

Ohio's Dangerous Wild Animal Act
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Historic Overview

October 18, 2011
 Numerous dangerous wild animals are reported loose near Zanesville, Ohio...

June 5, 2012 – Dangerous Wild Animal Act signed into law
September 5, 2012 – Law becomes effective
November 5, 2012 – Deadline for all dangerous wild animal owners to register their animals with the state
July 18, 2013 – Permanent rules finalized governing ownership of dangerous wild animals and restricted snakes.
October 1, 2013 – Permit application period begins with the Ohio Department of Agriculture
January 1, 2014 – Ban on owning any dangerous wild animals or restricted snakes without a permit or exemption begins
January 10, 2014 – First dangerous wild animal permit issued by the Department of Agriculture

Generally speaking, the law regulates ownership of two basic classes of animals:

- 1) Dangerous Wild Animals that are defined in Ohio Revised Code (ORC) 935.01(C), and
- 2) Restricted Snakes that are defined in ORC 935.01(L).

POP QUIZ

Dangerous Wild Animal?



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Dangerous Wild Animal?



ORC 935.01(C) Dangerous Wild Animals
Means any of the following, including hybrids, unless otherwise specified:

1) Hyenas	19) Nonhuman primates (excluding lemurs, marmosets, squirrel monkeys and capuchins)
2) Grey Wolves (excluding hybrids)	20) All of the following nonhuman primates:
3) Lions	(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;
4) Tigers	(b) Southern and northern night monkeys;
5) Jaguars	(c) Dusky titi and masked titi monkeys;
6) Leopards	(d) Muriquis;
7) (a.) Cheetahs, (b.) Lynxes, (c.) Cougars, (d.) Caracals, and (e.) Servals (excluding hybrids)	(e) Goeldi's monkeys;
8) Bears	(f) White-faced, black-bearded, white-nose bearded, and monk sakis;
9) Elephants	(g) Bald and black uakaris;
10) Rhinoceroses	(h) Black-handed, white-bellied, brown-headed, and black spider monkeys;
11) Hippopotamuses	(i) Common woolly monkeys;
12) Cape Buffaloes	(j) Red, black, and mantled howler monkeys.
13) African Wild Dogs	
14) Komodo Dragons	
15) Alligators	
16) Crocodiles	
17) Caimans (excluding dwarf caimans)	
18) Charials	

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Restricted Snake?



ORC 935.01(L)Restricted Snakes

1) Means any of the following constricting snakes that are twelve feet or longer:

- (a) Green anacondas;
- (b) Yellow anacondas;
- (c) Reticulated pythons;
- (d) Indian pythons;
- (e) Burmese pythons;
- (f) North African rock pythons;
- (g) South African rock pythons;
- (h) Amethystine pythons.

Green anaconda



Reticulated Python



Amethystine Python



ORC 935.01(L)Restricted Snakes

Means any of the following:

- (2) Species of the following families:
 - (a) Atractaspididae;
 - (b) Elapidae;
 - (c) Viperidae.
- (3) Boomslang snakes;
- (4) Twig snakes.



Backbone of the law prohibits possession of dangerous wild animals.

Ohio Revised Code 935.02(A)

"No person shall possess a dangerous wild animal on or after January 1, 2014."

Many exceptions apply, including anyone in possession of a proper permit issued by the Ohio Department of Agriculture. The following list is a sample of some of the entities that are almost entirely exempt from the law:

- > Zoos
- > Circuses
- > Research Facilities
- > Wildlife Rehabilitation Facilities
- > Wildlife Sanctuaries
- > Veterinarians providing temporary care
- > An individual who does not reside in the state and is traveling through the state for less than 48 hours
- > Certain Ohio Department of Natural Resources permit holders
- > Spider Monkeys that serve as service animals to a blind, deaf, or mobility impaired person

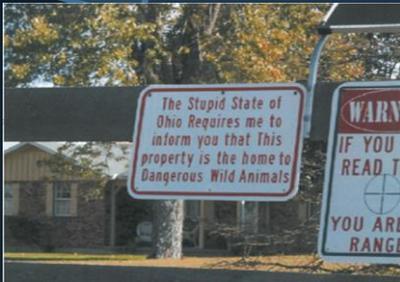
Permits Issued by the Ohio Department of Agriculture

- Wildlife Shelter Permit
- Wildlife Propagation Permit
- Restricted Snake Possession Permit
- Restricted Snake Propagation Permit
- Rescue Facility Permit

Some of the Dangerous Wild Animal Permit Requirements

- Application fee
- Liability Insurance or Surety Bond
- Must demonstrate requisite experience
- Compliance with Care and Housing Standards
- Create and distribute a Dangerous Wild Animal Escape Plan
- One acre of property (shelter permit) or two acres (propagation permit)
- Affidavit stating public will not be allowed to come into contact with the dangerous wild animal

Compliance?



Some of the Restricted Snake Permit Requirements

- Application fee
- Liability Insurance or Surety Bond (venomous snakes)
- Must demonstrate requisite experience
- Compliance with Care and Housing Standards
- Create and distribute a Restricted Snake Escape Plan
- Affidavit stating public will not be allowed to come into contact with restricted snake
- Proof that applicant has access to antivenom for each venomous restricted snake

Where are we now?

As of March 7, 2014

The Ohio Department of Agriculture has received 75 permit applications. Of the 75 applications received, 24 have been approved, 49 are still being processed as incomplete, two have been withdrawn, and zero have been denied

Breakdown of applications by type

- 69 wildlife shelter permit applications
- 2 dangerous wild animal propagation permit applications
- 1 restricted snake propagation permit application
- 2 restricted snake possession permit applications
- 1 rescue facility permit application

Litigation

Wilkins et al. v Ohio Department of Agriculture

United States District Court – Southern District of Ohio
Constitutionality of the law upheld

United States Court of Appeals for the Sixth Circuit
Constitutionality of the law upheld

Questions?



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