1	Senate Bill No. 490
2	(By Senators Unger and Snyder)
3	
4	[Introduced March 8, 2013; referred to the Committee on
5	Agriculture and Rural Development; and then to the Committee on
6	the Judiciary.]
7	
8	
9	
LO	
L1	A BILL to amend the Code of West Virginia, 1931, as amended, by
L2	adding thereto a new article, designated \$19-34-1, \$19-34-2,
L3	\$19-34-3, $$19-34-4$, $$19-34-5$ and $$19-34-6$, all relating to the
L 4	regulation of equine boarding facilities.
L 5	Be it enacted by the Legislature of West Virginia:
L 6	That the Code of West Virginia, 1931, as amended, be amended
L 7	by adding thereto a new article, designated \$19-34-1, \$19-34-2,
L 8	\$19-34-3, $$19-34-4$, $$19-34-5$ and $$19-34-6$, all to read as follows:
L 9	ARTICLE 34. EQUINE FACILITIES AND CARE ACT.
20	§19-34-1. Definitions.
21	The following words, when used in this article, have the
22	meaning ascribed unless the context clearly indicates otherwise:
23	"Board facility" means a facility that charges a daily,

- 1 weekly, monthly, bi-annual or annual fee for boarding equines but
- 2 does not include race track boarding facilities.
- 3 "Boarding" means field board with run-in shelter and/or stall
- 4 kept with turn out.
- 5 §19-34-2. Minimum care requirements for all boarding facilities.
- 6 Boarding facilities shall provide the following:
- 7 (1) Fresh, clean water in adequate volume and accessible at 8 all times;
- 9 (2) Fresh hay in adequate amount and sufficient pasture for 10 grazing;
- 11 (3) Adequate, clean bedding requiring, at a minimum, that 12 stalls be mucked once per day;
- 13 (4) Sufficient exercise; and
- 14 (5) Adequate shelter which, for field boarded equines, must be
- 15 a structure or structures other than or in addition to trees.
- 16 §19-34-3. Minimum contract terms with equine owner or responsible
- party.
- 18 The following minimum terms and conditions will be clearly set
- 19 forth in a written contract between the equine owner or responsible
- 20 party and the owner of the boarding facility:
- 21 (1) The purchasing and feeding of grain and other supplements;
- 22 (2) The base boarding price with a line item breakdown of
- 23 additional costs for services and commodities; and
- 24 (3) The responsible party for arranging that the equine be

- 1 wormed every eight weeks and for the administration of the
- 2 appropriate immunizations either by the owner of the equine or a
- 3 licensed equine veterinarian.

4 §19-34-4. Miscellaneous provisions.

- 5 (a) Boarding facilities shall require that all equines receive
- 6 a Coggins test prior to residency and require proof from the equine
- 7 owner or responsible party that this test has been performed with
- 8 negative results.
- 9 (b) A responsible employee or owner of the facility shall be
- 10 on site at least eight hours every day of the week.
- 11 (c) The boarding facility shall monitor and enforce health and
- 12 safety regulations and maintain a written protocol for this
- 13 purpose.

14 §19-34-5. Legislative rules.

- The commissioner shall propose rules for legislative approval
- 16 in accordance with the provisions of article three, chapter
- 17 twenty-nine-a of this code for purposes of implementing and
- 18 monitoring this article and shall consider standards in the equine
- 19 industry and equine professional organizations in the development
- 20 of proposed rules.

21 **§19-34-6**. **Penalties**.

- 22 A person who violates a provision of sections two, three or
- 23 four of this article or rules adopted hereunder is guilty of a
- 24 misdemeanor and, upon conviction thereof, shall be fined not less

- 1 than \$100 nor more than \$500 for the first offense, and for a
- 2 second or subsequent offense shall be fined not less than \$250 nor
- 3 more than \$3,000.

NOTE: The purpose of this bill is to regulate equine boarding facilities.

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