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## States' Farm Animal Welfare Statutes: *West Virginia*



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# A National Agricultural Law Center Research Publication

## States' Farm Animal Welfare Statutes: West Virginia

### W. Va. Code §§ 19-1C-1 to 19-1C-6.

*Current with legislation of the 2022 First Special Session, Regular Session, and Second Special Session approved through March 27, 2022.*

#### **§19-1C-1. Legislative findings**

(a) The Legislature finds that the following are important to protect the health and welfare of the citizens of West Virginia:

- (1) Establishing standards governing the care and well-being of livestock in this state;
- (2) Maintaining food safety;
- (3) Encouraging locally grown and raised food; and
- (4) Protecting West Virginia farms and families.

(b) Therefore, to protect the public interest, the Legislature finds that it is necessary to create a Livestock Care Standards Board.

#### **§19-1C-2. Definitions**

For the purposes of this article:

- (1) "Board" means the Livestock Care Standards Board.
- (2) "Livestock" has the same definition as set out in subsection (d), section two, article ten-b of this chapter.

#### **§19-1C-3. Livestock Care Standards Board**

(a) On July 1, 2010, there is hereby created the Livestock Care Standards Board.

(b) Prior to July 1, 2010, the Governor shall appoint, by and with the advice and consent of the Senate, the following eleven members:

- (1) One member who is a veterinarian licensed in this state engaging in large animal practice, for a term of two years;
- (2) The dean of the agriculture department of a college or university located in this state, for a term of three years ;



- (3) One member representing a county humane society that is organized under state law, for a term of four years ;
- (4) One member who is knowledgeable about food safety in this state, for a term of five years ;
- (5) Two members of the public representing West Virginia consumers, one for a term of two years and one for a term of four years ;
- (6) Two members representing state agricultural organizations that represent farmers, one of whom must be a member of the largest organization in the state representing farmers for a term of three years, and the other must be a member of a statewide livestock organization, for a term of five years ; and
- (7) Three members representing family farms engaged in animal production, at least two of whom are family farmers, for the following terms: one for three years, one for four years and one for five years.

(c) After the initial appointment terms, the appointment term is five years. Appointed members may be reappointed for additional terms.

(d) Commencing July 1, 2010, the board consists of the following thirteen members:

- (1) The Commissioner of the Department of Agriculture or his or her designee, ex officio non-voting, who is the chairperson of the board;
- (2) The Director of the Animal Health Division, ex officio non-voting;
- (3) One member who is a veterinarian licensed in this state engaging in large animal practice;
- (4) The dean of the agriculture department of a college or university located in this state;
- (5) One member representing a county humane society that is organized under state law;
- (6) One member who is knowledgeable about food safety in this state;
- (7) Two members of the public representing West Virginia consumers;
- (8) Two members representing state agricultural organizations that represent farmers, one of whom must be a member of the largest organization in the state representing farmers, and the other must be a member of a statewide livestock organization; and
- (9) Three members representing family farms engaged in animal production, at least two of whom are family farmers.



(e) All members must be residents of this state during their terms. No more than seven members of the board may be of the same political party and no more than five may be from the same congressional district at any given time.

(f) All appointed members serve until their successor has been appointed and qualified. Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

#### **§19-1C-4. Powers and duties of the board**

(a) The board has the following powers and duties to:

- (1) Establish standards governing the care and well-being of livestock in this state;
- (2) Maintain food safety;
- (3) Encourage locally grown and raised food; and
- (4) Protect West Virginia farms and families.

(b) The board is also authorized to establish standards by legislative rule, pursuant to the provisions of article three, chapter twenty-nine-a of this code, governing the care and well-being of livestock in this state, including:

- (1) The agricultural best management practices for the care and well-being of livestock and poultry in this state;
- (2) Biosecurity, disease prevention, animal morbidity and mortality data;
- (3) Food safety practices; and
- (4) The protection of local, affordable food supplies for consumers.

(c) The Department of Agriculture shall administer and enforce the standards established by the board that are approved by the Legislature.

#### **§19-1C-5. Compensation of board members**

(a) The ex officio members of the board may not receive compensation for serving on the board.

(b) The appointed members of the board shall receive compensation for each day or portion of a day engaged in the discharge of official duties, which compensation may not exceed the amount paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law.

(c) Each member of the board shall be reimbursed actual and necessary



expenses incurred for each day or portion of a day engaged in the discharge of official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

**§19-1C-6. Meetings of the board**

The board shall meet at least annually, and the chairperson may call additional meetings of the board upon the written request of three members.

