

H.421

An act relating to animal cruelty investigation response and training

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

- (1) “Animal” means all living sentient creatures, not human beings.
- (2) “Secretary” means the Secretary of Agriculture, Food and Markets.
- (3) “Horse” means the entire family of equidae.
- (4) “Humane officer” or “officer” means:

(A) any law enforcement officer as defined in 23 V.S.A. § 4(11)(A);
~~auxiliary State Police officers; deputy game wardens; humane society officer;~~
~~employee, or agent; or investigator employed by the Office of the Attorney~~
General or State’s Attorney; or

(B) an individual who has received the training required by section
356 of this title who is:

(i) a designated humane society employee; or

(ii) an animal control officer appointed by the legislative body of a
~~municipality; local board of health officer or agent; or any officer authorized to~~
~~serve criminal process~~ who is authorized by the legislative body to perform the
duties and functions of a humane officer.

(5) “Humane society” or “society for prevention of cruelty to animals” means ~~the Vermont Humane Federation, Inc., or its successor, or any incorporated humane society that, through its agents, has the lawful authority to interfere with acts of cruelty to animals~~ a private, nonprofit animal care facility registered and in good standing with the Vermont Secretary of State.

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Sec. 2. 13 V.S.A. § 356 is amended to read:

§ 356. HUMANE OFFICER REQUIRED TRAINING; AUTHORIZATION TO PERFORM DUTIES

(a) All humane officers as defined in subdivision 351(4)(B) of this title shall complete ~~a certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board~~ the animal cruelty response training as required by 20 V.S.A. § 2365b in order to serve in the capacity of a humane officer.

(b) A humane officer as defined in subdivision 351(4)(B) shall be authorized to serve as a humane officer if the humane officer is employed by a humane society or a municipality and has completed the trainings as required by this section and by 20 V.S.A. § 2365b. Upon termination of employment from the humane society or municipality through which they were authorized to serve, the person shall no longer be authorized to perform the legal functions of a humane officer.

(c) The Animal Cruelty Investigation Advisory Board shall keep and at least annually update an index of individuals who have completed the animal cruelty response training as required by this section and by 20 V.S.A. § 2365b.

Sec. 3. 20 V.S.A. § 2365b is amended to read:

§ 2365b. ANIMAL CRUELTY RESPONSE TRAINING

(a) As part of basic training in order to become certified as a Level II and Level III law enforcement officer, a person shall receive a ~~two-hour~~ training module on animal cruelty investigations as developed and approved by the Animal Cruelty Investigation Advisory Board and approved and administered by the Vermont Criminal Justice Training Council and the Animal Cruelty Investigation Advisory Board.

(b) On or before December 31, 2023, humane officers as defined in 13 V.S.A. § 351(4)(B) shall complete an animal cruelty response training as developed and approved by the Animal Cruelty Investigation Advisory Board and approved and administered by the Vermont Criminal Justice Council. The Council shall provide the training only to designated humane society employees, animal control officers appointed by the legislative body of a municipality, and other humane officers as defined in 13 V.S.A. § 351(4). The trainings shall be conducted on a periodic basis by qualified instructors as determined by the Animal Cruelty Investigation Advisory Board.

(c) The Animal Cruelty Investigation Advisory Board may elect to require that humane officers as defined in 13 V.S.A. § 351(4)(B) complete a refresher course on the training required by this section on a periodic basis. Such refresher training shall be developed and approved by the Animal Cruelty Investigation Advisory Board and approved and administered by the Vermont Criminal Justice Council.

(d) On or before January 1, 2024 and annually thereafter, the Vermont Criminal Justice Council shall provide the Animal Cruelty Investigation Advisory Board with a list of the individuals that completed the trainings as required by this section.

Sec. 4. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate natural shelter or adequate constructed shelter to prevent direct exposure to the elements. Pursuant to section 351b of this title, this section shall not apply to livestock and poultry husbandry practices for raising, management, and use of animals.

(b) Shelter for livestock.

(1) Livestock animals confined in enclosed areas shall be provided with adequate ventilation and shall have access to adequate exercise. Equines

housed within a designated space continually, without access to a paddock, turn out, or other exercise area, shall be provided the opportunity for periodic exercise, either through free choice or through a forced work program, to maintain normal muscle tone and mass for the age, size, and condition of the animal or in accordance with accepted agricultural or veterinary practices. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort tie-stall, or stanchion lockups, or other housing under control of the Agency of Agriculture, Food and Markets. ~~This subdivision shall not apply to any accepted housing or grazing practices for any livestock industry.~~

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Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.