

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED
2014 AUG -1 P 1:31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY: 19-1C-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 31

TITLE OF RULE BEING PROPOSED: Livestock Care standards

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Livestock Care Standards

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Dept. of Agriculture

Address: 1900 Kanawha Blvd., East
Charleston, WV 25305

Phone Number: 304-558-3200 Email: jodemartin@wvda.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There will be no fiscal impact.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Livestock Care Standards

Rule Title: Livestock Care Standards

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

N/A

Date: 7-29-14

Signature of Agency Head or Authorized Representative

Walt Helms



West Virginia Department of Agriculture

1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-3550

Walt Helmick
Commissioner

Statement of Circumstances

According to the provisions of §19-1C-1 the West Virginia Legislature determined that establishing standards for governing the care and well-being of livestock is important to protect the health and welfare of the citizens of West Virginia. In order to accomplish this the Legislature created the Livestock Care Standards Board. This board has established standards of care for livestock, in which are listed in Title 61 Series 31 Livestock Care Standards.

A handwritten signature in cursive script that reads "Walt Helmick".



West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-3550

Walt Helmick
Commissioner

Brief Summary of Proposed Rule
Livestock Care Standards
Title 61 Series 31

This legislative rule defines terms, and authorizes specific practices and exclusions for livestock and poultry. This rule governs the care and well-being of livestock and poultry including beef cattle, bison, veal, dairy cattle, equine, swine, small ruminant and poultry in the state of West Virginia.

This rule establishes guidelines for body scoring for livestock listed in the above paragraph. This rule also sets forth penalties for any violation of the rule.

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 1, 2014

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Jodee Martin/Executive Assistant jodeemartin@wvda.us

1900 Kanawha Boulevard, East

Charleston, WV 25305 304-558-3200 304-558-2203 (fax)

- g. **IF DIFFERENT FROM ITEM 'F'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Same as above.

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

July 1, 2014 - July 31, 2014

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

July 1, 2014

d. Attach findings and determinations and reasons:

Attached

Title 61
Legislative Rule
Department of Agriculture
Series 31

Livestock Care Standards

FILED
2014 AUG -1 P 1:31
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§61-31-1. General.

1.1. Scope. -- This legislative rule defines terms, and authorizes specific practices and exclusions for livestock and poultry. This legislative rule governs the care and well-being of livestock and poultry including, beef cattle, bison, veal, dairy cattle, equine, swine, small ruminant and poultry in the state of West Virginia.

1.2. Authority. -- West Virginia Code §19-1C-1.

1.3. Filing Date. --

1.4. Effective Date. --

§61-31-2. Definitions.

2.1. "Ambulatory disabled" means being capable of walking, but with a physical impairment that severely limits or threatens the ability to walk.

2.2. "Best management practices" means procedures in livestock and poultry production to enhance animal production, comfort, safety, productivity and product acceptability.

2.3. "Biologicals" means products intended for diagnostic or therapeutic purposes in animals other than man.

2.4. "Bio-Security" means preventing introduction of new organisms to an operation, as well as controlling organisms already present on the operation.

2.5. "Body condition score" means an industry accepted evaluation of an animal's body fat and muscle mass as related to skeletal dimension and stage of production.

2.6. "Cattle" means any bison or bovine raised for dairy or meat production.

2.7. "Coggins" means the common name for the agar gel immunodiffusion test for diagnosis of the Equine Infectious Anemia (EIA).

2.8. "Distress" means a condition that occurs when livestock or poultry are injured, sick, or in physical pain.

2.9. "Emergency situation" means a serious unexpected and often dangerous situation requiring immediate action.

2.10. "Equine" means an animal that is a member of the Equine genus including horses, ponies, mules, asses, donkeys, and zebras.

2.11. "Euthanasia" means the act of putting an animal to death by methods specified as acceptable for that species by the AVMA Guidelines for the Euthanasia of Animals 2013 Edition, or the most current edition.

2.12. "Handling" means the moving, confining, or restraining of livestock or poultry for management practice, relocating, loading, or unloading.

2.13. "Henneke body score" means a numerical scale used to evaluate the amount of fat on a horse's body. Based on both visual appraisal and palpable fat cover of the six major points of the horse that are most responsive to changes in body fat. Scientific method of evaluating a horse's body condition regardless of breed, body type, sex or age.

2.14. "Herd or flock" means a number of animals or birds that live, feed or travel together.

2.15. "Licensed and accredited veterinarian" means any veterinarian licensed to practice veterinary medicine in the state of West Virginia and accredited by the State Veterinarian, APHIS (Animal and Plant Health Inspection Service), VS (Veterinary Service) in accordance with provisions of Part 161, Title 9, CFR (Code of Federal Regulations), and pre-approved to perform certain functions of Federal and cooperative State-Federal programs.

2.16. "Livestock" means cattle, horses, swine, sheep, goats or any other animal of the bovine, equine, porcine, ovine or caprine specie, and domestic poultry.

2.17. "Non-ambulatory disabled" means being unable to rise from a recumbent position or being unable to walk.

2.18. "Pharmaceuticals" means medication or medicine.

2.19. "Poultry" means any birds raised commercially or domestically for meat, eggs, feathers, or pets.

2.20. "Quarantine" means a confined area with a minimum of 200 yards from any animal under the direct supervision and control of a State or Federal animal health official who shall establish procedures for the account of all animals entering or leaving the area.

2.21. "Responsible party" means a person who is the owner of the livestock or poultry or a person who has current responsibility of custody of the livestock or poultry.

2.22. "Shelter" means any cover man made or natural that gives livestock or poultry protection from the elements.

2.23. "Small Ruminants" means sheep and lambs, goats, alpacas and llamas.

2.24. "Soring" means an irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse, any burn, cut or laceration has been inflicted by a person on any limb of horse; any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse; or any other substance or device has been used by a person on any limb of a horse or

a person has engaged in a practice involving a horse and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer physical pain or distress, inflammation, or lameness when walking, trotting or otherwise moving, except that such term does not include such application, infliction, injection, use or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary care.

2.25. "Swine" means any various stout-bodied short-legged omnivorous artiodactyl mammals (family Suidae).

2.26. "Vaccination" means the inoculation of an animal with a vaccine.

2.27. "Vaccine" means a suspension of attenuated or killed microorganisms (viruses, bacteria, or rickettsiae), or of antigenic proteins derived from them, administered for prevention, amelioration, or treatment of infectious diseases.

2.28. "Valid veterinarian-client-patient relationship" means the veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker has agreed to follow the instruction of the veterinarian; there is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and the practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.

2.29. "Veal" means a young bovine raised for the purpose of veal meat production.

§61-31-3. Feed, water and ventilation.

3.1. Livestock and poultry shall receive adequate feed, water, and ventilation so as to maintain a body condition appropriate for age, use, stage of production, and weather condition.

3.2. Feed and water may be withheld for the following reasons:

- 3.2.a. Specific management practices.
- 3.2.b. Health care purposes; or
- 3.2.c. Emergency situations.

§61-31-4. Space.

4.1. Livestock and poultry shall be provided sufficient space.

- 4.1.a. Confined;
- 4.1.b. Semi-confined; or
- 4.1.c. An outdoor lot or pasture.

4.2. If used, facilities may be environmentally controlled.

4.3. Separation of individual animals shall be authorized.

4.4. Indoor stocking densities shall allow for a single layer of animals.

§61-31-5. Health care.

5.1. Health care sufficient to maintain livestock and poultry shall be provided promptly and it shall include:

5.1.a. Immunizations and vaccinations.

5.1.b. Use of pharmaceuticals and biologicals.

5.1.b.1. Pharmaceuticals and biologicals shall be used in accordance with label directions or as directed by a licensed veterinarian.

5.1.c. Prescription and extra-label medications.

5.1.c.1. Prescription and extra-label medications shall be administered as directed by a licensed veterinarian with a valid-client-patient relationship.

§61-31-6. Preparing animals for exhibition.

6.1. Training, fitting, and restraint of livestock or poultry for exhibition shall be performed in a manner that minimizes the risk of injury.

§61-31-7. Livestock handling.

7.1. The following shall be done in a manner that minimizes the risk of injury:

7.1.a. Handling of poultry and livestock; and

7.1.b. Loading or unloading of livestock and poultry for or from transport.

§61-31-8. Transportation.

8.1. Livestock and poultry shall be able to stand in their natural posture or position or rest in a single layer once loaded for transport.

8.2. The transport driver is solely responsible for welfare of livestock during transit.

8.3. The responsible party makes the final decision in determining the fitness for livestock loading, transport and the load density. The density of a load shall be determined by the need to minimize injury and must allow fallen animals to rise.

8.4. Handling of livestock or poultry during loading, unloading and transport must be done to minimize the risk of injury.

8.5. During transit, livestock should be reasonably protected from adverse weather conditions.

8.6. Transporters are required to stop every 28 hours, unload, and provide livestock and poultry with food, water and rest for at least five (5) consecutive hours, unless the transportation vehicle allows the livestock and poultry to lay down and rest and have access to feed and water.

§61-31-9. Handling of disabled livestock or poultry.

9.1. The responsible party for ambulatory disabled, non-ambulatory disabled, or distressed livestock or poultry shall provide appropriate protection from other animals, predators, and weather extremes as required by the condition of the animal.

9.2. Ambulatory disabled, non-ambulatory disabled or distressed livestock or poultry shall have access to water, and if maintained longer than twenty (24) hours, access to feed.

9.3. Handling and moving of ambulatory disabled, non-ambulatory disabled or distressed animals shall be done in a manner that minimizes the risk of additional distress.

9.4. Non-ambulatory disabled livestock and poultry shall be loaded only for transport for treatment.

9.5. Livestock and poultry in severe distress with an irreversible condition shall be euthanized.

§61-31-10. Bio-security.

10.1. Bio-security protocols and limitation of public access to farms may be established by the responsible party.

10.2. Use of animals, devices, or fencing for predator control shall be acceptable.

§61-31-11. Exemptions.

11.1. This administrative regulation shall not apply during emergency situations.

11.1.a. Limit or prevent a veterinarian or person under the supervision of a veterinarian from providing necessary care for an animal. (*Animal Welfare Act, 7 U.S.C. 2131-2159.*)

§61-31-12. Standards of care for beef cattle, bison, and veal.

12.1. Veal calves shall be fed two (2) or more times per day following a regular routine, if not provided unlimited access. On all farms that house veal calves, there shall be access to hot water for the purpose of sanitation and mixing milk-based liquid diet or milk replacer.

12.2. Body scoring evaluations shall be determined by using industry standards.

12.2.a. Evaluations shall be made using a scale of 1 – 5.

12.2.b. Any beef cattle, bison, or veal with a score of less than 2 and not under the care of a licensed and accredited veterinarian in West Virginia shall be in violation of the Livestock Care Standard.

12.3. During calving, there shall be sufficient space to enable cows to separate themselves from other animals.

12.4. Sheltering systems shall allow animals access to feed and water.

12.5. Concerning beef cattle, bison and veal, the following shall be authorized practices:

12.5.a. Castration;

12.5.b. Disbudding;

12.5.c. Dehorning;

12.5.d. Identification

12.5.d.1. tattoo

12.5.d.2. tagging

12.5.d.3. freeze branding

12.5.d.4. hot branding

12.5.d.5. ear notching

12.6. Supernumerary teat removal;

12.7. Hoof trimming;

12.8. Artificial insemination;

12.9. Embryo transfer;

12.10. Navel dipping;

12.11. Breeding soundness evaluations;

12.12. Ear notching;

- 12.13. Surgery;
- 12.14. Nose rings.

§61-31-13. Standards of care for dairy cattle.

- 13.1. Facilities shall be free of excessive manure.
- 13.2. Body scoring shall be determined by using industry standards.
 - 13.2.a. Evaluations shall be made using a scale of 1 – 5.
 - 13.2.b. Any dairy cattle with a score of less than 2 and not under the care of a licensed and accredited veterinarian in West Virginia shall be in violation of the Livestock Care Standard.
- 13.3. Calves shall be fed milk or milk replacer until weaned.
- 13.4. Concerning dairy cattle the following shall be authorized practices:
 - 13.4.a. Tie stalls. Tie stalls shall be authorized if:
 - 13.4.a.1. Cattle are turned out routinely for exercise;
 - 13.4.a.2. The tie stalls are designed and maintained so that the length and width provides space sufficient to accommodate the size of the animal's body so that the animal is not forced to lie with the rear quarter contacting the alleyway or gutter; and
 - 13.4.a.3. Cattle have room to stretch, eat, drink, and eliminate comfortably;
 - 13.4.b. Free stalls. Free stalls shall be authorized if:
 - 13.4.b.1. The free stalls are designed and maintained so that the length and width provide space sufficient to accommodate the size of the animal's body so that the animal is not forced to lie with the rear quarter contacting the alleyway or gutter; and
 - 13.4.b.2. Stocking rates allow for adequate time per animal for rest, exercise, and feed, and water consumption;
 - 13.4.c. Dehorning;
 - 13.4.d. Debudding;
 - 13.4.e. Tail switch trimming; and
 - 13.4.f. Tail docking;
 - 13.4.g. Tail docking may be performed using an elastrator castration band so long as the following requirements are met:
 - 13.4.g.1. It is performed no sooner than the first confirmation of pregnancy;
 - 13.4.g.2. The animal is managed using a dairy herd management system that practices tail docking; and
 - 13.4.g.3. The responsible party provides a fly control program.
 - 13.4.g.4. All other methods of tail docking shall be performed only by a licensed veterinarian and shall meet the requirements provided above.
 - 13.4.h. Identification;
 - 13.4.i. tattoo;
 - 13.4.j. tagging;
 - 13.4.j.1. branding; and
 - 13.4.j.2. ear notching.
 - 13.4.k. Supernumerary teat removal;
 - 13.4.l. Hoof trimming;
 - 13.4.m. Artificial Insemination;
 - 13.4.n. Embryo transfer;

- 13.4.o. Navel dipping;
- 13.4.p. Breeding soundness evaluations;
- 13.4.q. Ear notching;
- 13.4.r. Surgery; and
- 13.4.s. Nose rings.

§61-31-14. Standards of care for equine.

14.1. Additional standards of care may be referenced by consulting American Association of Equine Practitioners Care Guidelines for Equine Rescue and Retirement Facilities.

14.2. Drink.

14.2.a. Water containers shall be cleaned regularly and free of any hazard

14.3. Feed.

14.3.a. Horses shall be provided a diet sufficient to maintain a healthy weight and body condition. In evaluating herd health any individual Henneke body score of less than "three" (3) will be unacceptable; unless that animal is under the supervision of a licensed veterinarian. Geriatric or ill horses may have less than an ideal body condition.

14.3.b. Poor. Body score is "one" (1). Animal is extremely emaciated, Spinous rocesses (portion of the vertebra of the backbone which project upward), ribs, tailhead, and bony protrusions of the pelvic girdle (hooks and pins) are prominent. Bone structure of withers, shoulders, and neck are easily noticeable. No fatty tissues can be felt.

14.3.c. Very Thin. Body score is "two" (2). Animal is emaciated. Slight fat covering over base of the spinous processes. Transverse processes (portion of vertebrae which project outward) of lumbar (loan area) vertebrae feel rounded. Spinous processes ribs, shoulders, and neck structures are faintly discernible.

14.3.d. Thin. Body score is "three" (3). Fat is built up about halfway on spinous processes. Transverse processes cannot be felt. Slight fat cover over ribs. Spinous processes and ribs are easily discernible. Tailhead is prominent, but individual vertebrae cannot be visually identified. Hook bones (protrusion of pelvic girdle appearing in upper, forward part of the hip) appear rounded, but are easily discernible. Pin bones (bony projections of pelvic girdle located toward rear, mid-section of the hip) are not distinguishable. Withers, shoulder, and neck are accentuated.

14.3.e. Moderately Thin. Body score is "four" (4). Negative crease along back (spinous processes of vertebrae protrude slightly above surrounding tissue). Faint outline of ribs is discernible. Fat can be felt around tailhead (prominence depends on confirmation). Hook bones are not discernable. Withers, shoulders, and neck are not obviously thin.

14.3.f. Moderate. Body score is "five" (5). Back is level. Ribs cannot be visually distinguished, but can be easily felt. Fat around tailhead feels soft. Fat begins to be deposited along the sides of the withers, behind the shoulders, and along sides of neck.

14.3.g. Moderate to Flethy. Body score is "six" (6). May have slight crease down back. Fat over ribs feels spongy. Fat around tailhead feels soft. Fat begins to be deposited along the sides of the withers, behind the shoulders, and along sides of neck.

14.3.h. Flethy. Body score is "seven" (7). May have crease down back. Individual ribs can be felt, but with noticeable filling of fat between ribs. Fat around tailhead is soft. Fat is deposited along withers, behind shoulders, and along neck.

14.3.i. Fat. Body score is “eight” (8). Crease down back. Difficult to feel ribs. Fat around tailhead is very soft. Area along withers is filled with fat. Area behind shoulder is filled in flush with the rest of the body. Noticeable thickening of neck. Fat is deposited along inner buttocks.

14.3.j. Extremely fat. Body score is “nine” (9). Obvious crease down back. Patchy fat appears over ribs. Bulging fat around tailhead, along withers, behind shoulders, and along neck. Fat along inner buttocks may rub together. Flank is filled in flush with the rest of the body.

14.4. Space.

14.4.a. Stalls in which horses are housed untethered for more than four (4) hours shall be large enough to allow horses to turn around completely, lie down comfortably, and stand completely erect. Stalls shall have adequate ventilation and drainage and be kept free of excessive waste.

14.4.b. If a horse is tethered, it shall be done in a way and under supervision sufficient to minimize the risk of injury

14.4.c. Pastures shall be routinely monitored for the presence of hazards.

14.4.d. Space shall be provided for exercise that is sufficient to maintain a horse’s health.

14.5. Authorized practices. The following shall be authorized practices;

14.5.a. Castration;

14.5.b. Identification;

14.5.c. Hoof trimming;

14.5.d. Shoeing;

14.5.e. Artificial insemination;

14.5.f. Embryo transfer;

14.5.g. Navel dipping;

14.5.h. Breeding soundness evaluations;

14.5.i. Surgery;

14.5.j. Dental care; and

14.5.k. Restraint by use of a twitch.

14.6. The following shall be unauthorized practices:

14.6.a. Soring shall be prohibited.

§61-31-15. Standards of care for small ruminants.

15.1. Body scoring shall be determined by using industry standards.

15.1.a. Evaluations shall be made. Evaluations shall be made using a scale of 1 – 5.

15.1.b. Any small ruminant with a score of less than 2 and not under the care of a licensed and accredited veterinarian in West Virginia shall be in violation of the Livestock Care Standard.

15.2. Concerning small ruminants the following shall be authorized practices

15.2.a. Ovine.

15.2.a.1. Castration;

15.2.a.2. Hoof trimming;

15.2.a.3. Tail docking;

15.2.a.4. Identification;

15.2.a.5. Shearing;

15.2.a.6. Artificial insemination; and

- 15.2.a.7. Embryo transfer;
- 15.2.b. Caprine.
 - 15.2.b.1. Castration;
 - 15.2.b.2. Dehorning;
 - 15.2.b.3. Disbudding;
 - 15.2.b.4. Hoof trimming;
 - 15.2.b.5. Identification;
 - 15.2.b.6. Shearing;
 - 15.2.b.7. Artificial insemination; and
 - 15.2.b.8. Embryo transfer.
- 15.2.c. Camelids.
 - 15.2.c.1. Hoof trimming;
 - 15.2.c.2. Identification; and
 - 15.2.c.3. Shearing.

§61-31-16. Standards of care concerning swine.

16.1. Body scoring shall be determined by using the National Pork Board Pork Quality Assurance Guidelines.

16.2. If being transported, swine shall be able to stand in their natural position without touching the top of the transport conveyance.

16.3. The following shall be authorized practices:

- 16.3.a. Castration;
 - 16.3.b. Needle teeth clipping;
 - 16.3.c. Boar tusk removal;
 - 16.3.d. Tail docking;
 - 16.3.e. Identification using ear notching, tattooing, or ear tagging;
 - 16.3.f. Environmentally controlled housing. Swine may be raised in environmentally controlled housing designed in a manner that minimizes the effects of adverse weather conditions;
 - 16.3.g. Stalls, pens, or outdoor lots with shelters shall be authorized housing for gestating sows;
- and
- 16.3.h. Crates, pens, or outdoor huts shall be authorized housing for farrowing and lactating sows.
 - 16.3.i. Nose rings;
 - 16.3.j. Surgery; and
 - 16.3.k. Artificial insemination.

§61-31-17. Standards of care concerning poultry.

17.1. Stocking densities shall allow all poultry to rest or perch at the same time in a single layer.

17.2. Ambulatory disabled and non-ambulatory disabled poultry that cannot reach feed or water shall be euthanized.

17.3. The following shall be authorized practices:

- 17.3.a. Non-feed withdrawal molt methods for layers and breeder;
- 17.3.b. Trimming of the beak;

17.3.c. The partial or complete removal of the comb, snood, toe nail;

17.3.d. Withholding of feed or water in circumstances such as:

17.3.d.1. Preparation for administration of vaccines or medication in the water; or

17.3.d.2. Preparation for transportation

17.3.e. Housing methods.

17.3.e.1. Caged egg production system in an enclosed or open-sided building having some openwork for confining poultry. Types of caged housing systems include conventional, belt-battery, enriched, and reverse;

17.3.e.2. Cage-Free egg production system in an enclosed or open-sided building in which the poultry are free to move within the building. Types of cage-free housing systems include slat floor, litter floor, partial slat or litter floor, stretched wire floor, and aviary systems; and

17.3.e.3. Free-Roam or Free-Range egg production system where poultry have access to the outside or range and are provided shelter.

17.4. Euthanasia or Depopulation. Additional authorized euthanasia or depopulation methods for poultry shall include inhalants such as carbon dioxide, nitrogen or argon, manual cervical dislocation, gunshot, blunt force trauma, decapitation, non-penetrating captive bolt, electrocution, maceration, water based foam, and barbiturates.

§61-31-18. Penalties.

18.1. Any person who violates any provisions of this rule adopted hereunder is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 for the first offense, and for a second or subsequent offense shall be fined not less than \$500 nor more than \$2,500.