WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/2/2022 3:27:28 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture

TITLE-SERIES: 61-31

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Livestock Care Standards

CITE STATUTORY AUTHORITY: §19-1C-4(c)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/02/2022 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jodee Martin

ADDRESS: WV Dept. of Agriculture

1900 Kanawha Boulevard, East

EMAIL: rulescomments@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

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

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Adding new definition and renumbering.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no economic impact.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no economic impact

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There is no economic impact.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 31
LIVESTOCK CARE STANDARDS

§61-31-1. 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(c).

1.3. Filing Date. -- ~~April 25, 2022~~

1.4. Effective Date. -- ~~April 25, 2022~~

1.5. Sunset Date. -- This rule will terminate and have no further force and effect on August 1, ~~2032~~ ten years from its 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 production to enhance animal production, comfort, and safety, as well as 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 agricultural operation, as well as controlling organisms already present on the agricultural 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. "Commissioner" means the West Virginia Commissioner of Agriculture or his or her designee.

2.11. "Department" means the West Virginia Department of Agriculture.

2.12. "Dispossess" means to use available means to, as humanely as possible and in emergency circumstances, terminate the life of diseased or disabled livestock or poultry.

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

~~2.13.~~ 2.14. "Emergency situation" means a serious unexpected and often dangerous situation requiring immediate action.

~~2.14.~~ 2.15. "Equine" means an animal that is a member of the Equine genus including horses, ponies, mules, asses, donkeys, and zebras.

~~2.15.~~ 2.16. "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 2020 Edition.*

~~2.16.~~ 2.17. "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.

~~2.17.~~ 2.18. "Handling" means the moving, confining, or restraining of livestock for management practice, relocating, loading or unloading.

~~2.18.~~ 2.19. "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.

~~2.19.~~ 2.20. "Herd or flock" means a group of animals or birds that live, feed or travel together.

~~2.20.~~ 2.21. "Licensed and accredited veterinarian" means any veterinarian licensed to practice veterinary medicine in the state of West Virginia and accredited by the State Veterinarian and 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.

~~2.21.~~ 2.22. "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.

~~2.22.~~ 2.23. "Non-ambulatory disabled" means being unable to rise from a recumbent position or being unable to walk.

~~2.23.~~ 2.24. "Pharmaceuticals" means medication or medicine.

~~2.24.~~ 2.25. "Poultry" means any birds raised commercially or domestically for meat, eggs, feathers and pets.

~~2.25.~~ 2.26. "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.

~~2.26.~~ 2.27. "Responsible party" means a person who is the owner of the livestock or a person who has current responsibility of custody of the livestock.

~~2.27.~~ 2.28. "Responsible law enforcement officer" means the sheriff, humane officer, or other agent designated by the county commission in each county for the investigation and enforcement of inhumane treatment of livestock or other animals.

~~2.28.~~ 2.29. "Shelter" means any cover man made or natural that gives livestock protection from the elements.

~~2.29.~~ 2.30. "Small Ruminants" means sheep and lambs, goats, alpacas and llamas.

~~2.30.~~ 2.31. "Soring" means the practice of applying an irritating or blistering agent, internally or externally, to any limb of a horse; any burn, cut or laceration that 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 the application of any other substance or device that has been used by a person on any limb of 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. The 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.

~~2.31.~~ 2.32. "Swine" means any various stout-bodied short-legged omnivorous artiodactyl mammals (family Suidae).

~~2.32.~~ 2.33. "Vaccination" means the inoculation of an animal with a vaccine.

~~2.33.~~ 2.34. "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.

~~2.34.~~ 2.35. "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.

~~2.35.~~ 2.36. "Veal" means a young bovine raised for the purpose of veal meat production.

§61-31-3. Addressing complaints regarding inhumane treatment of livestock.

3.1. The county sheriff, humane officer, county commission, or other designated county authority is responsible for investigating and taking any action in response to a complaint of inhumane treatment of animals or livestock.

3.1.a. The Department shall forward complaints received by the Department to the responsible law enforcement officer of the county in which the conduct complained of occurred.

3.1.b. Law enforcement officers shall forward all complaints received regarding the inhumane treatment of livestock to the Department.

3.2. Any law enforcement officer may request assistance from the Department in addressing a situation concerning the inhumane treatment of livestock. Any documentation or communication regarding any investigation of a situation involving the inhumane treatment of livestock is confidential and exempt from disclosure pursuant to the West Virginia Freedom of information Act, W. Va. Code §29B-1-1 *et seq*.

3.3. Any law enforcement officer may request an opinion concerning the application of this rule to the Commissioner.

3.3.a. The requesting officer shall present the request in writing and provide all information in his or her possession concerning the complaint, including the results of any investigation conducted to date.

3.3.b. The Commissioner, or his or her designee, may investigate the complaint further or request additional information from the requesting officer, the animal owner, or the individual submitting the complaint. Any information collected as part of this process is considered confidential and exempt from disclosure pursuant to the West Virginia Freedom of information Act, W. Va. Code §29B-1-1 *et seq*.

3.3.c. The Commissioner may decline to issue an opinion if insufficient information is available.

§61-31-4. 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, and stage of production, and given 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.

§61-31-5. 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 sufficient floor space for poultry to perch or rest based on poultry production standards, production type, management guides and housing type.

§61-31-6. 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.

§61-31-7. 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 to the livestock.

§61-31-8. Livestock handling.

8.1. The responsible party shall do the following in a manner that minimizes the risk of injury to the livestock:

8.1.a. Handling of livestock; and

8.1.b. Loading or unloading of livestock for or from transport.

§61-31-9. Transportation.

9.1. Livestock must be able to stand in their natural posture or position or rest, and poultry must have sufficient floor space 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 of the transportation for livestock loading and transport and on 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 the livestock, 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.

§61-31-10. Handling of disabled and distressed 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~~ dispossess livestock in severe distress with an irreversible condition.

§61-31-11. 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.

§61-31-12. Exemptions.

12.1. This rule does not apply during emergency situations or limit or prevent a licensed and accredited 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.)*

§61-31-13. 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 – 9.

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 will be considered to be in violation of this rule.

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;

13.13. Nose rings; or

13.14. Any other widely accepted practices.

§61-31-14. 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 this rule.

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;

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 and accredited 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;

14.4.q. Nose rings; or

14.q.r. Any other widely accepted practices.

§61-31-15. 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. 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 and accredited 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 being identified, the state veterinarian shall place an equine quarantine, which shall require the infected equine to be held a minimum of 200 yards from any other animal.

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

15.4.a. 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.

15.4.b. 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.

15.4.c. 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.d. 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.e.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.f. Moderate to Fleshy. 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.g. Fleshy. 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.h. 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.i. 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.

15.6. Authorized practices. The following are authorized practices;

15.6.a. Castration;

15.6.b. Identification;

15.6.c. Hoof trimming;

15.6.d. Shoeing;

15.6.e. Artificial insemination;

15.6.f. Embryo transfer;

15.6.g. Navel dipping;

15.6.h. Breeding soundness evaluations;

15.6.i. Surgery;

15.6.j Dental care;

15.6.k. Restraint by use of a twitch; or

15.6.l. Any other widely accepted practices.

15.7. The following are unauthorized practices:

15.7.a. Soring, as that term is defined in subdivision 2.3o of this rule.

§61-31-16. Standards of care for small ruminants.

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

16.1.a. Evaluations shall be made 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 of this rule.

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;

16.2.a.7. Embryo transfer; or

16.2.a.8. Any other widely accepted practices.

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;

16.2.b.8. Embryo transfer; or

16.2.b.9. Any other widely accepted practices.

16.2.c. Camelids.

16.2.c.1. Hoof trimming;

16.2.c.2. Identification;

16.2.c.3. Shearing; or

16.2.c.4. Any other widely accepted practices.

§61-31-17. 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;

17.3.h. Crates, pens or outdoor huts for farrowing and lactating sows;

17.3.i. Nose rings;

17.3.j. Surgery;

17.3.k. Artificial insemination; or

17.3.l. Any other widely accepted practices.

§61-31-18. Standards of care concerning poultry.

18.1. Stocking densities shall allow 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~~ dispossessed.

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;

18.3.e. Housing methods, including; or

18.3.f. Any other widely accepted practices.

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.

§61-31-19. 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.

§61-31-20. Animal morbidity and mortality data.

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

§61-31-21. 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.