

Form #3

OFFICE WEST VIRGINIA
SECRETARY OF STATE

James Michael Teets
Authorized Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title:

Livestock Care Standards

Type of Rule:

☒ Legislative ☐ Interpretive ☐ Procedural

Agency:

Livestock Care Standards Board

Address:

1900 Kanawha Boulevard, East
Charleston, WV 25305

Phone Number:

304-558-3200

Email: jodeemartin@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.

N/A

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

Livestock Care Standards

Rule Title:

Rule Title: _____

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: February 11, 2016

Signature of Agency Head or Authorized Representative

James Michael Teets

Livestock Care Standards Board Charleston, West Virginia

**Mike Teets
Chair**

Statement of Circumstances

The Livestock Care Standards Board is amending the Livestock Care Standards rule to include the standards of care for captive cervids. Senate Bill 237 which passed during the 2015 West Virginia Legislative session placed all captive cervids under the authority of the West Virginia Department of Agriculture. The standards of care for cervids are listed in a new section §73-1-19.

The rule is also being amended in sections §73-1-5, §73-1-9, and §73-1-18 regarding stocking density concerning poultry.

Section §73-1-20 is being removed from the rule. These penalties are listed in West Virginia Code and a reference to this section of code will be added.

A handwritten signature in cursive script that reads "James Michael Teets". The signature is written in dark ink and has a long, sweeping horizontal line extending from the end of the name.

**Livestock Care Standards Board
Charleston, West Virginia**

**Mike Teets
Chair**

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, captive cervids and poultry in the state of West Virginia.

This rule establishes guidelines for body scoring for livestock listed in the above paragraph.

Livestock Care Standards Board
Charleston, West Virginia

Mike Teets
Chair

February 11, 2016

Thank you for your recent comments on the proposed Livestock Care Standards legislative rule 73CSR1. Unfortunately, in the previous filing of the Livestock Care Standards Rule, the Board did not have the authority to include criminal penalties in the rule.

The Livestock Care Standards Board has reviewed all comments received during the public comment period.

The proposed Livestock Care Standards rule 73CSR1 will be amended by adding a reference to §61-8-19 of the West Virginia Code, in which all the penalties pertaining to animal cruelty are listed.

Again, thank you for your comments.

Sincerely,


Mike Teets
Chair

MT/jfm

Martin, Jodee

From: fcowgill@cebridge.net
Sent: Wednesday, February 10, 2016 2:48 PM
To: Martin, Jodee
Subject: SB436

Please give this bill your consideration. All animals deserve humane consideration. Livestock are food sources for people and should be treated with kindness and consideration

Martin, Jodee

From: M Lilly <southernwvanimals@yahoo.com>
Sent: Friday, February 05, 2016 11:16 AM
To: Martin, Jodee
Subject: SB 153 - Farm animals need protection too!

ATTN: LIVESTOCK Standards Care Board:

Please add a brief amendment to Senate Bill 153 which would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19. We are concerned without this amendment, farm animals would have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exist in current cruelty code.

We are proud in WV of our Farmer's Markets and organic farming methods. Let's not destroy this by creating an environment of less protection for inhumane treatment of farm animals. We want to ensure humane treatment for our state's farm animals too!

Melissa Lyons
WV League of Humane Voters

Martin, Jodee

From: Alyssa Dodrill <paigedodrill@gmail.com>
Sent: Wednesday, February 03, 2016 9:41 PM
To: Martin, Jodee
Subject: SB 153

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

With the elimination of penalties, farm animals will have less protection. The current cruelty code of the State of WV defines these violations clearly and is already organized to manage such situations when they occur.

I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

-Paige Dodrill

✓

Martin, Jodee

From: Katey Stech <kateystech@gmail.com>
Sent: Friday, January 29, 2016 2:27 PM
To: Martin, Jodee
Subject: Humane treatment of animals

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

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I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

✓

Martin, Jodee

From: Alexis McConihay <alexismcconihay@gmail.com>
Sent: Friday, January 29, 2016 11:06 AM
To: Martin, Jodee

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care. I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

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✓

Martin, Jodee

From: Betty McGhee <bmcghee100@gmail.com>
Sent: Wednesday, January 27, 2016 4:55 PM
To: Martin, Jodee
Subject: Humane treatment of livestock

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

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I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

Sent from my iPhone

Martin, Jodee

From: Kim Becker <kimmiebeck@aol.com>
Sent: Wednesday, January 27, 2016 7:58 PM
To: Martin, Jodee
Subject: SB153

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

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I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

✓

Martin, Jodee

From: Ashley Grimmett <ashleygrimmett@yahoo.com>
Sent: Wednesday, January 27, 2016 9:35 PM
To: Martin, Jodee
Subject: concerned citizen

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

With the elimination of penalties, farm animals will have less protection. The current cruelty code of the State of WV defines these violations clearly and is already organized to manage such situations when they occur.

I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time.

Ashley Thurma

Martin, Jodee

From: Amy Williams <amywilliamswellness@gmail.com>
Sent: Wednesday, January 27, 2016 10:21 PM
To: Martin, Jodee
Subject: humane treatment of farm animals

Dear Jodee Martin,

I am a resident of Charleston, WV and I have created a brand of plush toy pigs and books that involve positive message about loving one's self and sharing that love with the planet. The character is a pig named Wanda Petunia. I was fired as a young girl from a pig farm for protesting to my uncle for his neglect of pigs. Since that time, I have held a dear place in my heart for pigs and all farm animals.

My undergraduate degree is in agriculture from Purdue, and I know firsthand about the mis-treatment of animals on farms and in slaughterhouses.

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

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I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

Sincerely,

Amy J. Williams

303 Washington St West Suite 203

Charleston, WV 25302 304-552-7057

Martin, Jodee

From: csimpson1212@suddenlink.net
Sent: Thursday, January 28, 2016 2:30 PM
To: Martin, Jodee

ATTN: LIVESTOCK Standards Care Board:

Please add a brief amendment to Senate Bill 153 which would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19. We are concerned without this amendment, farm animals would have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exist in current cruelty code.

We are proud in WV of our Farmer's Markets and organic farming methods. Let's not destroy this by creating an environment of less protection for inhumane treatment of farm animals.

Martin, Jodee

From: Theresa Bruner <tbrunerwv22@gmail.com>
Sent: Thursday, January 28, 2016 4:42 PM
To: Martin, Jodee
Subject: SB 153 Livestock Rules Comments

Hello Jodee,

I talked to Sylvia Shafer last night and she mentioned she talked to you about the livestock rules issue and also the Spay Neuter funding. She indicated that you feel that the livestock rules in SB 153 are already correctly linked back to 61-8-19. I hope that clarity is there. However, I am still submitting my comments in the email below to ensure my comments are reflected on this issue. I believe it has been difficult in the past to offer the necessary protection for livestock in WV due to the ambiguity of our existing code.

SB 153 lists Rules for Livestock, as proposed by the Livestock Standards of Care Board. These rules were revisited after the last commenting period, resulting in providing sufficient floor space for poultry to rest.

Our greatest concern with the proposed rules is the **elimination of penalties for inhumane treatment of livestock**. This is a complex issue since livestock were not well addressed under the existing cruelty code.

Please accept this as my comments on the existing rules:

ATTN: LIVESTOCK Standards Care Board:

Please help livestock get the minimal protection they deserve

by
add a
clause
to Senate Bill 153 which would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

We are concerned without this, that farm animals would have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exist in current cruelty code.

W

ith these penalties removed from the rules we feel livestock
may be
even more compromised in receiving adequate protection
than before.

Sincerely,

Theresa 'Sis' Bruner

The Federation of Humane Organizations of WV
www.fohowv.org

✓

Martin, Jodee

From: allyson hedges <allysonhedges@hotmail.com>
Sent: Wednesday, January 27, 2016 1:23 PM
To: Martin, Jodee
Subject: SB 153

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

With the elimination of penalties, farm animals will have less protection. The current cruelty code of the State of WV defines these violations clearly and is already organized to manage such situations when they occur.

I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

Allyson S. Hedges

Martin, Jodee

From: natwd@aol.com
Sent: Wednesday, January 27, 2016 11:36 AM
To: Martin, Jodee
Subject: WV Cruelty Code, section 61-8-19 / SB 153

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

With the elimination of penalties, farm animals will have less protection. The current cruelty code of the State of WV defines these violations clearly and is already organized to manage such situations when they occur.

I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

Natalie Dyer

25 Fraley Road, West Hamlin, WV 25571

304-633-0291

Martin, Jodee

From: Williamson, Gabi <gabi.dahalia@marshall.edu>
Sent: Wednesday, January 27, 2016 11:07 AM
To: Martin, Jodee
Subject: re: protection of livestock

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

With the elimination of penalties, farm animals will have less protection. The current cruelty code of the State of WV defines these violations clearly and is already organized to manage such situations when they occur.

I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

Gabriella Dahalia, M.A.

College of Education and Professional Development
Assistant to the Dean/Certification Analyst
100 Angus E. Peyton Drive
South Charleston, WV 25303
304.746.1909
gabi.dahalia@marshall.edu



✓

Martin, Jodee

From: Mission Savvy <missionsavvy@gmail.com>
Sent: Wednesday, January 27, 2016 10:52 AM
To: Martin, Jodee
Subject: ATTN: Livestock Standards of Care Board / SB153

Dear Jodee Martin,

I am concerned with the elimination of penalties for the humane treatment of livestock from the rules of the Livestock Standards of Care.

I am writing to request that an amendment be added to SB 153 that would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

It is important that animals in the food industry have protection from inhumane treatment.

With the elimination of penalties, farm animals will have less protection. The current cruelty code of the State of WV defines these violations clearly and is already organized to manage such situations when they occur.

I support the future of the WV farming industry. Let's not destroy our culture and tradition of farming by taking a step backwards towards ignoring poor practices of farmers who violate the progressive system.

Thank you for your time, please contact me with any questions.

Jennifer Miller
304-881-7187

✓

Martin, Jodee

From: Charm Gentry <charm92000@gmail.com>
Sent: Sunday, January 24, 2016 1:04 PM
To: Martin, Jodee
Subject: Senate Bill 153

ATTN: LIVESTOCK Standards Care Board:

Please add a brief amendment to Senate Bill 153 which would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19. We are concerned without this amendment, farm animals would have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exist in current cruelty code.

Livestock needs more protection and not less! Please do the humane thing and get more protection for our livestock who ultimately feed us.

We are proud in WV of our Farmer's Markets and organic farming methods. Let's not destroy this by creating an environment of less protection for inhumane treatment of farm animals.

Thanks in advance.

Charm Gentry

K-9 Cadaver Dog Handler

BOD WVK9 SAR, INC.

Retired Member of BCTSRT, INC.

Lifetime member of WV K9 SAR, INC.

Retired DMORT Region III

✓

Martin, Jodee

From: Sylvia Shafer <sysha@frontier.com>
Sent: Saturday, January 23, 2016 4:42 PM
To: Sylvia Shafer
Subject: FW: ACTION NEEDED ON SB 153

From: Sylvia Shafer [mailto:sysha@frontier.com]
Sent: Saturday, January 23, 2016 4:41 PM
Subject: ACTION NEEDED ON SB 153

SB 153 lists Rules for Livestock, as proposed by the Livestock Standards of Care Board. These rules were revisited after the last commenting period, resulting in providing sufficient floor space for poultry to rest. However, now there is a new but brief commenting period through February 10th on the existing SB 153. Our greatest concern with the proposed rules is the **elimination of penalties for inhumane treatment of livestock**. This is a complex issue since livestock were not handled well under the existing cruelty code. However, with these penalties removed from the rules we feel livestock are even more compromised in receiving adequate protection. Here is our suggestion for sending comments on this to the board. Please help livestock get the minimal protection they deserve.

Please send your comments (before Feb. 10th to:
Jodee Martin, WV Deot. If AG; 1900 Kanawha Blvd. East, Charleston WV 25305 or email jodeemartin@wvda.us.

ATTN: LIVESTOCK Standards Care Board:

Please add a brief amendment to Senate Bill 153 which would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19. We are concerned without this amendment, farm animals would have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exist in current cruelty code.

We are proud in WV of our Farmer's Markets and organic farming methods. Let's not destroy this by creating an environment of less protection for inhumane treatment of farm animals.

Thanks,
Sylvia
www.wvvaw.org

Martin, Jodee

From: James Spencer <jimdonnaspencer@frontier.com>
Sent: Sunday, January 24, 2016 5:47 AM
To: Martin, Jodee
Subject: SB 153

Dear Ms. Martin:

With regards to the LIVESTOCK Standards Care Board:

We respectfully request that you add a brief amendment to Senate Bill 153 which would appropriately link violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19.

We are concerned without this amendment , farm animals would have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exist in current cruelty code.

We are proud in WV of our Farmer's Markets and organic farming methods. Let's not destroy this by creating an environment of less protection for inhumane treatment of farm animals.

Respectively submitted,

James E Spencer, Sr.
President
Help for Animals, Inc.
Barboursville, WV

Martin, Jodee

From: Jane M. <seegarjm@gmail.com>
Sent: Sunday, January 24, 2016 1:37 AM
To: Martin, Jodee
Subject: SB 153

ATTN: LIVESTOCK Standards Care Board

Please add a brief amendment to Senate Bill 153 which would appropriately **link** violations of the WV Livestock Standards of Care to the penalties proclaimed under the WV Cruelty Code, section 61-8-19. We are concerned that without this amendment, farm animals will have less protection from inhumane treatment, resulting in more uncertainty with cruelty violations than what exists in current cruelty code.

We are proud in WV of our Farmers' Markets and organic farming methods. Let's not threaten this by eroding existing protections against inhumane treatment of farm animals. Thank you for your consideration --

Jane Seegar, President
Pendleton Animal Welfare

--

PO Box 839
Franklin WV 26807

TITLE 73
LEGISLATIVE RULE
SERIES 1
LIVESTOCK CARE STANDARDS

FILED

2016 FEB 11 P 3:33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§73-1-1. General.

1.1. Scope. -- This legislative rule governs the care and well-being of livestock including, beef cattle, bison, veal, dairy cattle, equine, swine, small ruminant, and poultry, and captive cervids in the state of West Virginia.

1.2. Authority. -- West Virginia Code §19-1C-4.

1.3. Filing Date. --

1.4. Effective Date. --

§73-1-2. 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 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. "Captive cervid farming facility" means a facility which is licensed to hold cervids in a permanent enclosure.

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

2.8. "Cervid" means all members of the family Cervidae and hybrids, including deer, elk, moose, caribou, reindeer, and related species, both native and exotic.

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

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

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

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

2.13. "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.

2.14. "General quarantine" means a confined area under the direct supervision and control of a State or Federal animal health official, who shall establish procedures for the accounting of all animals entering or leaving the area.

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

2.16. "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. It is the scientific method of evaluating a horse's body condition regardless of breed, body type, sex or age.

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

2.18. "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.

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

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

2.21. "Pharmaceuticals" means medication or medicine.

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

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

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

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

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

2.26. "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.

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

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

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

2.30. "Valid veterinarian-client-patient relationship" means a relationship where 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.

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

§73-1-3. Addressing complaints regarding inhumane treatment of livestock.

3.1. Complaints regarding the inhumane treatment of livestock shall be placed to the sheriff, humane officer, or county commission in the county in which the complaint originated.

3.2. The sheriff, humane officer, or county commission shall forward all information regarding this complaint to the West Virginia Department of Agriculture and the Livestock Care Standards Board.

§73-1-4. Feed, water and ventilation.

4.1. The responsible party shall provide its livestock with adequate feed, water and ventilation so as to maintain a body condition appropriate for its age, use, stage of production, and weather conditions.

4.2. A responsible party may withhold feed and water for the following reasons:

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

§73-1-5. Space.

5.1. The responsible party shall provide livestock sufficient space which may consist of the following:

- 5.1.a. An enclosure to confine;
 - 5.1.b. An enclosure to semi-confine; or
 - 5.1.c. An outdoor lot or pasture.
- 5.2. If used, facilities may be environmentally controlled.
- 5.3. Individual animals may be separated.
- 5.4. Indoor stocking densities shall allow for a single layer of animals. sufficient floor space for poultry to perch or rest based on poultry production standards, production type, management guides and housing type.

§73-1-6. Health care.

6.1. The responsible party shall promptly provide health care sufficient to maintain livestock which shall include:

- 6.1.a. Immunizations and vaccinations;
- 6.1.b. Use of pharmaceuticals and biologicals. Pharmaceuticals and biologicals shall be used in accordance with label directions or as directed by a licensed veterinarian; and
- 6.1.c. Prescription and extra-label medications. Prescription and extra-label medications shall be administered as directed by a licensed veterinarian with a valid-client-patient relationship.

§73-1-7. Preparing animals for exhibition.

7.1. The responsible party shall train, fit and restrain livestock for exhibition in a manner that minimizes the risk of injury.

§73-1-8. Livestock handling.

- 8.1. The responsible party shall do the following in a manner that minimizes the risk of injury:
- 8.1.a. Handling of livestock; and
 - 8.1.b. Loading or unloading of livestock for or from transport.

§73-1-9. Transportation.

9.1. Livestock must be able to stand in their natural posture or position or rest in a single layer once loaded for transport. sufficient floor space for poultry to perch or rest based on poultry production standards, production type, management guides and housing type.

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

9.3. The responsible party shall make the final decision in determining the fitness for livestock loading and 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.

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

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

§73-1-10. Handling of disabled livestock.

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

10.2. The responsible party shall provide ambulatory disabled, non-ambulatory disabled or distressed livestock with access to water, and if maintained longer than twenty (24) hours, access to feed.

10.3. The responsible party shall handle and move ambulatory disabled, non-ambulatory disabled or distressed animals in a manner that minimizes the risk of additional distress.

10.4. The responsible party shall load disabled livestock only for transport for treatment.

10.5. The responsible party shall euthanize livestock in severe distress with an irreversible condition.

§73-1-11. Bio-security.

11.1. The responsible party may enforce bio-security protocols and limit public access to farms.

11.2. The responsible party may use animals, devices or fencing for predator control.

§73-1-12. Exemptions.

12.1. This rule does not apply during emergency situations or 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.*)

§73-1-13. Standards of care for beef cattle, bison, and veal.

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

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

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

13.2.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 is in violation of the Department of Agriculture's rule, Livestock Care Standards 73CSR1.

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

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

13.5. Concerning beef cattle, bison and veal, the following are authorized practices:

- 13.5.a. Castration;
- 13.5.b. Disbudding;
- 13.5.c. Dehorning;
- 13.5.d. Identification, including:
 - 13.5.d.1. tattoos;
 - 13.5.d.2. tagging;
 - 13.5.d.3. freeze branding;
 - 13.5.d.4. hot branding; and
 - 13.5.d.5. ear notching;
- 13.6. Supernumerary teat removal;
- 13.7. Hoof trimming;
- 13.8. Artificial insemination;
- 13.9. Embryo transfer;
- 13.10. Navel dipping;
- 13.11. Breeding soundness evaluations;
- 13.12. Surgery; and
- 13.13. Nose rings.

§73-1-14. Standards of care for dairy cattle.

- 14.1. Facilities shall be free of excessive manure.
- 14.2. Body scoring shall be determined by using industry standards.
 - 14.2.a. Evaluations shall be made using a scale of 1 – 5.
 - 14.2.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 is in violation of the Department of Agriculture's rule, Livestock Care Standards 73CSR1.
- 14.3. Calves shall be fed milk or milk replacer until they are weaned.
- 14.4. Concerning dairy cattle the following are authorized practices:
 - 14.4.a. Tie stalls. Tie stalls may be used if:
 - 14.4.a.1. Cattle are turned out routinely for exercise;
 - 14.4.a.2. The tie stalls are designed and maintained so that their 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
 - 14.4.a.3. Cattle have room to stretch, eat, drink, and eliminate comfortably;
 - 14.4.b. Free stalls. Free stalls may be used if:
 - 14.4.b.1. The free stalls are designed and maintained so that their 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
 - 14.4.b.2. Stocking rates allow for adequate time per animal for rest, exercise and feed and water consumption;
 - 14.4.c. Dehorning;
 - 14.4.d. Debudding;
 - 14.4.e. Tail switch trimming; and
 - 14.4.f. Tail docking; Tail docking may be performed using an elastrator castration band if the following requirements are met:

- 14.4.f.1. It is performed no sooner than the first confirmation of pregnancy;
- 14.4.f.2. The animal is managed using a dairy herd management system that practices tail docking; and
- 14.4.f.3. The responsible party provides a fly control program.
- 14.4.f.4. Only a licensed veterinarian may perform other methods of tail docking.
- 14.4.g. Identification;
- 14.4.h. tattoo;
- 14.4.i. tagging, including
 - 14.4.i.1. branding; and
 - 14.4.i.2. ear notching.
- 14.4.j. Supernumerary teat removal;
- 14.4.k. Hoof trimming;
- 14.4.l. Artificial Insemination;
- 14.4.m. Embryo transfer;
- 14.4.n. Navel dipping;
- 14.4.o. Breeding soundness evaluations;
- 14.4.p. Surgery; and
- 14.4.q. Nose rings.

§73-1-15. Standards of care for equine.

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

15.2. Drink.

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

15.3. Feed.

15.3.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) is unacceptable; unless that animal is under the supervision of a licensed veterinarian. Geriatric or ill horses may have less than an ideal weight and body condition.

15.3.b. In the event of a communicable disease the state veterinarian shall place an equine quarantine which shall be a minimum of 200 yards from any animal.

15.4. Concerning weight and body condition of equine the following scoring method shall be used:

15.4.c. Poor. Body score is “one” (1). Animal is extremely emaciated, Spinous processes (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.

15.4.d. 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 (loin area) vertebrae feel rounded. Spinous processes ribs, shoulders and neck structures are faintly discernible.

15.4.e. 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.

15.4.f. 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.

15.4.g. 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.

15.4.h. Moderate to Fleishy. 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.

15.4.i. Fleishy. 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.

15.4.j. 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.

15.4.k. 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.

15.5. Space.

15.5.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.

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

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

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

15.5. Authorized practices. The following are authorized practices;

15.5.a. Castration;

15.5.b. Identification;

15.5.c. Hoof trimming;

15.5.d. Shoeing;

15.5.e. Artificial insemination;

15.5.f. Embryo transfer;

15.5.g. Navel dipping;

15.5.h. Breeding soundness evaluations;

15.5.i. Surgery;

15.5.j. Dental care; and

15.5.k. Restraint by use of a twitch.

15.6. The following shall be unauthorized practices:

15.6.a. Soring shall be prohibited as referenced in §73-1-2. 2.24 of this legislative rule.

§73-1-16. Standards of care for small ruminants.

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

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

16.1.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 is in violation.

16.2. The following are authorized practices:

16.2.a. Ovine.

16.2.a.1. Castration;

16.2.a.2. Hoof trimming;

16.2.a.3. Tail docking;

16.2.a.4. Identification;

16.2.a.5. Shearing;

16.2.a.6. Artificial insemination; and

16.2.a.7. Embryo transfer;

16.2.b. Caprine.

16.2.b.1. Castration;

16.2.b.2. Dehorning;

16.2.b.3. Disbudding;

16.2.b.4. Hoof trimming;

16.2.b.5. Identification;

16.2.b.6. Shearing;

16.2.b.7. Artificial insemination; and

16.2.b.8. Embryo transfer.

16.2.c. Camelids.

16.2.c.1. Hoof trimming;

16.2.c.2. Identification; and

16.2.c.3. Shearing.

§73-1-17. Standards of care concerning swine.

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

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

17.3. The following are be authorized practices:

17.3.a. Castration;

17.3.b. Needle teeth clipping;

17.3.c. Boar tusk removal;

17.3.d. Tail docking;

17.3.e. Identification, using ear notching, tattooing, or ear tagging;

17.3.f. Environmentally controlled housing. Swine may be raised in environmentally controlled housing designed in a manner that minimizes the effects of adverse weather conditions;

17.3.g. Stalls, pens or outdoor lots with shelters for gestating sows; and

- 17.3.h. Crates, pens or outdoor huts for farrowing and lactating sows.
- 17.3.i. Nose rings;
- 17.3.j. Surgery; and
- 17.3.k. Artificial insemination.

§73-1-18. Standards of care concerning poultry.

18.1. Stocking densities shall allow all poultry to rest or perch at the same time in a single layer.sufficient floor space for poultry to perch or rest based on poultry production standards, production type, management guides and housing type.

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

18.3. The following are authorized practices:

18.3.a. Non-feed withdrawal molt methods for layers and breeder;

18.3.b. Trimming of the beak;

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

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

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

18.3.d.2. Preparation for transportation; and

18.3.e. Housing methods, including

18.3.e.1. A 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;

18.3.e.2. A 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

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

18.4. Euthanasia or Depopulation. 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.

§73-1-19. Standards of care concerning captive cervids.

19.1. The responsible party shall maintain captive cervids in accordance with the Department of Agriculture's rule Captive Cervid Farming 61CSR34.

19.2. Body scoring shall be determined by using the Canadian system or Purina Mills.

19.2.a. Evaluations shall be made using a scale of 1-5.

19.2.b. Any owner of a captive cervid with a score of less than 2 and not under the care of a licensed and accredited veterinarian in West Virginia is in violation of this rule.

§73-1-20. Animal morbidity and mortality data.

20.1 Animal morbidity and mortality data shall be referenced in the USDA FSA West Virginia Livestock Mortality Rates.

§73-1-21. Penalties.

21.1. A person who violates any provision of this rule is subject to the penalties prescribed in West Virginia Code §61-8-19.