1	Senate Bill No. 254
2	(By Senator Unger)
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4	[Introduced January 8, 2014; referred to the Committee on
5	Agriculture and Rural Development; and then to the Committee on
6	the Judiciary.]
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L1	A BILL to amend the Code of West Virginia, 1931, as amended, by
L2	adding thereto a new article, designated \$19-34-1, \$19-34-2,
L3	\$19-34-3, $$19-34-4$ , $$19-34-5$ and $$19-34-6$ , all relating to the
L 4	regulation of equine boarding facilities.
L 5	Be it enacted by the Legislature of West Virginia:
L 6	That the Code of West Virginia, 1931, as amended, be amended
L 7	by adding thereto a new article, designated \$19-34-1, \$19-34-2,
L 8	\$19-34-3, $$19-34-4$ , $$19-34-5$ and $$19-34-6$ , all to read as follows:
L 9	ARTICLE 34. EQUINE FACILITIES AND CARE ACT.
20	§19-34-1. Definitions.
21	The following words, when used in this article, have the
22	meaning ascribed unless the context clearly indicates otherwise:
23	"Board facility" means a facility that charges a daily,

- 1 weekly, monthly, biannual or annual fee for boarding equines but
- 2 does not include race track boarding facilities.
- 3 "Boarding" means field board with run-in shelter and/or stall
- 4 kept with turn out.
- 5 §19-34-2. Minimum care requirements for all boarding facilities.
- 6 Boarding facilities shall provide the following:
- 7 (1) Fresh, clean water in adequate volume and accessible at
- 8 all times;
- 9 (2) Fresh hay in adequate amount and sufficient pasture for 10 grazing;
- 11 (3) Adequate, clean bedding requiring, at a minimum, that
- 12 stalls be mucked once per day;
- 13 (4) Sufficient exercise; and
- 14 (5) Adequate shelter which, for field boarded equines, must be
- 15 a structure or structures other than or in addition to trees.
- 16 §19-34-3. Minimum contract terms with equine owner or responsible
- party.
- 18 The following minimum terms and conditions will be clearly set
- 19 forth in a written contract between the equine owner or responsible
- 20 party and the owner of the boarding facility:
- 21 (1) The purchasing and feeding of grain and other supplements;
- 22 (2) The base boarding price with a line item breakdown of
- 23 additional costs for services and commodities; and

- 1 (3) The responsible party for arranging that the equine be
- 2 wormed every eight weeks and for the administration of the
- 3 appropriate immunizations either by the owner of the equine or a
- 4 licensed equine veterinarian.

## 5 §19-34-4. Miscellaneous provisions.

- 6 (a) Boarding facilities shall require that all equines receive
- 7 a Coggins test prior to residency and require proof from the equine
- 8 owner or responsible party that this test has been performed with
- 9 negative results.
- 10 (b) A responsible employee or owner of the facility shall be
- 11 on site at least eight hours every day of the week.
- 12 (c) The boarding facility shall monitor and enforce health and
- 13 safety regulations and maintain a written protocol for this
- 14 purpose.

## 15 **§19-34-5**. Legislative rules.

- 16 The commissioner shall propose rules for legislative approval
- 17 in accordance with the provisions of article three, chapter
- 18 twenty-nine-a of this code for purposes of implementing and
- 19 monitoring this article and shall consider standards in the equine
- 20 industry and equine professional organizations in the development
- 21 of proposed rules.

## 22 **§19-34-6.** Penalties.

23 A person who violates a provision of section two, three or

1 four of this article or rules adopted hereunder is guilty of a

2 misdemeanor and, upon conviction thereof, shall be fined not less

3 than \$100 nor more than \$500 for the first offense, and for a

4 second or subsequent offense shall be fined not less than \$250 nor

5 more than \$3,000.

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

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