

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3226

BY DELEGATE HOLSTEIN

[Introduced March 16, 2021; Referred to the
Committee on Veterans' Affairs and Homeland
Security then Government Organization]

1 A BILL to amend and reenact §19-20-8 of the Code of West Virginia, 1931, as amended, relating
 2 to providing a fee waiver for veterans who adopt a dog or cat from a public animal shelter
 3 or humane society; and providing limitations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. DOGS AND CATS.

§19-20-8. Impounding and disposition of dogs; costs and fees.

1 (a) All dogs seized and impounded as provided in this article, except dogs taken into
 2 custody under section two of this article, shall be kept housed and fed in the county or municipal
 3 shelter for five days after notice of seizure and impounding has been given or posted as required
 4 by this article, at the expiration of which time all dogs which have not previously been redeemed
 5 by their owners as provided in this article, shall be sold or humanely destroyed. No dog sold as
 6 provided in this section may be discharged from the county or municipal shelter until the dog has
 7 been registered and provided with a valid registration tag.

8 (b) (1) The term "humanely destroyed" as used in this section means:

9 (A) Humane euthanasia of an animal by hypodermic injection by a licensed veterinarian
 10 or by an animal euthanasia technician certified in accordance with the provisions of article ten-a,
 11 chapter thirty of this code; or

12 (B) Any other humane euthanasia procedure approved by the American Veterinary
 13 Medical Association, the Humane Society of the United States or the American Humane
 14 Association.

15 (2) The term "humanely destroyed" does not include euthanizing a dog or cat by means
 16 of a gas chamber: *Provided*, That any county which has a gas chamber in operation as of the
 17 effective date of this section may continue to operate the gas chamber subject to the following:

18 (1) The gas chamber shall be operated by an animal euthanasia technician certified pursuant to
 19 article ten-a, chapter thirty of this code; and (2) the gas chamber shall have been manufactured
 20 and installed by a person who regularly manufactures and installs gas chambers. The Board of

21 Veterinary Medicine shall promulgate emergency rules regarding the inspection of gas chambers,
22 pursuant to section fifteen, article three, chapter twenty-nine-a of this code.

23 (c) In an emergency or in a situation in which a dog cannot be humanely destroyed in an
24 expeditious manner, a dog may be destroyed by shooting if:

25 (1) The shooting is performed by someone trained in the use of firearms with a weapon
26 and ammunition of suitable caliber and other characteristics designed to produce instantaneous
27 death by a single shot; and

28 (2) Maximum precaution is taken to minimize the dog's suffering and to protect other
29 persons and animals.

30 (d) The owner, keeper or harbinger of any dog seized and impounded under the provisions
31 of this article may, at any time prior to the expiration of five days from the time that notice of the
32 seizure and impounding of the dog has been given or posted as required by this article, redeem
33 the dog by paying to the dog warden or his or her authorized agent or deputy all of the costs
34 assessed against the dog and by providing a valid certificate of registration and registration tag
35 for the dog.

36 (e) Reasonable costs and fees, in an amount to be determined, from time to time, by the
37 county commission, shall be assessed against every dog seized and impounded under the
38 provisions of this article, except dogs taken into custody under section two of this article. The cost
39 shall be a valid claim in favor of the county against the owner, keeper or harbinger of any dog
40 seized and impounded under the provisions of this article and not redeemed or sold as provided
41 in this section and the costs shall be recovered by the sheriff in a civil action against the owner,
42 keeper or harbinger.

43 (f) A county or municipal shelter or humane society shall not charge an adoption fee to
44 any person who has served as a member of the United States armed forces, National Guard, or
45 reserve upon presentation by that individual of a current driver's license and a veteran's
46 identification card or record: *Provided*, That a shelter or humane society may limit the number of

47 dogs or cats adopted by a veteran under this subsection to one animal during any two year period.

48 ~~(f)~~ (g) A record of all dogs impounded, the disposition of the dogs and a statement of costs
49 assessed against each dog shall be kept by the dog warden and a transcript thereof shall be
50 furnished to the sheriff quarterly.

51 ~~(g)~~ (h) All persons or entities in the state performing euthanasia under this article shall
52 register with the board of Veterinary Medicine by December 31, 2009, in a manner to be
53 prescribed by the board. The Board of Veterinary Medicine shall promulgate emergency rules
54 relating to the registration of those performing animal euthanasia, pursuant to section fifteen,
55 article three, chapter twenty-nine-a of this code.

NOTE: The purpose of this bill is to waive the adoption fee for veterans who adopt a dog or cat from a public shelter or humane society, and to provide a limitation on the number of animals adopted without a fee.

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