

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 254**

4 (By Senator Unger)

5 \_\_\_\_\_  
6 [Originating in the Committee on Agriculture and Rural  
7 Development;  
8 reported February 4, 2014.]  
9 \_\_\_\_\_

10  
11  
12 A BILL to amend and reenact §19-33-1 and §19-33-4 of the Code of  
13 West Virginia, 1931, as amended; and to amend said code by  
14 adding thereto a new section, designated §19-33-6, all  
15 relating to equine facilities; defining equine "boarding  
16 facility"; establishing standards for equine boarding  
17 facilities and contracts; and requiring rulemaking for equine  
18 facilities.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §19-33-1 and §19-33-4 of the Code of West Virginia, 1931,  
21 as amended, be amended and reenacted; and that said code be amended  
22 by adding thereto a new section, designated §19-33-6, all to read  
23 as follows:

24 **ARTICLE 33. EQUINE FACILITIES ACT.**

1 **§19-33-1. Definitions.**

2 For purposes of this article:

3 (a) "Boarding facility" means a facility that charges a daily,  
4 weekly, monthly, bi-annual or annual fee for full, half or field  
5 boarding equines, but does not include race track boarding  
6 facilities;

7 (b) "Commissioner" means the Commissioner of Agriculture; and

8 (c) "Equine rescue facility" means a facility that is listed  
9 as a nonprofit organization having a legitimate and current status  
10 under Title 26 U. S. C. 501(c) (3), as amended, that fosters care to  
11 unwanted equines due to age, health or other circumstances that  
12 render the equines homeless.

13 **§19-33-4. Equine boarding facilities.**

14 (a) Minimum care guidelines for boarding facilities shall be  
15 established by the Livestock Care Board.

16 (b) The following minimum terms and conditions will be clearly  
17 set forth in a written contract between the equine owner or  
18 responsible party and the owner of the boarding facility:

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

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

22 (3) The responsible party for arranging that the animals be  
23 dewormed and immunized pursuant to the recommendations of the  
24 American Association of Equine Practitioners.

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

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

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

11 **§19-33-6. Legislative rules.**

12 (a) The Commissioner of Agriculture shall propose rules for  
13 legislative approval in accordance with the provisions of article  
14 three, chapter twenty-nine-a of this code for purposes of  
15 implementing and monitoring this article, and shall consider the  
16 guidelines developed by the West Virginia Livestock Care Standards  
17 Board, standards in the equine industry, and national standards for  
18 equine rescue and boarding facilities.

19 (b) The rules shall also establish procedures for license  
20 revocation and closure of an equine rescue facility, and procedures  
21 for seizing horses at equine rescue or boarding facilities, in  
22 which the health and welfare of the horses are severely endangered.

---

(NOTE: §19-33-1 and §19-33-4 have been completely rewritten, and §19-33-6 is new; therefore, strike-throughs and underscoring have been omitted.)