

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 490

(By Senators Unger and Snyder)

[Originating in the Committee on Agriculture and Rural
Development;
reported March 26, 2013.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5 and §19-34-6, all relating to the regulation of equine boarding facilities; permitting rulemaking; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5 and §19-34-6, all to read as follows:

ARTICLE 34. EQUINE FACILITIES AND CARE ACT.

§19-34-1. Definitions.

1 The following words, when used in this article, have the
2 meaning ascribed unless the context clearly indicates
3 otherwise:

4 “Board facility” means a facility that charges a daily,
5 weekly, monthly, biannual or annual fee for boarding equines
6 but does not include race track boarding facilities.

7 “Boarding” means field board with run-in shelter and/or
8 stall kept with turn out.

**§19-34-2. Minimum care requirements for all boarding
facilities.**

1 Minimum care guidelines for boarding facilities shall be
2 established by the Livestock Care Board.

**§19-34-3. Minimum contract terms with equine owner or
responsible party.**

1 The following minimum terms and conditions will be
2 clearly set forth in a written contract between the equine
3 owner or responsible party and the owner of the boarding
4 facility:

5 (1) The purchasing and feeding of grain and other
6 supplements;

7 (2) The base boarding price with a line item breakdown
8 of additional costs for services and commodities; and

9 (3) The responsible party for arranging that the animals
10 be dewormed and immunized pursuant to the
11 recommendations of the American Association of Equine
12 Practitioners.

§19-34-4. Miscellaneous provisions.

1 (a) Boarding facilities shall require that all equines
2 receive a negative Coggins test within thirty days prior to
3 residency and require proof from the equine owner or
4 responsible party that this test has been performed with
5 negative results.

6 (b) A responsible employee or owner of the facility shall
7 be on site at least daily for a sufficient amount of time
8 necessary to meet the minimum needs of the animals.

9 (c) The boarding facility shall monitor and enforce health
10 and safety regulations and maintain a written protocol for this
11 purpose.

§19-34-5. Legislative rules.

1 The Commissioner of Agriculture or the Livestock Care
2 Board may propose rules for legislative approval in
3 accordance with the provisions of article three, chapter
4 twenty-nine-a of this code for purposes of implementing and
5 monitoring this article and shall consider standards in the
6 equine industry and equine professional organizations in the
7 development of proposed rules.

§19-34-6. Penalties.

1 A person who violates a provision of this article or rules
2 adopted hereunder is guilty of a misdemeanor and, upon
3 conviction thereof, shall be fined not less than \$50 nor more
4 than \$250 for the first offense, and for a second or
5 subsequent offense shall be fined not less than \$150 nor more
6 than \$1,000.

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

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