

E N R O L L E D

H. B. 2888

(BY DELEGATE(S) A. EVANS, HAMILTON,
FOLK, LYNCH, WILLIAMS, R. SMITH, CANTERBURY,
ROMINE AND AMBLER)

[Passed March 11, 2015;
in effect ninety days from passage.]

AN ACT to amend and reenact §19-9-34 of the Code of West Virginia, 1931, as amended, relating to allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 9. DISEASES AMONG DOMESTIC ANIMALS.

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

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

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

8 (2) Boiling the carcass and all its parts and products in water
9 or heating the same with steam at the temperature of boiling
10 water, continuously during at least two hours;

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

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

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

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

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

24 (5) Rendering by a licensed facility;

25 (6) Composting; and

26 (7) Any other method the commissioner prescribes.

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

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

39 "Composting" means a natural process in which beneficial
40 microbes reduce organic waste (poultry mortality) into a
41 biologically safe by-product which is capable of being recycled
42 in the agriculture industry.

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

