

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2540**

BY DELEGATES HARSHBARGER, PAYNTER, SYPOLT,

COOPER, HANNA, BIBBY, HOTT AND N. BROWN

[Passed March 9, 2019; in effect ninety days from  
passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-2-5i, relating to prohibiting the waste of any edible portion of big game  
3 animals or game fish; defining the term edible portion; setting forth exceptions to the term  
4 edible portion; making it unlawful to take any big game and detach or remove the head,  
5 hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and leave the  
6 carcass to waste; setting forth exceptions if the person is unable to locate the carcass of  
7 any lawfully taken big game prior to the spoilage or decay of any or all edible portions; and  
8 establishing criminal penalties for violations.

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

ARTICLE 2. WILDLIFE RESOURCES.

**§20-2-5i. Waste of game animals, game birds, or game fish; penalties.**

1 (a) It is unlawful for any person to cause through carelessness, neglect, or otherwise to  
2 let any edible portion of any big game or game fish to go to waste needlessly.

3 (b) For purposes of this section, "edible portion" means, with respect to:

4 (1) *Big game*. — One or more of the following: (A) the meat of the front quarters to the  
5 knee; (B) the meat of the hind-quarters to the hock; or (C) the meat along the backbone between  
6 the front quarters and hind quarters: *Provided*, That an edible portion of a wild turkey is the meat  
7 of the breast only.

8 (2) *Game fish*. — The fillet meat from the gill plate to the tail fin.

9 (3) Edible portion does not include bones, sinew, viscera, meat from the head or neck,  
10 meat that has been damaged or rendered inedible by method of taking, or meat that is reasonably  
11 lost as a result of boning or close trimming of bones.

12 (c) It is unlawful for any person to take any big game and detach or remove from the  
13 carcass the head, hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and  
14 leave the carcass to waste.

15 (d) Any person who through no carelessness, neglect, or otherwise, is unable to locate  
16 the carcass of any lawfully taken big game prior to the spoilage or decay of any or all edible  
17 portions may detach or remove from the carcass the head, hide, antlers, tusks, paws, claws, gall  
18 bladder, teeth, beards, or spurs: *Provided*, That the big game is registered and shall be counted  
19 toward the daily, seasonal, bag, and possession limit of the person in possession of, or  
20 responsible for taking the big game.

21 (e) Any person violating the provisions of this section is guilty of a misdemeanor and, upon  
22 conviction thereof, shall be subject to the following penalties, with respect to:

23 (1) *Big game violations.* —

24 (A) A fine of not less than \$500 nor more than \$2,500, or confinement in jail not less than  
25 10 days nor more than 100 days, or both fined and confined;

26 (B) Suspension of hunting and fishing license for a period of five years; and

27 (C) All applicable forfeiture and replacement provisions in §20-2-5a of this code.

28 (2) *Game fish violations.* —

29 (A) A fine of not less than \$100 nor more than \$500, or confinement in jail not less than  
30 10 days nor more than 100 days, or both fined and confined;

31 (B) Suspension of hunting and fishing license for a period of two years; and

32 (C) All applicable forfeiture and replacement provisions in §20-2-5a of this code.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2019.

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*Governor*