



Herp Alliance Talking Points Against West Virginia House Bill 4393

- There is NO public safety issue in West Virginia from captive reptiles.
 - The only human death or injury in the state of West Virginia since at least 1990 from a captive reptile happened with a snake handling preacher;
- The captive breeding of high quality reptiles and amphibians in West Virginia generates approximately \$12 million per year in revenues in the sale of these animals, products for the care of these animals, veterinary care, and show and convention;
- HB 4393 creates an unfunded mandate for the state;
 - The definition of domestic animal will require DNA testing to prosecute violations of the bill
- HB 4393 is unconstitutionally vague;
 - “domestic animal” is defined as an animal which “through extremely long association with humans, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species . . .”
 - There is no way to ascertain that an animal has undergone “genetic changes” absent DNA testing.
 - “Dangerous wild animal” is defined to include, “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.”
 - This definition is so vague and overbroad that it will include several species of freshwater aquarium fishes.



- Violations of HB 4393 will result in “immediate confiscation” or destruction of the animal without any provisions for hearings or due process.
 - Since animals are property under the law, immediate confiscation or destruction without due process would violate the Fourteenth Amendment of the U.S. Constitution.
- Please veto HB 4393.
 - It serves no purpose for the residents of your state.
 - It will destroy millions of dollars in business for your constituents;
 - It creates a huge, unfunded mandate of DNA testing for your government;
 - It will violate the Due Process rights of hundreds or thousands of law abiding West Virginia residents.