



## M E M O R A N D U M

TO: Wayne Struble, Director of Policy

FROM: Director James Zehringer

RE: Recommended regulations of dangerous wild animals

DATE: November 30, 2011

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The Ohio Department of Natural Resources formed a statewide workgroup earlier this year with the goal of obtaining diverse stakeholder input on recommended regulations of dangerous wild animals in Ohio. The group met a total of seven times between June and October. A concluding meeting was held on November 21 to present members with the department's Executive Summary. The attached represents the final recommendation by the ODNR, per Governor Kasich's Executive Order 2011-24K.

**\*Workgroup member organizations**

- American Zoological Association
- Zoological Association of America
- Ohio Association of Animal Owners
- Ohio Farm Bureau Federation
- U.S. Sportsmen's Alliance
- Humane Society of the United States
- Ohio Prosecuting Attorneys Association
- U.S. Department of Agriculture/APHIS and Wildlife Services
- Ohio Veterinary Medical Association

\*The Ohio Department of Agriculture and the Ohio Federated Humane Societies provided consultation and input to the work group.

# DANGEROUS WILD ANIMALS FINAL REPORT

Ohio Department of Natural Resources

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## **HISTORY & PURPOSE**

Governor John Kasich directed the Ohio Department of Natural Resources (ODNR) to form a workgroup consisting of various interests and experts to develop proposed Recommendations that address the issue of Dangerous Wild Animals in Ohio.

The workgroup has consisted of members from the American Zoological Association, the Zoological Association of America, the Ohio Association of Animal Owners, the Ohio Farm Bureau Federation, the US Sportsmen's Alliance, the Humane Society of the United States, the Ohio Prosecuting Attorneys Association, the US Department of Agriculture/APHIS and Wildlife Services, and the Ohio Veterinary Medical Association. In addition, the Ohio Department of Agriculture and the Ohio Federated Humane Societies have provided consultation and input to the workgroup.

The workgroup held a total of seven meetings that included hearing from outside experts who shared their knowledge of certain species with the group. The workgroup completed its main task and is recommending strong and aggressive actions to address the issue of Dangerous Wild Animals. This report is the recommendation of ODNR staff with the support of the workgroup and other stakeholders.

## **SUMMARY OF THE RECOMMENDATION**

- 1) Casual ownership of Dangerous Wild Animals (See p. 5-6) should be banned as of January 1, 2014.
- 2) The Ohio Department of Agriculture (ODA) should be the lead regulatory agency for promulgating rules and standards of care, confinement, and security (perimeter fencing), as well as developing a permitting process.
- 3) Enforcement authority should be under the ODA with a clear support role defined for other government entities such as local humane societies and local and state law enforcement, including the ODNR. Additionally, the Ohio Department of Health (ODH) should maintain and share access to a Dangerous Wild Animals inventory database.

## **Who would be affected by the Ban?**

ODA should be authorized to require any owner of Dangerous Wild Animals to register the animal(s) with ODA within 60 days of the effective date of the law. ODA should be authorized to develop a form for a Dangerous Wild Animals owner to complete and return to ODA. This information should be shared with ODH and ODNR and entered into a statewide inventory database.

In the period between the effective date of the legislation and the ban, temporary security and housing standards should be established by ODA. Entities wishing to maintain their ownership of a Dangerous Wild Animals until the date of the ban should be required to meet these temporary minimum safety standards within six months of the effective date of any legislation. The ban that takes affect on January 1, 2014 should not apply to certain entities such as zoos, circuses, and research facilities. These entities already meet or exceed the anticipated standards that this report recommends the ODA be authorized to implement.

The only other entities that should be allowed to possess a Dangerous Wild Animals after the ban are the propagators and sanctuaries that are licensed and regulated by ODA with enforcement support from ODNR and local agencies. This approach takes advantage of ODA's unique role and expertise in dealing with animal disease, health and safety, and confinement and caging issues.

Except for the entities listed above, after the effective date of the ban, if anyone possesses a Dangerous Wild Animal then that animal should be subject to immediate confiscation and forfeiture. ODA should be authorized to promulgate rules to establish these standards, including allowing ODNR and local agencies to provide enforcement assistance. These rules should outline the mechanism for voluntary surrender of Dangerous Wild Animals, keeping in mind requirements for animal health and public safety.

## **Licensing/Permitting & Enforcement**

ODA should be authorized in the Ohio Revised Code to establish a permitting process for Dangerous Wild Animals. ODA should hold primary responsibility for Dangerous Wild Animals registration, facility inspection and determinations regarding compliance. It is recommended that conditions be defined for entry onto private property for purposes of inspection and enforcement.

Civil and criminal penalties for improper release, illegal possession, and other violations should be created. The workgroup recommends severe penalties for individuals who knowingly facilitate the improper release of Dangerous Wild Animals.

It also is recommended that the ODA immediately establish, through authority of the Director of ODA, an ad hoc technical advisory group to assist the Director in developing care standards, confinement, and security requirements (perimeter fencing). A permanent Technical Advisory Board should be statutorily created to provide long-term, professional guidance on related matters to the Director of ODA. This Board should include technical, scientific, and veterinary experts and be similar to the Livestock Care Standards Board.

Sections of the Ohio Revised Code relative to County Dog Wardens should be amended to permit those officers to license wolf-dog hybrids and provide enforcement authority over such animals.

The Ohio Revised Code should be changed to authorize ODNR to deny casual ownership of black bears and three species of native venomous snakes (timber rattlesnake, Eastern massasauga rattlesnake, and Northern copperhead) with certain limited exceptions (i.e., researchers, wildlife rehabilitators) and provide ODNR the ability to strengthen housing, fencing and general welfare requirements for other native species working in cooperation with ODA.

All owners should be required to notify local law enforcement of an escape. ODNR, local law enforcement, ODA and each of their respective employees should be granted protections for confiscating, capturing or destroying escaped or released Dangerous Wild Animals that pose a hazard to public safety.

Local humane officers, peace officers, and other appointed officials should have broad enforcement authority that applies to Dangerous Wild Animals. The authority should include the right to enter premises reasonably believed to house Dangerous Wild Animals for the purpose of protecting those species from cruelty and for determining that the species are housed in compliance with security or fencing requirements approved by ODA. ODA should have authority to request assistance from any or all of these other entities.

### **Disposition of Existing Dangerous Wild Animals**

It is recommended that owners be allowed to sell or transfer a Dangerous Wild Animal prior to the ban date, January 1, 2014; however, sales by public auction in the State of Ohio should be prohibited. In-state sales or transfers only should be allowed to facilities that meet or exceed ODA standards. Out-of-state sales or transfers of these animals should require a state-approved certificate of veterinary inspection from ODA.

The ODA should develop and maintain an inventory of sanctuaries or other properly permitted/licensed facilities – both in state and out of state – that owners of Dangerous Wild Animals could contact for transfer or sale of their animals.

### **Other Issues for Consideration**

The workgroup recognizes that the administration and legislature need to consider the appropriate costs, resources, and time needed to implement these recommendations. It is recommended that permitting and inspection fees should be established to help fund those activities.

In addition, the workgroup recommends the development of processes and procedures necessary to allow the forfeiture or seizure of Dangerous Wild Animals in both the short term and long term after the ban takes effect.

The new standards for care, confinement, and security are envisioned to be stringent, yet fair. Some time will be required to allow those facilities wishing to keep Dangerous Wild Animals to make improvements to allow them to continue to accept and care for Dangerous Wild Animals.

The state also will need time to assess its capacity to assist in the holding and transition of any seized or forfeited animals.

The Technical Advisory Board and ODA should work closely with state and local emergency management agencies and first responders to establish response and handling protocols, training, and mock drills to prepare first responders for escape scenarios. It also is recommended that the Board consider minimum insurance requirements for licensed entities and requiring microchips or other passive transponder devices to track and account for Dangerous Wild Animals.

The Director of ODA also should be granted authority to consider unique restricted-species ownership conditions on a case-by-case basis.

### **Final Note**

On behalf of the ODNR, I would like to thank those individuals who offered their time and energy to contribute to this importance process. I appreciate the workgroup members whose efforts were invaluable in finalizing the ODNR's recommendations to Governor Kasich per his Executive Order, 2011-24K.

James Zehringer, Director  
Ohio Department of Natural Resources

It is recommended that Dangerous Wild Animals be defined as Restricted Species, which include the following species and their hybrids unless otherwise noted. This list is based upon research and discussions conducted by the workgroup.

**1. Class mammalia, order carnivora;**

a) **Family Hyaenidae;** All species of hyenas

b) **Family Canidae;**

i. Gray wolf, excluding hybrids

c) **Family Felidae;**

i. **Subfamily Pantherinae;** Panthera leo (Lion), Panthera tigris (Tiger), Panthera onca (jaguar), Panthera pardus (Leopard), Neofelis nebulosa (clouded leopard), Neofelis diardi (Sunda Clouded Leopard), and Panthera uncial (snow leopard).

ii. **Subfamily Felinae;** Acinonyx jubatus (Cheetah), Lynx canadensis (Canadian Lynx), Lynx lynx (Eurasian Lynx), Lynx pardinus (Iberian Lynx), Puma concolor (cougar, puma, mountain lion), caracals, and servals excluding hybrids with domestic cats (savannahs, pixibobs).

d) **Family Ursidae;** all species of bears, except black bears.

**2. Class mammalia, order Primates,** all non-human primates.

**3. Class mammalia, Family Elephantidae,** all species of elephants.

**4. Class mammalia, Family Rhinocerotidae,** all species of rhinoceros.

**5. Class mammalia, Family Hippopotamidae,** all species of hippopotamus.

**6. Class mammalia, Family Bovidae;**

a) Cape buffalo, (*Syncerus caffer*).

**7. Class Reptilia, order squamata;**

a) **Family Atractaspidae;** All species.

b) **Family Elapidae;** All species.

c) **Family Hydrophiidae;** All species.

d) **Family Viperidae;** All species, except the Eastern timber rattlesnake, massasauga rattlesnake, Northern copperhead.

**8. Class Reptilia, order crocodylia** including

- a) All species of alligators, crocodiles, caimans and gharials, except *Paleosuchus palpebrosus* (Dwarf caiman).

**9. Class Reptilia, order Squamata;**

- a) **Family Boaidae;** *Eunectes murinus* (Green Anaconda), *Eunectes notaeus* (Yellow Anaconda).

- b) **Family Pythonidae;** *Python reticulatus* (Reticulated Python), *Python molurus molurus* (Indian Python), *Python molurus bivittatus* (Burmese Python), *Python sebae* (North African Rock Python), *Python natalensis* (South African Rock Python), *Morelia amethystina* (Amethystine Python).

The workgroup recommends including any other animal species that the ODA director determines poses a serious threat to public safety, except that such animals shall not include any species of domesticated dogs or cats, any domesticated livestock, and any native wildlife species.