

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 490**

4 (By Senators Unger and Snyder)

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6 [Originating in the Committee on Agriculture and Rural  
7 Development;  
8 reported March 26, 2013.]  
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11 A BILL to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new article, designated §19-34-1, §19-34-2,  
13 §19-34-3, §19-34-4, §19-34-5 and §19-34-6, all relating to the  
14 regulation of equine boarding facilities; permitting  
15 rulemaking; and establishing criminal penalties.

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

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

20 **ARTICLE 34. EQUINE FACILITIES AND CARE ACT.**

21 **§19-34-1. Definitions.**

22 The following words, when used in this article, have the  
23 meaning ascribed unless the context clearly indicates otherwise:

24 "Board facility" means a facility that charges a daily,  
25 weekly, monthly, biannual or annual fee for boarding equines but

1 does not include race track boarding facilities.

2 "Boarding" means field board with run-in shelter and/or stall  
3 kept with turn out.

4 **§19-34-2. Minimum care requirements for all boarding facilities.**

5 Minimum care guidelines for boarding facilities shall be  
6 established by the Livestock Care Board.

7 **§19-34-3. Minimum contract terms with equine owner or responsible  
8 party.**

9 The following minimum terms and conditions will be clearly set  
10 forth in a written contract between the equine owner or responsible  
11 party and the owner of the boarding facility:

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

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

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

18 **§19-34-4. Miscellaneous provisions.**

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

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

1 (c) The boarding facility shall monitor and enforce health and  
2 safety regulations and maintain a written protocol for this  
3 purpose.

4 **§19-34-5. Legislative rules.**

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

11 **§19-34-6. Penalties.**

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

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

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