

1 **ENROLLED**

2 **Senate Bill No. 75**

3 (By Senator Unger)

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5 [Passed March 10, 2012; to take effect July 1, 2012.]
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10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §19-33-1, §19-33-2,
12 §19-33-3, §19-33-4 and §19-33-5, all relating to creating the
13 Equine Rescue Facilities Act; providing definitions; licensing
14 of equine facilities; providing for inspections; authorizing
15 legislative rules; and providing 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 §19-33-1, §19-33-2,
19 §19-33-3, §19-33-4 and §19-33-5, all to read as follows:

20 **ARTICLE 33. EQUINE RESCUE FACILITIES ACT.**

21 **§19-33-1. Definitions.**

22 For purposes of this article:

23 (a) "Commissioner" means the Commissioner of Agriculture.

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

6 **§19-33-2. Licensing of equine rescue facilities.**

7 No person may operate an equine rescue facility as defined in
8 this section without an equine rescue facility license issued by
9 the Department of Agriculture. The annual fee for an equine rescue
10 facility license is \$100, which shall be remitted by the
11 commissioner to the humane officer or animal control officer in the
12 county where the facility is located to offset the expense of
13 inspecting that facility. If the county does not have a humane
14 officer or animal control officer, the commissioner shall remit the
15 license fee to the sheriff of the county where the facility is
16 located.

17 **§19-33-3. Inspections of equine rescue facilities.**

18 Upon application for an equine rescue facility license, the
19 commissioner shall notify the county humane officer or animal
20 control officer in the county where the equine rescue facility is
21 located, who shall inspect the facility prior to issuance of an
22 equine rescue facility license and, thereafter, not less than twice
23 annually. If the county does not have a humane officer or animal
24 control officer, the sheriff of that county is responsible for

1 inspections of equine rescue facilities in the county as set forth
2 in this section.

3 **§19-33-4. Legislative rules.**

4 The commissioner shall propose rules for legislative approval
5 in accordance with the provisions of article three, chapter twenty-
6 nine-a of this code to provide for the following:

7 (a) The issuance of equine rescue facility licenses and
8 revocation of the licenses for violations of the provisions of this
9 article or rules adopted hereunder;

10 (b) Notification of the application and issuance of an equine
11 rescue facility license to the humane officer, animal control
12 officer or county sheriff in the county where the facility is
13 located and providing remittance of the annual equine rescue
14 facility license fee;

15 (c) Standards for maintenance of the premises, the care and
16 health of the horses kept at equine rescue facilities and standards
17 for inspection of those facilities and horses, using guidelines
18 developed by the West Virginia Livestock Care Standards Board; and

19 (d) Standards for closure of an equine rescue facility and
20 seizure of horses at the facility where the health and welfare of
21 the horses are endangered.

22 **§19-33-5. Penalties.**

23 Any person who violates any provision of this article or rules
24 adopted hereunder is guilty of a misdemeanor and, upon conviction

1 thereof, shall be fined not less than \$100 nor more than \$500 for
2 the first offense, and for a second or subsequent offense shall be
3 fined not less than \$500 nor more than \$2,500.