "Dangerous wild animal" means a mammal, bird, ~~reptile, amphibian~~ or aquatic animal,
 4 including a hybrid, that is dangerous to humans, other animals or the environment due to its
 5 inherent nature and capability to do significant harm. "Wildlife", as defined by §21-1-2 of this code,
 6 "livestock", as defined in §19-10B-2 of this code, and "domestic animals", as defined in this
 7 section, are excluded.

8 (3) "Domestic animal" means an animal which, through extremely long association with
 9 humans, has been bred to a degree which has resulted in genetic changes affecting the
 10 temperament, color, conformation or other attributes of the species to an extent that makes it
 11 unique and distinguishable from a wild individual of its species, and includes an animal that has
 12 been bred as a companion animal.

13 (4) "Person" means an individual, partnership, corporation, organization, trade or
 14 professional association, firm, limited liability company, joint venture, association, trust, estate or
 15 other legal entity and an officer, member, shareholder, director, employee, agent or representative
 16 thereof.

§19-34-5. Dangerous Wild Animal Board; composition; duties.

1 (a) The Dangerous Wild Animal Board is hereby established with the following members:
2 The Commissioner of the Department of Agriculture, the Secretary of the Department of Health
3 and Human Resources and the Director of the Division of Natural Resources, or their designees.
4 The board shall develop a comprehensive list of dangerous wild animals pursuant to the rule-
5 making authority of this article.

6 (b) The Commissioner of Agriculture shall serve as the chair, the Secretary of the
7 Department of Health and Human Resources as the vice chair and the Director of the Division of
8 Natural Resources shall serve as the secretary of the board. The Department of Agriculture shall
9 provide necessary staff and support services to the board as needed.

10 (c) The board shall:

11 (1) Establish minimum caging or enclosure requirements for various dangerous wild
12 animals;

13 (2) Create a comprehensive list of dangerous wild animals, excluding reptiles, amphibians,
14 exotic birds, wildlife, livestock and domestic animals as defined herein. The list may include, but
15 not be limited to:

16 (A) Bears;

17 (B) Big cats;

18 (C) Canids; and

19 (D) Primates;

20 ~~(E) Constrictor snakes greater than six feet, and venomous snakes; and~~

21 ~~(F) Alligators and caimans;~~

22 (3) Enforce the permit requirements and set the fees for permits;

23 (4) Issue, renew, revoke and maintain records for dangerous wild animal permits;

24 (5) Annually review the list of prohibited dangerous wild animals to determine if animals
25 should be added or subtracted from the list; and

26 (6) Address any other issues required by this article.

CHAPTER 64. LEGISLATIVE RULES.

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS
TO PROMULGATE LEGISLATIVE RULES.**

§64-9-12. Dangerous Wild Animals Board.

1 The legislative rule contained in 74 CSR 01 and filed in the State Register on May 17,
2 2017, authorized under the authority of §19-34-3 of this code, relating to the Dangerous Wild
3 Animal Board (Dangerous Wild Animals, 74 CSR 01), is reauthorized with the following
4 amendment:

5 On page two, by striking all of subdivision 3.1.n, and redesignating the remaining
6 subdivision in that subsection.

NOTE: The purpose of this bill is to prohibit reptiles, amphibians, and exotic birds from being included on the Dangerous Wild Animal Board's list of dangerous wild animals.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.