

Executive Order 2010 - 17S

**Immediate Adoption of Rule Regarding the Possession, Sale,
and Transfer of Dangerous Wild Animals**

- 1. Possession, Sale, and Transfer of Dangerous Wild Animals Present Threats to Ohio's citizens.** Dangerous wild animals in private possession in this State present a threat to the public health and safety of Ohio's citizens as well as to the welfare of the animals. Dangerous wild animals are very difficult to keep and care for in captivity, which can lead to problems of animal abuse and neglect. They may carry viruses, bacteria, parasites, and other pathogens that may be transmitted to people and other animals, including livestock and wildlife, causing diseases that threaten the health of those infected. In addition, these species may be kept in residential areas by unqualified individuals, posing a direct risk to people's safety. In August 2010, a man was killed by a bear kept by an individual who owns large carnivores and recently filed for bankruptcy. Further, the possession, sale, and transfer of these animals often fails to benefit the conservation of the species involved. Therefore, possession, sale, or transfer of dangerous wild animals, to include big cats, bears, wolves, non-human primates, large constricting and venomous snakes, and crocodilians must be restricted. Continued possession of dangerous wild animals presently in private ownership at the time of the signing of this Order may be allowed under specified conditions.
- 2. Accredited Zoological Institutions, Bona Fide Wildlife Sanctuaries, and Certain Other Facilities are Exempt.** Because certain entities possessing wild animals within the State have expertise in possession and care of wild animals and are accredited by organizations setting standards for their care, the risks due to possession, sale, and transfer of dangerous wild animals by these entities are reduced. Therefore, institutions that are accredited by the Association of Zoos and Aquariums and wildlife sanctuaries accredited by the Global Federation of Animal Sanctuaries should be allowed to continue to own these types of animals. Similarly, subject to certain specifically-established criteria, long-standing circuses and mascot programs, along with veterinary hospitals, research facilities, Department of Natural Resources-permitted native-wildlife rehabilitation facilities, law enforcement officers, and temporary transporters should also be allowed to continue to own these types of animals.
- 3. The Department of Natural Resources is Responsible for Regulating the Possession, Sale, and Transfer of Dangerous Wild Animals.** The Ohio General Assembly has expressly authorized the Department of Natural Resources ("DNR") to regulate the possession and sale of all wild animals (Ohio Rev. Code Chapter 1531). The Ohio Rev. Code § 1531.01(X) declares certain animals to be "wild animals," but does not purport to provide a comprehensive list of such animals. Other animals which should be deemed "wild animals" for the purpose of the implementation of Ohio law concerning wild animals can be established through the adoption of Rules in the Ohio Administrative Code. Further, Ohio law provides that "[n]o person shall take, kill, *possess, transport, buy, or sell* any wild animals contrary to any rule of the division of wildlife." Ohio Rev. Code § 1531.11. Thus, the DNR has statutory authority to prohibit the possession, sale, and transfer of dangerous wild animals within the State.
- 4. Adopting Administrative Regulations Regarding the Possession, Sale, and Transfer of Dangerous Wild Animals within 90 Days of this Order.** In order for the State to strengthen its efforts to protect the citizens of Ohio from threats posed by possession and movement of dangerous wild animals, and to promote proper care for such animals when held in captivity in this State, this rule must be fully implemented immediately. Therefore, the DNR is directed to adopt final regulations necessary to address the issue of possession, sale, and transfer of dangerous wild animals within 90 days.

5. **Procedure for Immediate Adoption of the Administrative Rule.** Section 119.03(F) of the Ohio Revised Code, authorizes the Governor, on request of an agency, to suspend the normal rule-making procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment, or rescission of the rule. When such a determination is made, the agency may immediately adopt that rule, which is valid for 90 days.
6. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when failure to act immediately would have a negative impact on the citizens of Ohio. The DNR has asked me to determine, and I have determined, that the failure to implement immediate administrative rule changes to prohibit the possession, sale and transfer of certain dangerous wild animals will adversely affect the health and safety of Ohio citizens. Therefore, an emergency exists necessitating the immediate adoption of a new administrative rule in this regard.
7. **Authorization for Immediate Adoption of Rule.** Accordingly, the normal rule-making procedures are suspended with respect to the immediate adoption of Rule 1501:31 -19-05 of the Ohio Administrative Code regarding the possession, sale and transfer of dangerous wild animals within the State. The Secretary of the DNR may therefore adopt this rule immediately by electronically filing it with the Secretary of State, the Director of the Legislative Services Commission, and the Joint Committee on Agency Rule Review.
8. I signed this Executive Order on January 6, 2011. It will expire at the end of the ninetieth day it is in effect, March 6, 2011.

Ted Strickland, Governor