

1 (a) "Commissioner" means the Commissioner of Agriculture.

2 (b) "Equine rescue facility" means a facility that is listed
3 as a nonprofit organization having a legitimate and current status
4 under Title 26 U. S. C. 501(c) (3), as amended, that fosters care to
5 unwanted equines due to age, health or other circumstances that
6 deem the equines homeless.

7 **§19-33-2. Licensing of equine rescue facilities.**

8 No person may operate an equine rescue facility as defined in
9 this section without an equine rescue facility license issued by
10 the Department of Agriculture. The annual fee for an equine rescue
11 facility license is \$100, which shall be remitted by the
12 commissioner to the humane officer or animal control officer in the
13 county where the facility is located to offset the expense of
14 inspecting that facility. If the county does not have a humane
15 officer or animal control officer, the commissioner shall remit the
16 license fee to the sheriff of the county where the facility is
17 located.

18 **§19-33-3. Inspections of equine rescue facilities.**

19 Upon application for an equine rescue facility license, the
20 commissioner shall notify the county humane officer or animal
21 control officer in the county where the equine rescue facility is
22 located, who shall inspect the facility prior to issuance of an
23 equine rescue facility license and, thereafter, not less than twice
24 annually. If the county does not have a humane officer or animal

1 control officer, the sheriff of that county is responsible for
2 inspections of equine rescue facilities in the county as set forth
3 in this section.

4 **§19-33-4. Legislative Rules.**

5 The commissioner shall propose rules for legislative approval
6 in accordance with the provisions of article three, chapter twenty-
7 nine-a of this code to provide for the following:

8 (a) The issuance of equine rescue facility licences and
9 revocation of the licenses for violations of the provisions of this
10 article or rules adopted hereunder;

11 (b) Notification of the application and issuance of an equine
12 rescue facility license to the humane officer, animal control
13 officer or county sheriff in the county where the facility is
14 located and providing remittance of the annual equine rescue
15 facility license fee;

16 (c) Standards for maintenance of the premises, the care and
17 health of the horses kept at equine rescue facilities and standards
18 for inspection of those facilities and horses, using guidelines
19 developed by the West Virginia Livestock Care Standards Board; and

20 (d) Standards for closure of an equine rescue facility and
21 seizure of horses at the facility where the health and welfare of
22 the horses are endangered.

23 **§19-33-5. Penalties.**

24 Any person who violates any provision of this article or rules

1 adopted hereunder is guilty of a misdemeanor and, upon conviction
2 thereof, shall be fined not less than \$100 nor more than \$500 for
3 the first offense, and for a second or subsequent offense shall be
4 fined not less than \$500 nor more than \$2,500.

(NOTE: The purpose of this bill is to create the Equine Rescue
Facilities Act, authorize rulemaking and licensing, and set
penalties for violations.)

This article is new; therefore, strike-throughs and
underscoring have been omitted.)