

1 H.204

2 Introduced by Representatives Walz of Barre City, Brumsted of Shelburne,  
3 and Pearce of Richford

4 Referred to Committee on

5 Date:

6 Subject: Crimes; public safety; animal cruelty; domestic pets; care of animals

7 Statement of purpose of bill as introduced: This bill proposes to amend  
8 standards relating to the care of domestic pets, including standards for  
9 activities and programs intended to reduce the number of cats without homes,  
10 such as capturing, spaying or neutering, vaccination, and return of unowned  
11 cats.

12 An act relating to standards for the care of domestic pets

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

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

15 § 351. DEFINITIONS

16 As used in this chapter:

17 (1) “Animal” means all living sentient creatures, not human beings.

18 \* \* \*

19 (4) “Humane officer” or “officer” means any law enforcement officer as  
20 defined in 23 V.S.A. § 4(11); auxiliary State Police officers; deputy game

1 wardens; humane society officer, employee, or agent; animal control officer  
2 appointed by the legislative body of a municipality; local board of health  
3 officer or agent; or any officer authorized to serve criminal process.

4 (5) "Humane society" or "society for prevention of cruelty to animals"  
5 means the Vermont Humane Federation, Inc., or its successor, or any  
6 incorporated humane society ~~which~~ that, through its agents, has the lawful  
7 authority to interfere with acts of cruelty to animals.

8 \* \* \*

9 (8) "Person" means any individual, firm, partnership, or corporation, or  
10 authorized agent or representative of a person, partnership, or corporation.

11 \* \* \*

12  
13 (19) "Abandon" means to forsake, desert, or give up absolutely an  
14 animal previously in the custody or possession of a person without making  
15 reasonable arrangement for the proper care, sustenance, and shelter of the  
16 animal by another person. Cats that are part of a population management  
17 effort shall not be considered abandoned.

18 (20) "Domestic pet" shall have the same meaning as set forth in  
19 20 V.S.A. § 3541.

1           (21) “Population management effort” means activities and programs  
2           intended to reduce the number of cats without homes, including the activities  
3           of capturing, spaying or neutering, vaccination, and return of unowned cats.

4           Sec. 2. 13 V.S.A. § 352b is amended to read:

5           § 352b. RULES; AFFIRMATIVE DEFENSE

6           (a) An enforcement officer implementing the provisions of section 352 or  
7           352a of this title shall be guided by rules established by the ~~secretary~~  
8           Secretary.

9           (b) Except as provided in subsection (c) of this section, an affirmative  
10          defense to prosecution under section 352 or 352a of this title may be raised  
11          when:

12           (1) except for vivisection or research under subdivision 352(7) of this  
13          title, the defendant was a veterinarian whose conduct conformed to accepted  
14          veterinary practice for the area, or was a scientist whose conduct was a part of  
15          scientific research governed by accepted procedural standards subject to  
16          review by an institutional care and use committee;

17           (2) the defendant’s conduct was designed to control or eliminate  
18          rodents, ants, or other common pests on the defendant’s own property,  
19          provided that this defense is not available for conduct designed to control  
20          domestic pets;

1 (3) the defendant was a person appropriately licensed to utilize  
2 pesticides under 6 V.S.A. chapter 87 ~~of Title 6~~;

3 (4) the defendant humanely euthanized any animal as a representative of  
4 a duly organized humane society, animal shelter, or town pound according to  
5 rules of this subchapter, or as a veterinarian destroying animals under chapter  
6 193 or ~~sections~~ 20 V.S.A. §§ 3511 and 3513 ~~of Title 20~~; or

7 (5) a ~~state~~ State agency was implementing a rabies control program.

8 (c) An affirmative defense to a charge of abandonment under section 352  
9 of this title shall not be recognized where a person abandons an animal at or  
10 near an animal shelter or veterinary clinic, farm, or other place of shelter,  
11 without ~~making reasonable arrangements for the care of the animal~~ placing the  
12 animal in the custody of a person willing to take care of the animal.

13 (d) The authority to enforce this chapter shall not be construed in a manner  
14 inconsistent with the animal control or disease control eradication programs in  
15 Title 6, or 20 V.S.A. chapters 191, 193, 194, and 195 ~~of Title 20~~ or the  
16 provisions of 10 V.S.A. Part 4 ~~of Title 10~~, or the rules adopted thereunder.

17 Sec. 3. 13 V.S.A. § 362 is amended to read:

18 § 362. EXPOSING POISON ON THE LAND

19 A person who deposits any poison or substance poisonous to animals on his  
20 or her premises or on the premise or buildings of another, with the intent that it  
21 be taken by an animal, including a domestic pet, shall be in violation of

1 subdivision 352(2) of this title. This section shall not apply to control of wild  
2 pests; protection of crops from insects, mice, and plant diseases; or the  
3 ~~department of fish and wildlife~~ Department of Fish and Wildlife and  
4 employees and agents of the ~~state forest service~~ Department of Forests, Parks  
5 and Recreation in control of destructive wild animals.

6 Sec. 4. 13 V.S.A. § 371 is amended to read:

7 § 371. EUTHANIZING ANIMALS

8 (a) Registered animal shelters may purchase, possess, and administer  
9 approved euthanasia solution to euthanize injured, sick, homeless, or unwanted  
10 pets and animals in accordance with the rules established by the ~~secretary of~~  
11 ~~agriculture, food and markets~~ Secretary of Agriculture, Food and Markets  
12 under ~~section 20 V.S.A. §3913 of Title 20.~~

13 (b) No person shall euthanize animals for an animal shelter without first  
14 completing the certification training program under ~~section 20 V.S.A. § 3913~~  
15 ~~of Title 20~~, except a Vermont licensed veterinarian and a person in training  
16 under such program.

17 (c) No person shall euthanize an animal for an animal shelter by means  
18 other than injection of euthanasia solutions in accordance with the rules of the  
19 Secretary of Agriculture, Food and Markets adopted under 20 V.S.A. § 3913.  
20 The use of carbon monoxide gas, carbon dioxide gas, or any euthanasia  
21 method other than authorized injection of euthanasia solutions is prohibited.

1 Sec. 5. 20 V.S.A. § 3541 is amended to read:

2 § 3541. DEFINITIONS

3 As used in this chapter:

4 \* \* \*

5 (2) “Domestic animal” means those animals defined by 6 V.S.A.

6 § 1151(2).

7 (3) “Domestic pet” or “pet” means any domestic dogs (*Canis familiaris*),  
8 ~~domestic~~ cats, and ferrets. The term shall ~~also~~ include such other domestic  
9 animals as the Secretary shall establish by rule, provided that the Secretary  
10 finds that the animal has the potential to become an imminent danger to public  
11 health or welfare if not subjected to the provisions of this chapter.

12 (4) “Ferret” means only the European ferret (*Mustela putorius furo*).

13 \* \* \*

14 (6) “Owner” means any person who owns a domestic pet or wolf-hybrid  
15 and includes any person who has actual or constructive possession of the pet or  
16 wolf-hybrid. The term also includes those persons who provide feed or shelter  
17 to a domestic pet or wolf-hybrid. “Owner” shall not include a caregiver.

18 \* \* \*

19 (11) “Caregiver” means any person who provides feed or limited shelter  
20 to unowned cats and who engages in population management efforts.

1           (12) “Population management effort” shall have the same meaning as  
2           set forth in 13 V.S.A. § 351.

3           Sec. 6. 20 V.S.A. § 3806 is amended to read:

4           § 3806. CONFINING OR IMPOUNDING A DOMESTIC PET OR  
5                           WOLF-HYBRID

6           (a) Any person authorized to enforce ~~state~~ State livestock disease control,  
7           health, wildlife, or criminal laws and any person authorized to enforce local  
8           ordinances may confine, or impound any domestic pet or wolf-hybrid when:

9                   (1) It is suspected of having been exposed to rabies.

10                   (2) It is believed to have been attacked by another animal ~~which~~ that  
11           may be rabid.

12                   (3) It has been attacked by a wild animal.

13                   (4) It has been running at large in violation of any of the provisions of  
14           this subchapter.

15                   (5) It has an unknown rabies vaccination history.

16           (b) In the event that a domestic pet or wolf-hybrid is confined or  
17           impounded under this section, the owner or caregiver, if known, shall be  
18           notified within 24 hours. Notification may be accomplished by in-person  
19           communication, by telephone call, or by written statement sent to the last  
20           known address of the owner. If the owner’s address is not known, notification  
21           may be posted in the municipal clerk’s office and other usual places for public

1 notice for a one-week period. Unowned cats impounded as part of a  
2 population management effort, including a trap-neuter-return program, may be  
3 exempted from any holding period that an animal shelter requires.

4 (c) Any domestic pet or wolf-hybrid ~~which~~ that is considered a rabies  
5 suspect shall be managed in accordance with the rules of the ~~department of~~  
6 ~~health~~ Department of Health. Rules adopted by the ~~department of health~~  
7 Department of Health in accordance with this chapter shall provide for  
8 management of domestic pets or wolf-hybrids for whom there is no approved  
9 rabies vaccine.

10 Sec. 7. 20 V.S.A. § 3813 is amended to read:

11 § 3813. VACCINATION ADMINISTRATION

12 (a) The ~~commissioner~~ Commissioner of Health may purchase rabies  
13 vaccine for distribution at reduced cost to the public through rabies clinics.

14 (b) The ~~commissioner~~ Commissioner of Health shall ensure that ~~reduced~~  
15 ~~cost~~ reduced-cost rabies clinics take place in all geographic areas of the ~~state~~  
16 State and shall cooperate with the veterinary profession to make certain that all  
17 owners and caregivers of domestic pets and wolf-hybrids have access to  
18 reasonably priced rabies vaccines.

19 (c) Veterinarians shall provide an owner or a caregiver of a domestic pet or  
20 wolf-hybrid with a completed rabies vaccination form and tag for each animal  
21 ~~which~~ that has been inoculated against rabies.



1       Sec. 8. EFFECTIVE DATE

2       This act shall take effect on July 1, 2017.