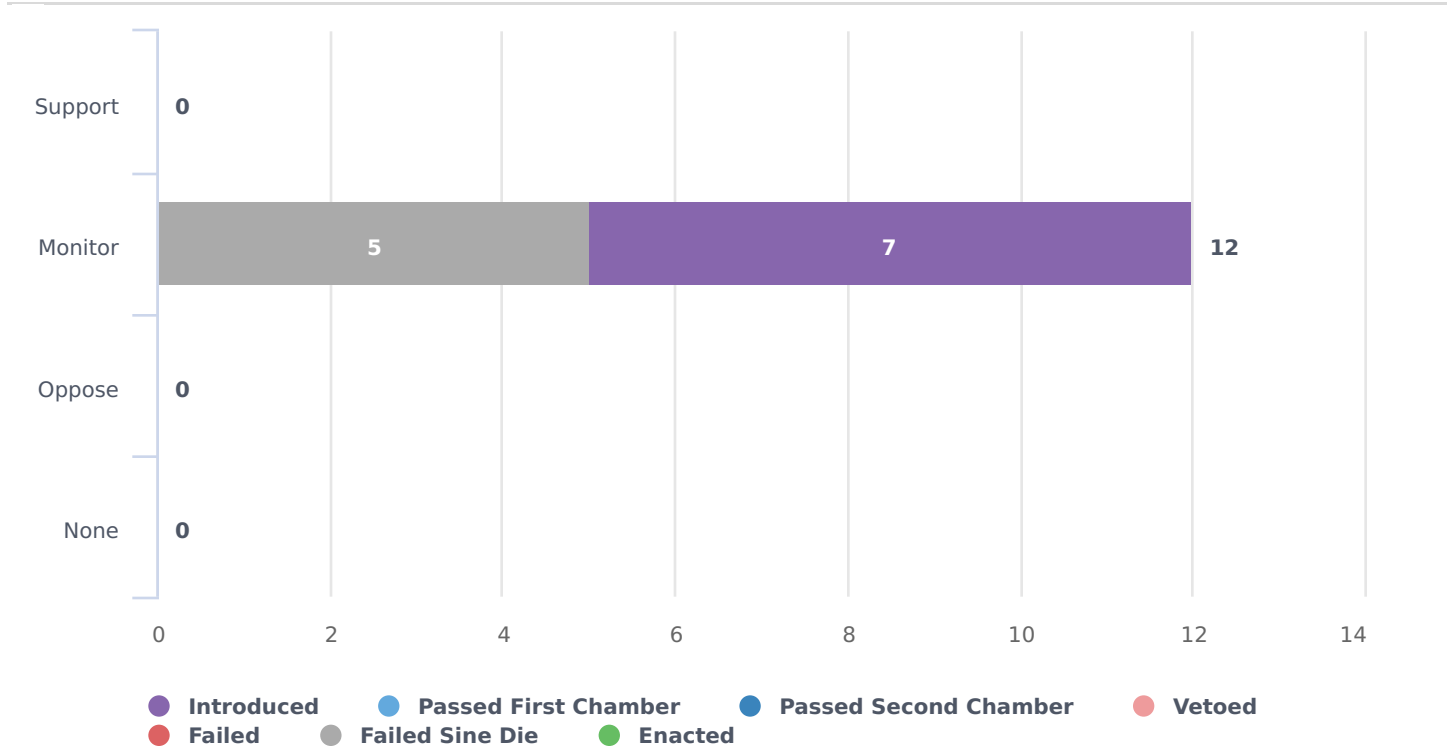


West Virginia - 2024 Legislative Overview

Last Updated: March 13, 2024

Bills by Last Status and Position



Bill State: WV (12)

State	Bill Number	Last Action	Status	Position
WV	HB 4363	Filed For Introduction 2024 01 10	In House	Monitor
Title To permit the ownership of Japanese quail as pets without a permit so long as the quail are not kept for commercial purposes		Bill Summary: Last edited by Jeff Plummer at Jan 13, 2024, 9:49 PM Amends Chapter 20 (Natural Resources), Article 2 (Wildlife Resources), Section 20-2-47 (License for private game farm for propagating animals and birds for commercial purposes) of West Virginia Code to allow an owner of Japanese quail (Coturnix Quail and Button Quail) to keep them as pets without having to obtain a license for a private game farm. Provides that this section does not require an owner of Japanese quail (Coturnix Quail and Button Quail) to obtain a license under this section to keep them as pets if the quail are not used for commercial purposes. Provides that occasional sales of 3 or fewer quail in a calendar year do not qualify as "commercial purposes" as used in this section.		

State WV	Bill Number HB 4600	Last Action Filed For Introduction 2024 01 11	Status In House	Position Monitor
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Title
Repeal domestic animal tax

Bill Summary: Last edited by Jeff Plummer at Jan 12, 2024, 6:03 PM
Amends Chapter 8 (Municipal Corporations), Article 13 (Taxation & Finance), Section 8-13-10 (Domestic Animal Tax) of West Virginia Code repeal the section of code relating to domestic animal tax. Section 8-13-10 language to be repealed: Every municipality shall have plenary power and authority to levy and collect an annual license tax upon the privilege of keeping a domestic animal within the corporate limits of the municipality.

State WV	Bill Number HB 4655	Last Action Filed For Introduction 2024 01 12	Status Failed sine die	Position Monitor
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Title
Establishing an animal abuser registry

Bill Summary: Last edited by Jeff Plummer at Jan 12, 2024, 6:14 PM
Amends Chapter 15 (Public Safety) of West Virginia Code by adding a new Article 17 (Animal Abuser Registry) to establish a statewide animal abuse registry. Provides that the primary law-enforcement agency of each locality shall maintain a local registry of animal abusers in the agency's jurisdiction required to register pursuant to this section. Provides that the agency shall forward all registration information obtained from animal abusers to the State Police within 10 days of receiving initial registration information from an animal abuser, the agency shall contact each residence, school, humane society, animal shelter, and business within one-half mile of the animal abuser's residence or location and provide it with the animal abuser's registration information, with the exception of his or her Social Security number. Provides that the State Police shall maintain a central registry of animal abusers required to register pursuant to the provisions of this section. Provides that records of each animal abuser's registration shall be maintained for the duration of the 15-year period in which he or she is required to be registered. Provides that all of the information contained in the central registry, with the exception of the Social Security numbers of animal abusers, shall be made available to the public through internet access, telephone access, written access, and in-person access.

Title
Providing increased protections for the welfare of domestic animals

Bill Summary: Last edited by Jeff Plummer at Jan 22, 2024, 1:33 PM
Amends Chapter 7 (County Commissions & Officers), Article 10 (Humane Officers) and Chapter 19 (Agriculture), Article 20 (Dogs and Cats) to: 1) Amend Section 19-20-26 (Commercial Dog-Breeding Operations) of the Code of West Virginia to provide primary enclosure standards and commercial dog breeder written disclosure requirements; and 2) Add a new Section 19-20-27 (Dogs unfit for sale and purchaser's remedies). Amends Section 19-20-26 (Commercial Dog-Breeding Operations) to require that: 1) A written disclosure be delivered to each purchaser of a dog containing certain information (breeder's name, address and USDA license #, vet records). 2) Primary enclosures must provide sufficient space to allow each animal to make normal postural adjustments, to turn freely and to easily stand, sit, stretch, move its head without touching the top of the enclosure, lie in a comfortable position with limbs extended, move about and assume a comfortable posture for feeding, drinking, urinating and defecating. A primary enclosure shall allow animals to sit, sleep, and eat away from where they defecate and urinate. For animals housed long-term, primary enclosures shall include opportunities for hiding, playing, resting, feeding, and eliminating. Dogs must be provided with a rest board, floormat, or similar device that can be maintained in a sanitary condition. Adds a new Section 19-20-27 (Dogs unfit for sale and purchaser's remedies) which considers a dog unfit for sale if: 1) A dog becomes ill within 15 days after purchase; or 2) Within 1 year after purchase a purchaser discovers a dog has a congenital or hereditary condition. Provides for consumer remedies for dogs deemed unfit for sale by commercial dog breeders to include: 1) Return of the dog to the breeder for a refund of the purchase prices, plus sales tax, and reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not to exceed the original purchase price of the dog including sales tax; 2) Exchange the dog for another dog of the purchaser's choice of equivalent value, providing that a replacement dog is available, and reimburse the purchaser for reasonable veterinary fees for diagnosis and treatment of the dog in an amount not to exceed the original purchase price of the dog including sales tax; 3) Reimbursement to the purchaser for veterinary fees for diagnosis and treatment of the dog in an amount not to exceed 150% of the original purchase price of the dog including sales tax; or 4) In the event of the death of the dog, the purchaser may obtain a refund for the purchase price of the dog plus sales tax or a replacement dog of the purchaser's choice of equivalent value and reimbursement of reasonable veterinary fees for the diagnosis and treatment of the dog in an amount not to exceed the purchase price of the dog plus sales tax.

Title
Relating to the tax exemption of a citizen who paid to have a cat or dog spayed or neutered.

Bill Summary: Last edited by Jeff Plummer at Jan 22, 2024, 1:43 PM
Amends Chapter 11 (Taxation), Article 21 (Personal Income Tax) of the Code of West Virginia by adding a new Section 11-21-23 (Cost of spaying or neutering a dog or cat tax credit) to allow for a tax credit for the cost of spaying or neutering a dog or cat. Provides that a credit against the tax imposed by the provisions of this article shall be allowed as follows: The cost of spaying or neutering a dog or cat, the credit is equal to 100 percent of the cost paid for spaying or neutering a dog or cat which may be taken in the year of the spaying or neutering a dog or cat. Provides that the taxpayer must present a receipt for the service from a licensed veterinarian.

State
WV

Bill Number
HB 5044

Last Action
Filed For Introduction 2024 01 23

Status
In House

Position
Monitor

Title
Relating to cruelty to animals

Bill Summary: Last edited by Jeff Plummer at Jan 23, 2024, 5:40 PM
Amends Article 8 (Crimes Against Chastity, Morality and Decency), Section 61-8-19 (Cruelty to Animals; Penalties) of the Code of West Virginia to further provide for definitions and penalties for the offense of cruelty to animals. Adds definitions for "food", "water", "shelter" and "treatment". Provides restrictions for tethering an animal. Adds provision for seizure of an animal if risk of harm or death is likely. Provides that any person in violation of this section for a second time shall be added to a state-wide, publicly available, do not adopt or sell registry. Increases criminal penalties to include: 1) Jail confinement for a period of not less than 6 months (currently 90 days); and 2) A fine of not less than \$1,000 (currently \$500) nor more than \$5,000 (currently \$3,000).

Title

Increase penalties for abuse of or cruelty to animals

Bill Summary: Last edited by Jeff Plummer at Jan 26, 2024, 3:43 PM

Amends Chapter 7 (County Commissions & Officers), Article 10 (Humane Officers) and Chapter 19 (Agriculture), Article 20 (Dogs and Cats) to: 1) Amend Section 19-20-26 (Commercial Dog-Breeding Operations) of the Code of West Virginia to provide primary enclosure standards and commercial dog breeder written disclosure requirements; and 2) Add a new Section 19-20-27 (Dogs unfit for sale and purchaser's remedies). Amends Section 19-20-26 (Commercial Dog-Breeding Operations) to require that: 1) A written disclosure be delivered to each purchaser of a dog containing certain information (breeder's name, address and USDA license #, vet records). 2) Primary enclosures must provide sufficient space to allow each animal to make normal postural adjustments, to turn freely and to easily stand, sit, stretch, move its head without touching the top of the enclosure, lie in a comfortable position with limbs extended, move about and assume a comfortable posture for feeding, drinking, urinating and defecating. A primary enclosure shall allow animals to sit, sleep, and eat away from where they defecate and urinate. For animals housed long-term, primary enclosures shall include opportunities for hiding, playing, resting, feeding, and eliminating. Dogs must be provided with a rest board, floormat, or similar device that can be maintained in a sanitary condition. Adds a new Section 19-20-27 (Dogs unfit for sale and purchaser's remedies) which considers a dog unfit for sale if: 1) A dog becomes ill within 15 days after purchase; or 2) Within 1 year after purchase a purchaser discovers a dog has a congenital or hereditary condition. Provides for consumer remedies for dogs deemed unfit for sale by commercial dog breeders to include: 1) Return of the dog to the breeder for a refund of the purchase prices, plus sales tax, and reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not to exceed the original purchase price of the dog including sales tax; 2) Exchange the dog for another dog of the purchaser's choice of equivalent value, providing that a replacement dog is available, and reimburse the purchaser for reasonable veterinary fees for diagnosis and treatment of the dog in an amount not to exceed the original purchase price of the dog including sales tax; 3) Reimbursement to the purchaser for veterinary fees for diagnosis and treatment of the dog in an amount not to exceed 150% of the original purchase price of the dog including sales tax; or 4) In the event of the death of the dog, the purchaser may obtain a refund for the purchase price of the dog plus sales tax or a replacement dog of the purchaser's choice of equivalent value and reimbursement of reasonable veterinary fees for the diagnosis and treatment of the dog in an amount not to exceed the purchase price of the dog plus sales tax. Amends Chapter 6 (Crimes & Punishment), Article 8 (Crimes Against Chastity, Morality & Decency), Section 61-8-19 (Cruelty to animals; penalties; exclusions) to provide that, in addition to any other penalty which can be imposed for a violation of this section, a court MAY (currently "shall") prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction and 15 years following entry of a felony conviction.

State	Bill Number	Last Action	Status	Position
WV	HB 5246	Filed For Introduction 2024 01 26	In House	Monitor

Title
Relating generally to unlawful restraint of dogs

Bill Summary: Last edited by Jeff Plummer at Jan 29, 2024, 2:42 PM
Amends Article 8 (Crimes Against Chastity, Morality and Decency), Section 61-8-19 (Cruelty to Animals; Penalties) of the Code of West Virginia by adding a new Subsection D to prohibit the unlawful restraint of dogs. Provides that an owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to adequate shelter, an area that allows the dog to avoid standing water and exposure to animal waste, shade from direct sunlight, and potable water. Provides that an owner may not restrain a dog outside and unattended by use of a chain with weights attached that is shorter than five times the length of the dog as measured from the tip of the dog's nose to the tip of the dog's tail, or at least 10 feet, and is attached to a collar or harness not properly fitted. Provides that an offense under this section is a misdemeanor punishable by a \$1,000 fine, unless the person has been previously convicted, with each subsequent offense being a \$2,000 fine. For purposes of this section: "Adequate shelter" means a sturdy structure that provides the dog protection from inclement weather and with dimensions that allow a dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position. "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

State	Bill Number	Last Action	Status	Position
WV	HB 5601	Filed For Introduction 2024 02 12	In House	Monitor

Title
To prohibit people taking their animals into a grocery store or a store that sells food if that animal is not a registered service animal

Bill Summary: Last edited by Jeff Plummer at Feb 13, 2024, 6:16 PM
Amends Chapter 19 (Agriculture), Article 20 (Dogs and Cats) of West Virginia Code by adding a new Section 19-20-27 to prohibit a person from taking a dog, cat, or other animal into a grocery store or retail establishment that sells food unless the animal is a registered service animal. Provides that no person shall enter a grocery store or retail establishment that sells food with a dog, cat, or other animal unless the animal is a registered service animal. Provides that a person that violates this section of code shall be subject to a fine of not more than \$500. Upon a second or subsequent violation, he or she shall be subject to a fine of not more than \$1,000.

State	Bill Number	Last Action	Status	Position
WV	SB 221	Filed For Introduction 2024 01 11	In Senate	Monitor

Title
Creating felony offense of aggravated cruelty to animals

Bill Summary: Last edited by Jeff Plummer at Jan 13, 2024, 9:08 PM
Amends Title 61 (Crimes & Their Punishment), Article 8 (Crimes Against Chastity, Morality & Decency), Section 19 (Cruelty to Animals) of the Code of West Virginia to create the felony offense of aggravated animal cruelty. Provides that a person commits aggravated animal cruelty if they: 1) Cause serious bodily injury to an animal; 2) Withhold any of the following which results in the serious injury or death of an animal: (i) Proper sustenance, including food or water; (ii) Shelter that protects from the elements of weather; or (iii) Medical treatment necessary to sustain normal health; 3) Failing to provide proper care to end the suffering of any animal; 4) Abandon an animal to die without proper medical care; 5) Leave an animal unattended and confined in a motor vehicle resulting in the death of the animal. Provides that any person in violation of this section is guilty of a felony and, upon conviction shall be fined not less than \$1,000 nor more than \$3,000 or confined in a state correctional facility not less than 1 nor more than 3 years, or both fined and confined.

State	Bill Number	Last Action	Status	Position
WV	SB 314	Filed For Introduction 2024 01 12	Failed sine die	Monitor

Title
Clarifying what constitutes shelter for animals exposed to cold weather

Bill Summary: Last edited by Jeff Plummer at Jan 12, 2024, 6:24 PM
Amends Article 8 (Crimes Against Chastity, Morality and Decency), Section 61-8-19 (Cruelty to Animals; Penalties) of the Code of West Virginia to strengthen the definition of shelter for animals exposed to extreme weather and to clarify the minimum requirements for what constitutes a shelter. Provides that shelter for a tethered animal or an animal roaming free shall consist of a four-sided structure, with a roof and one opening only wide enough for the animal to enter into the structure unimpeded, and it shall be a suitable size to accommodate the animal in both standing and lying positions. Provides that the shelter shall: 1) Be moisture-proof, windproof, and ventilated; 2) Promote the retention of body heat, and be made of solid, durable material with a solid, moisture-proof floor raised at least two inches from the ground; 3) Have a sufficient quantity of suitable clean bedding material consisting of hay, straw, cedar shavings, or the equivalent to provide insulation and protection against cold and dampness. Blankets that can retain moisture and freeze are not considered an acceptable bedding. Provides that the structure and the surrounding area shall be free from excessive waste, dirt, and trash. Provides that each animal tethered or roaming free shall have their own individual shelter. For an animal in a confinement area (including, but not limited to, outdoor pens or any other area used to house an animal), the shelter shall be at least 100 square feet of floor space in such area for each animal over four months of age kept in the area. Provides that the same requirements for shelter apply for tethered or roaming free animals. Examples of inadequate shelters include, but are not limited to, lean-tos, metal drums, plastic drums, cardboard or other disposable boxes, vehicles, or the area on or beneath exposed porches or exposed decks.

Title
Creating felony offense of cruelty to animals

Bill Summary: Last edited by Jeff Plummer at Jan 22, 2024, 7:03 PM
Amends Title 61 (Crimes & Their Punishment), Article 8 (Crimes Against Chastity, Morality & Decency), Section 19 (Cruelty to Animals) of the Code of West Virginia to create and defines the felony offense of cruelty to animals and to create criminal penalties for such offense. Provides that it is unlawful for any person to intentionally or knowingly: (A) Cause serious bodily injury or death to a domestic animal; (B) Fail to provide proper care to end the suffering of any domestic animal; (C) Abandon a domestic animal to die without appropriate veterinary care; or (D) Leave a domestic animal unattended and confined in a motor vehicle resulting in the death of the animal. Provides that a person who violates this section is guilty of a felony and, upon conviction, shall be fined not less than \$1,000 nor more than \$3,000 or imprisoned in a state correctional facility, not less than one nor more than three years, or both fined and confined. Provides that a person who intentionally tortures, mutilates, maliciously kills an animal, or causes, procures, or authorizes any other person to torture, mutilate, or maliciously kill an animal, is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For purposes of this section: "Animal" means mammals, fish, birds, reptiles, and amphibians. "Domestic animal" means a dog, cat, or other animal ordinarily kept as a house pet. "House pet" means a fully domesticated animal which typically lives indoors and is owned by a person for personal companionship.