

1 **ENROLLED**

2 **H. B. 2888**

3 (By Delegates Evans, A., Hamilton, Folk, Williams, Smith, R., Canterbury,
4 Lynch, Romine, Ambler)
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7 [Passed March 11, 2015; in effect ninety days from passage.]
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11 AN ACT to amend and reenact §19-9-34 of the Code of West Virginia, 1931, as amended, relating
12 to allowing the use of rotary drum composters to destroy or dispose of the carcass of any
13 animal to prevent the spread of disease.

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

15 That §19-9-34 of the Code of West Virginia, 1931, as amended, be amended and reenacted
16 to read as follows:

17 **ARTICLE 9. DISEASES AMONG DOMESTIC ANIMALS.**

18 **§19-9-34. Disposal of carcass of diseased animal.**

19 (a) Whenever it is necessary to destroy or dispose of the carcass of any animal to prevent the
20 spread of disease, the destruction or disposal shall be made by one of the following methods
21 designed to be protective of human health and the environment:

22 (1) Complete cremation of the entire carcass with all its parts and products;

23 (2) Boiling the carcass and all its parts and products in water or heating the same with steam

1 at the temperature of boiling water, continuously during at least two hours;

2 (3) Disposing of the carcass and all its parts and products in a solid waste landfill permitted
3 and approved by the Department of Environmental Protection;

4 (4) Burial of the carcass and all its parts and products:

5 (A) In a place that will not be subjected to overflow from ponds or streams, and which is not
6 less than one hundred feet from any watercourse, well, spring, public highway, house or stable;

7 (B) Covered with quicklime to a depth of not less than three inches; and

8 (C) So that the top of the carcass is not within two feet of the surface of the ground when the
9 grave is filled and smoothed to the level of the surrounding surface;

10 (5) Rendering by a licensed facility;

11 (6) Composting; and

12 (7) Any other method the commissioner prescribes.

13 (b) When an animal infected with a communicable disease dies or is euthanized, the owner
14 of the animal shall destroy or dispose of the carcass in the manner provided in this section. It is
15 unlawful to sell the carcass, any part of it, or any hide or offal from it. If the owner of the animal
16 does not dispose of the carcass within twenty-four hours as provided by law, the commissioner or
17 the commissioner's agent shall destroy or dispose of the carcass according to law, at the cost of the
18 owner. The expense of destruction or disposal may be collected from the owner as debts of like
19 amount are by law collectible.

20 (c) For purposes of this section and rules promulgated under this section:

21 "Composting" means a natural process in which beneficial microbes reduce organic waste
22 (poultry mortality) into a biologically safe by-product which is capable of being recycled in the

1 agriculture industry.

2 "Composter" is a roofed structure with an impervious floor, and with treatment areas made
3 of wood, designed for composting organic materials; or a rotary drum composter designed,
4 constructed and located to prevent the contamination of ground and surface water.