

# RESTRICTED SPECIES PROPOSED FRAMEWORK

## Executive Summary

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### **PURPOSE & HISTORY**

Governor John Kasich directed the Ohio Department of Natural Resources to form a work group consisting of various interests and experts to formulate a framework to address the issue of Dangerous Wild Animals (Restricted Species) in Ohio.

The work group 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 work group.

The work group has held a total of seven meetings, and has heard from not only all the members of the work group, but outside experts who have been invited to share their knowledge of certain species with the group. The work group has completed its main task and is recommending strong and aggressive actions to address the issue of Restricted Species. This proposed framework is the recommendation of ODNR staff with the input and support of the workgroup and other stakeholders. These actions are summarized as follows.

### **SUMMARY**

The framework envisions a statute (the Statute) that would not allow ownership or possession of restricted species (i.e., certain dangerous wild animals) in Ohio after a certain date (i.e. January 1, 2014) unless the owner meets the listed and limited exceptions outlined for zoos, research facilities, circuses, or are licensed sanctuaries or propagators who can demonstrate that the animals will be cared for and contained in facilities that will ensure the safety of the public and promote the health and welfare of the animals. Further, the Statute would authorize the Ohio Department of Agriculture (ODA) to develop rules pertaining to facility standards and licensing while also giving the department enforcement authority.

The Statute would vest the Ohio Department of Natural Resources (ODNR) with authority to assist ODA with the enforcement of new laws in this area, and the Ohio Department of Health (ODH) would maintain and share access to a restricted species inventory.

## **Framework explaining elements of an envisioned statute on restricted species**

- The Statute would be designed to put in place a ban after January 1, 2014 on the private possession of a large list of restricted species, including: dangerous mammals, primates and venomous snakes. (See ATTACHMENT A, Restricted Species list). It would specifically state that such a ban is the policy of the State of Ohio.
- In the period between the effective date of the legislation and the ban, temporary security and housing standards would be established by ODA. Entities wishing to maintain their ownership of a restricted species until the date of the ban would be required to meet these temporary safety standards within six months of the effective date of the law.
- After the ban becomes effective on January 1, 2014, certain entities would be exempted from the ban by the Statute. Those entities include: zoos, circuses and research facilities.
- The only other entities that would be allowed to possess a restricted species after the ban are the propagators and sanctuaries that would be licensed and regulated by ODA with enforcement support from DNR and local agencies after January 1, 2014. This approach would take advantage of ODA's unique role and expertise in dealing with animal disease, health and safety and confinement and caging issues.
- Possession of a restricted species after the effective date of the ban by anyone not meeting an exemption or licensed by ODA, makes the animal subject to immediate confiscation and forfeiture. The Statute would authorize ODA to promulgate rules establishing these standards, and allow DNR and local enforcement agencies to provide assistance. The statute would also outline the mechanism for voluntary surrender of restricted species, keeping in mind requirements for animal health and public safety.
- The permitting process for these licensed entities would be created in a new Ohio Revised Code chapter, to be administered ODA. ODA will hold primary responsibility for restricted species registration, facility inspection and determinations regarding compliance with the new regulations.
- The Statute will provide the conditions for entry onto private property for purposes of inspection and enforcement.
- The Statute would authorize ODA to require that any owner of a restricted species must register their animal(s) with ODA within 60 days of the effective date of the law. ODA will be authorized to develop a form for a restricted species owner to complete and return to ODA, and this information will be shared with ODH and DNR and entered into the statewide inventory.

- The Statute would create civil and criminal penalties for improper release, illegal possession, and other violations.
- The Statute would amend the definition of “dog” to include wolf-dog hybrids.
- The Statute would change the ODNR statute related to propagating licenses for native species to explicitly deny the right for private ownership of black bears and three species of native venomous snakes (timber rattlesnake, eastern massasauga and northern copperhead) and would provide ODNR the ability to strengthen housing, fencing and general welfare requirements for other native species working in cooperation with ODA.
- The Statute would require licensees to notify local law enforcement of an escape, and grants DNR, local law enforcement and ODA immunity from civil actions for destroying escaped or released restricted species that pose a hazard to public safety.
- The framework would enhance and expand Chapter 1717 to allow humane officers, peace officers and other appointed officials to enforce provisions of that chapter as they apply to restricted species. The authority would include the right to enter premises reasonably believed to house restricted species 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.
- The framework would authorize a large number of parties to assist in the inspection of any facility thought to house a DWA, including all peace officers, humane officials, appointees from ODA, Ohio Department of Health and local health districts, and authorizes entry onto private property for that purpose. ODA will have authority to request assistance from these other entities.
- The approach outlined does not restrict the sale or disposition prior to the ban date, January 1, 2014, but does require owners to meet basic safety standards within six months of the effective date of the law. This will make it easier for restricted species owners to place or sell the animal(s) and recoup some financial benefit. The hope is that by reducing impediments to sale, we will reduce the number of animals that are still in Ohio on the date of the possession ban, which will require confiscation and forfeiture. Compliance with more rigid standards would be required by 2014.
- The framework will contemplate the appropriate costs and resource needs for the various agencies, and allow for appropriate permitting and inspection fees to be established to help fund those activities. In addition, details are being developed relative to the processes and procedures necessary to allow the forfeiture or seizure of restricted species 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 for those entities wishing to receive status under the rules. Also,

some time will be required to allow those facilities to make improvements to allow them to continue to accept and care for restricted species following the ban, as well as allow the state to facilitate efforts with other entities such as the zoos and the Wilds to establish a transitional holding facility for seized or forfeited species.

## **Definitions.**

(A) As used in this chapter, "restricted species" means any of the following species and their hybrids unless otherwise noted:

(1) Class mammalia, Order carnivora,

(a) Family felidae:

(i) Subfamily pantherinae;

(ii) Subfamily felinae;

(b) Family ursidae;

(c) Family hyaenidae;

(d) Family canidae:

(i) Canis lupis;

(ii) Canis simensis;

(2) Class mammalia, Order primates, including all non-human primates;

(3) Class mammalia, Order artiodactyla;

(a) Family hippopotamidae

(b) Family Giraffidae

(4) Class mammalian, Order perissodactyla; Family rhinocerotidae;

(5) Class mammalian, Order proboscidea, Family elephantidae;

(6) Class reptilia, Order crocodylia;

(7) Class reptilian, Order squamata:

(a) Family atractaspidae;

(b) Family Elapidae;

(c) Family Hydrophiidae;

(d) Family Viperadae.

(8) Class reptilian, Order squamata:

(a) Family Boaidae;

(b) Family Pythonidae.

(C) Any other animal designated in rules adopted under section 9XX.XX of the Revised Code that the director determines poses a serious threat to public safety.