

1 **Senate Bill No. 86**

2 (By Senators Unger and Beach)

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4 [Introduced January 14, 2015; referred to the Committee on Agriculture and Rural Development;

5 and then to the Committee on the Judiciary.]

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

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

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

18 **ARTICLE 33. EQUINE FACILITIES ACT.**

19 **§19-33-1. Definitions.**

20 For purposes of this article:

21 “Boarding facility” means a facility that charges a daily, weekly, monthly, bi-annual or

1 annual fee for full, half or field boarding equines, but does not include race track boarding facilities.

2 (a) "Commissioner" means the Commissioner of Agriculture. ~~and~~

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

6 **§19-33-4. Equine boarding facilities.**

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

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

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

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

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

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

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

21 (e) The boarding facility shall monitor and enforce health and safety regulations and maintain

1 a written protocol for this purpose.

2 **§19-33-6. Legislative rules.**

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

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

NOTE: The purpose of this bill is to regulate equine boarding facilities. The bill defines a term and authorizes rule-making.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§19-33-4 has been completely rewritten and §19-33-6 is new; therefore, strike-throughs and underscoring have been omitted.