

§26-4-9. Abandoned Animals

9.1. An "abandoned animal" means any animal placed for treatment or boarding by its owner or an agent of the owner in the care and custody of a veterinarian, which is not retrieved by the owner or agent of the owner from the veterinarian within 72 hours of the veterinarian's specified release date of a hospitalized animal or the scheduled release date of a boarded animal. The owner or agent of the owner shall be sent a certified letter to his or her last known address, return receipt requested, informing him or her that the animal is available for pickup. The letter to the owner or agent of the owner shall also state the amount owed, if any, to the veterinarian for the treatment and care of the animal, set by the W.Va. Code R. §26-4-9.2. that the veterinarian may elect the humane disposal of an abandoned animal no sooner than 7 days after the veterinarian has mailed a certified letter.

9.2. A veterinarian may elect the humane disposal of an abandoned animal no sooner than 7 days after the veterinarian has mailed a certified letter to the owner or agent of an abandoned animal indicating his or her intent to humanely dispose of the animal. In the event the owner or agent cannot be notified by certified mail, return receipt requested, the veterinarian may elect humane disposal any time after 7 days following the mailing of the certified letter, providing the veterinarian has a posted receipt from the mailing entity verifying the mailing date of the certified letter. The veterinarian shall keep an accurate record of the date and method of disposal, and the name, address and telephone number of the person or shelter receiving the animal, if it is not destroyed.

9.3. The humane disposal of abandoned animal shall not relieve the owner or agent of any financial obligation incurred for treatment, boarding or care by the veterinarian. Alternatively, an animal may be placed in a suitable home or animal shelter, which shall not include any home or shelter which engages in animal experimentation or, by sale or otherwise, makes animals available for the purpose of animal experimentation.

9.4. Notification and humane disposal as provided in this section relieves the veterinarian of any further liability regarding the abandoned animal.

9.5. The veterinarian shall post a copy of this section in a conspicuous location at the veterinary facility.