Title 61
Legislative Rule
Dangerous Wild Animal Rule
Series 30


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 §19-34-1

1.3. Filing Date. --

1.4. Effective Date. --


2.2. “Applicant” means any person male or female who requests permission from the Dangerous Wild Animal Board to possess a Dangerous Wild Animal.

2.3. “Cage” means an enclosure of wires, or bars which is used to confine mammals, birds, reptiles, amphibians, or aquatic animals to prevent escape.

2.4. “Caging Requirements” means a cage that meets the necessary requirements to confine mammals, birds, reptiles, amphibians, or aquatic animals to prevent escape.

2.5. “Dangerous Wild Animal” means a mammal, bird, reptile, amphibian or aquatic animal, including a hybrid that is dangerous to humans, other animals or the environment due to its inherent nature and capability to do significant harm.

2.6. “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, to oversee and regulate dangerous wild animals, as well as issue and revoke permits.

2.7. “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.
2.8. “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.


3.1 The following is a list of dangerous wild animals for which possession is prohibited without a permit issued by the Board. Wildlife species identified in Chapter 20 of the West Virginia Code and Title 58 of the Code of State Rules are regulated by the West Virginia Division of Natural Resources and exempt from the Dangerous Wild Animal Act. Domestic animals, traditional livestock and alternative livestock or agriculture identified in Chapter 19 of the West Virginia Code and Title 61 of the Code of State Rules are regulated by the West Virginia Department of Agriculture and exempt from the Dangerous Wild Animal Act:

<table>
<thead>
<tr>
<th>CLASS (Amphibians)</th>
<th>ORDER (Gymnophiona)</th>
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<tbody>
<tr>
<td>Amphibia (Amphibians)</td>
<td>Gymnophonia (Caeelians) – All species prohibited</td>
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<tr>
<td>Caudata (Salamanders) – All species prohibited</td>
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<tr>
<td>Anura (Frogs and Toads)</td>
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<tr>
<td>Family-Pipidate (clawed frogs) – All species prohibited</td>
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<td>Family-Hylidae (tree frogs) – All species prohibited</td>
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<td>Family-Bufonidae (toads) – All species prohibited</td>
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<tr>
<th>Aves (Birds)</th>
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<tr>
<td>Family-Psittacidae</td>
<td></td>
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<tr>
<td>Genus-Miyopsitta</td>
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<tr>
<td>Myiopsitta monachus (Monk or Quaker parakeet)</td>
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<tr>
<td>Family-Ceuleidae (Cuckoos) – All species prohibited</td>
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<td>Family-Alaudidae</td>
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<td>Genus-Alauda</td>
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<tr>
<td>Alauda arvensis (Sky-lark)</td>
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<tr>
<td>Family-Pytenotidae (Fruit thrushes or bulbul)</td>
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<td>Genus-Pytenotus</td>
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<tr>
<td>Pytenotus jooaus (Red-whiskered bulbul)</td>
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<tr>
<td>Family-Turdidae</td>
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<td>Genus-Turdus</td>
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<tr>
<td>Turdus merula (European blackbird)</td>
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<td>Turdus viscivorous (Mistle-thrush)</td>
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<td>Turdus pilaris (Fieldfare)</td>
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<td>Turdus Philomela (Song-thrush)</td>
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<tr>
<td>Family-Zosteropidae</td>
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<td>Genus-Zosterops (White-eyes) – All species prohibited</td>
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<tr>
<td>Family-Ploceidae</td>
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<tr>
<td>Genus-Ploceus (Weaver birds)</td>
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<tr>
<td>Foudia madagascariensis (Madagascar weaver)</td>
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<tr>
<td>Genus-Quelea</td>
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</tbody>
</table>
Quelea quelea (Dioch or Red-billed quelea)
Family Passeridae
Genus Passer (Weaver-finches) All species prohibited
Family Icteridae
Genus Quiscalus (Blackbirds) All species prohibited
Genus Molothrus (Cowbirds)
Family Emberizidae
Genus Emberiza
Emberiza citronella (Yellowhammer)
Family Estrildidae
Genus Padda/Lonchra
Padda oryzivora/Lonchura oryzivora
(Java sparrow)
Lonchura punctulata (Spotted munia)
Family Sturnidae (Starlings)
Genus Sturnus
Sturnus roseus (Pink starling)

Reptilia (Reptiles)
Rhynchocephalia (tuatara) All species prohibited
Crocodilia (crocodiles, caimans, gharials) All species prohibited
Testudines (turtles) All species prohibited
(Refer to Title 21 CFR 1240.62 (Public Health Services Act) for carapace size restrictions)
Squamata (snakes and lizards)
Family Varanidae (monitors)
Genus Varanus
Varanus niloticus (Nile monitor)
Varanus komodoensis (Komodo dragon)
Family Elapidae (Cobras, mambas, sea snakes, etc.)
All species prohibited
Family Viperidae—All species prohibited
Family Colubridae
Genus Rhabdophis (keelback snakes)
All species prohibited
Genus Boiga (eat snakes) All species prohibited
Genus Thelotornis (twig snakes)
Genus Dispholidus (boomslangs)
Dispholidus typus (Boomslang)
Family Atractaspidae (mole-vipers) All species prohibited
Family Boidae (Boas)
Genus Eunectes (anacondas) All species prohibited
Genus Python (Pythons)
Python molurus (Burmese/Indian python)
Python sebae (North African Rock python)
Python natalensis (South African Rock-python)
Boghammerus reticulatus/P. reticulatus
   (Reticulated-python)
Genus Morelia
   Morelia-amethystine (Amethystine-python)

Malacostraca (Crayfish) - Decapoda
   Family Cambaridae
      Genus Oreonectes
      Oreonectes virilis (Virile-crabfish)
      Oreonectes rusticus (Rusty-crabfish)
      Genus Procambarus
      Procambarus clarkia (Red-lobster, Red-swamp-Crayfish)

Gastropoda (Snails)
   Family Viviparidae
      Genus Bellamya
      Bellamya (Cipangopaludina) chinensis
         (Chinese-mystery-snail)
   Spiraxidae
      Genus Euglandina
      Euglandina rosea (Rosy wolf-snail)
   Family Achatinidae
      Genus Achatina
      Achatina fulica (Giant-African-land-snail)
      Achatina achatina (Giant-African-land-snail)
      Genus Archachatina
      Archachatina marginata (African-Giant-snail)
   Family Hydrobiidae
      Genus Potamopyrgus
         Potamopyrgus antipodarum
            (New-Zealand-Mudsnail)
   Family Bithyniidae
      Genus Bithynia
      Bithynia tentaculata (Faucet-snail)

Bivalvia (Bivalves)
   Veneroida (Molluscs)
      Dreissenidae
      Genus Dreissena
      Dreissena polymorpha (Zebra-mussel)
      Dreissena rostriformis (Quegga-mussel)
   Corbiculidae
Genus Corbicula
Corbicula fluminea (Asiatic clam)

Actinopterygii (Ray-finned fishes)
Cyprinodontiformes
Poeeliidae
Genus Gambusia
Gambusia affinis (Mosquito fish)

Tetraodontiformes (Trigger, file & puffer fish) All species prohibited
Perciformes (perch-like-fish)
Gobiidae (Goby family) All species prohibited
Channidae
Genus Channa (Snakehead-fish) All species prohibited
Cypriniformes (Minnow like-fish)
Cobitidae
Genus Misgurnus
Misgurnus anguillicaudatus (Oriental Weatherfish)

Characiformes (Piranha fish, tiger fish) All species prohibited
Siluriformes (Candiru catfish, walking catfish) All species prohibited

Mammalia (Mammals)
Primates All non-human primates prohibited
Edentata (sloths, anteaters, armadillos, etc.) All species prohibited
Didelphiphormia (marsupials or pouched mammals) All species prohibited
Insectivora (shrews, moles, hedgehogs, etc.) All species prohibited
Dermoptera (gliding lemurs) All species prohibited
Chiroptera (bats) All species prohibited
Monotremata (spiny anteaters, platypuses) All species prohibited
Pholidota (pangolins, scaly anteaters) All species prohibited
Lagomorpha (pikas, rabbits, hares) All species prohibited
Rodentia (rodents) All species prohibited, except domesticated golden-
Hamsters, also known as Syrian hamster (Mesoictetus auratus); domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared); and domestic strains of guinea pig (Cavia porcellus);

Carnivora (carnivores) All species prohibited except domestic dogs (Canis familiaris) and domestic cats (Felis catus). Hybrid crosses between two species on Carnivora (including domestic species) are-
also prohibited:
Tubulidentata (aardvarks) All species prohibited
Proboscidea (elephants) All species prohibited
Hyracoidea (hyraxes) All species prohibited
Sirenia (dugongs, manatees) All species prohibited
   Perissodactyla (horses, tapirs, rhinoceroses, etc.) All species prohibited except those of the family Equidae.
   Artiodactyla (peccaries, giraffes, camels, antelopes, etc.)
   All species prohibited
Afrosoricidae (golden moles, tenreecs) All species prohibited
Diprotodontia (sugar gliders) All species prohibited
Cingulata (New World armadillos) All species prohibited
Macropoidea (elephant shrews) All species prohibited
Pilosa (2-toed sloths) All species prohibited
Macroscelidea (elephant shrews) All species prohibited
Scandentia (tree shrews) All species prohibited
Soricomorpha (shrews) All species prohibited
Dasyuromorpha (Tasmanian Devils, numbats, etc.)
   All species prohibited
Peramelemorpha (bandicoots, bilbies) All species prohibited
Erinaceomorpha (African pygmy hedgehogs) All species prohibited
Microbiotheria (monito del monte) All species prohibited
Cetacea (whales, dolphins) All species prohibited
Notoryctemorpha (marsupial moes) All species prohibited
Pseudothecetida (shrew possums) All species prohibited

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;
   3.1.g.4. Caracals; and
   3.1.g.5. Serval, excluding hybrids with domestic cats commonly known as savannah cats.

3.1.h. Bears; (native black bear not included per Chapter 20 of the West Virginia Code)
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. Alligators;
3.1.p. Crocodiles;
3.1.q. Caimans, excluding dwarf caimans;
3.1.r. Gharials; and
3.1.s. Nonhuman primates excluding:
  3.1.s.1. Lemurs;
    3.1.s.2. Golden lion, black faced lion, golden-rumped lion, cotton top, emperor, saddlebacked, blackmantled, and Geoffroy’s tamarins;
  3.1.s.3. Southern and northern night monkeys;
  3.1.s.4. Dusky titi and masked titi monkeys;
  3.1.s.5. Muriquis;
  3.1.s.6. Goeldi’s monkeys;
  3.1.s.7. White-faced, black-bearded, white-nose bearded, and monk sakis;
  3.1.s.8. Bald and black uakaris;
  3.1.s.9. Black-handed, white-bellied, brown-headed, and black spider monkeys;
  3.1.s.10. Common woolly monkeys; and
  3.1.s.11. Red, black, and mantled howler monkeys.
3.1.t. All species in the genus Pteropus;
  3.1.t.1. Flying foxes;
  3.1.t.2. Fruit bats;
  3.1.t.3. Mongoose (6 genera);
  3.1.t.4. Meerkat;
  3.1.t.5. European wild rabbits;
  3.1.t.6. European hare;
  3.1.t.7. Wild dog, red dog, dhole;
  3.1.t.8. Multimammate rat/mouse;
  3.1.t.9. Raccoon dog;
  3.1.t.10. Brushtail possum;
  3.1.t.11. Nutria or coypu; and
3.1.u. All of the following constricting snakes that may reach six (6) feet or longer:
  3.1.u.1. Green anacondas;
  3.1.u.2. Yellow anacondas;
  3.1.u.3. Reticulated pythons;
  3.1.u.4. Indian pythons;
  3.1.u.5. Burmese pythons;
  3.1.u.6. North African rock pythons;
  3.1.u.7. South African rock pythons;
  3.1.u.8. Amethystine pythons; and
  3.1.u.9. Species of the following families excluding timer rattlesnake and copperhead which are covered under Chapter 20 of the West Virginia Code:
    3.1.u.9.a. Atractaspidae;
3.1.u.9.b. Elapidae;
3.1.u.9.c. Viperidae;
3.1.u.9.d. Boomslang snakes;
3.1.u.9.e. Twig snakes; and
3.1.u.9.f. Brown tree snakes.

3.1.v. All of the following birds:
   3.1.v.1. Monk or Quaker Parakeet;
   3.1.v.2. Skylarks;
   3.1.v.3. Fruit thrush, or bulbuls;
   3.1.v.4. European blackbird;
   3.1.v.5. Mistle thrush;
   3.1.v.6. Fieldfares;
   3.1.v.7. Song thrush;
   3.1.v.8. Madagascar weaver;
   3.1.v.9. Dicro or Red-billed quleas;
   3.1.v.10. Yellowhammer;
   3.1.v.11. Java sparrow;
   3.1.v.12. Spotted munia;
   3.1.v.13. Pink starling; and
   3.1.v.14. All species of the following genera:
      3.1.v.a.1. Zosterops;
      3.1.v.a.2. Passer; and
      3.1.v.a.3. All species in the family Cuculidae (Cuckoos).

3.1.w. All of the following Amphibians:
   3.1.w.1. Tiger salamander;
   3.1.w.2. African clawed frog;
   3.1.w.3. Cuban tree frog; and

3.1.x. All of the following crayfish:
   3.1.x.1. Virile crayfish;
   3.1.x.2. Rusty crayfish;
   3.1.x.3. Red lobster or Red swamp crayfish; and
   3.1.x.4. Mitten crab; and

3.1.y. All of the following snails:
   3.1.y.1. Chinese mystery snail;
   3.1.y.2. New Zealand Mudsnaill; and
   3.1.y.3. Faucet snail; and

3.1.z. All of the following Mollusks:
   3.1.aa.1. Zebra mussel;
   3.1.aa.2. Quagga mussel; and
   3.1.aa.3. Asiatic clam.


§61-30-5. Fees.

5.1. Applicants shall annually pay $100 for each animal that the Dangerous Wild Animal Board approves the applicant to possess; submit a $10.00 application fee in order to register all dangerous wild animals in possession, and shall also submit the following fees if possessing any of the following:

5.1.a. $150.00 fee per each mammal.

5.1.b. $100.00 fee per each reptile, other than snakes.

5.1.c. $50.00 fee per each snake.

5.2. Fees shall be made payable to the “West Virginia Department of Agriculture.”

§61-30-6. Annual Review.

6.1. The Dangerous Wild Animal Board shall meet annually by June 1st to review the list of prohibited Dangerous Wild Animals and submit any updates for legislative review in accordance with West Virginia Code §19-34-1 et seq.

6.2. The Dangerous Wild Animal Board shall meet annually on or by December 1st to review permits in order to issue 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. The Board may meet to address any other issues that pertain to Dangerous Wild Animals.