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H.497

Introduced by Committee on Agriculture and Forestry

Date:

Subject: Agriculture; animal health

Statement of purpose of bill as introduced: This bill proposes to amend and update the requirements in statute related to animal health, the transport of animals within the State, and the licensing of livestock businesses.

An act relating to health requirements for animals used in agriculture

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

Sec. 1. 6 V.S.A. chapter 63 is amended to read:

CHAPTER 63. ~~LIVESTOCK DEALERS~~ LIVESTOCK-RELATED  
BUSINESSES, AUCTIONS, AND SALES RINGS

§ 761. DEFINITIONS

As used in this chapter:

(1) “Livestock” means cattle, horses, sheep, swine, goats, camelids, fallow deer, red deer, reindeer, and American bison.

(2) “Livestock dealer” means a person going from place to place buying, selling, or transporting livestock, or operating a livestock auction or sales ring, either on ~~their~~ the person’s own account or on commission, except ~~state-breed~~

1 ~~associations recognized as such by the secretary of agriculture, food and~~  
2 ~~markets;~~

3 (A) a federal agency, including any department, division, or authority  
4 within the agency; or

5 (B) a nonprofit approved by the Secretary.

6 (3) "Packer" means a livestock dealer who is solely involved in the  
7 purchase of livestock for purpose of slaughter at his or her own slaughter  
8 facility.

9 (4) "Person" means any individual, partnership, unincorporated  
10 association, or corporation.

11 (5) "Transporter" means a livestock dealer who limits his or her activity  
12 to transporting livestock for remuneration. A transporter cannot buy or sell  
13 livestock and is not required to be bonded.

14 § 762. LICENSE; FEE

15 (a) A person shall not carry on the business of a livestock dealer, packer, or  
16 transporter without first obtaining a license from the Secretary of Agriculture,  
17 Food and Markets. Before the issuance of ~~such a~~ license, ~~such dealer~~ a person  
18 shall file with the Secretary an application for ~~such a~~ license on forms provided  
19 by the Agency. Each application shall be accompanied by a fee of \$175.00 for  
20 ~~persons who buy and sell or auction livestock,~~ livestock dealers and packers

1 and \$100.00 for ~~persons who only transport livestock commercially~~ livestock  
2 transporters.

3 (b) The Secretary may deny any application for a livestock ~~dealer's~~ dealer,  
4 packer, or transporter license, after notice and an opportunity for a hearing,  
5 whenever the applicant is a person or a representative of a person who has had  
6 a livestock ~~dealer's~~ dealer, packer, or transporter license suspended or revoked  
7 by any state, including Vermont, or any foreign country during the preceding  
8 five years or who has been convicted of violating statutes, rules, or regulations  
9 of any state or the federal government pertaining to the sale or transportation of  
10 livestock or the control of livestock disease. The applicant shall be informed  
11 of any denial by letter, which shall include the specific reasons for the denial.  
12 The applicant shall have 15 days in which to petition the Secretary for  
13 reconsideration. The petition shall be submitted in writing and the Secretary,  
14 in his or her discretion may hold a further hearing on the petition for  
15 reconsideration. Thereafter, the Secretary shall issue or deny the license and  
16 shall inform the applicant in writing of his or her decision and the reasons  
17 therefor.

18 (c) The Livestock Special Fund is established under and shall be  
19 administered pursuant to 32 V.S.A. chapter 7, subchapter 5. All funds received  
20 under this section shall be deposited in the Livestock Special Fund for use by  
21 the Agency for administration of livestock programs.

1 § 763. EXEMPTIONS FROM LICENSE

2 The provisions of section 762 of this title relative to requiring a license shall  
3 not apply to a farmer going from place to place buying or selling livestock in  
4 the regular operation of his or her farm business.

5 § 764. BOND

6 (a) ~~Each livestock dealer~~ Before the Secretary issues a livestock dealer or  
7 packer license under this chapter, an applicant shall furnish the ~~secretary~~  
8 Secretary with a surety bond in the amount of ~~not~~ no less than \$10,000.00,  
9 executed by a surety company authorized to do business in this state, ~~and a like~~  
10 ~~surety bond in a like sum for each agent listed on the dealer's license~~  
11 ~~application~~ State.

12 (b) ~~Before a license shall be issued to an applicant who conducts one or~~  
13 ~~more livestock commission sales or auctions, such applicant shall furnish the~~  
14 ~~secretary, in addition to any other bond required by this section, a surety bond,~~  
15 ~~executed by a surety company authorized to do business in this state, covering~~  
16 ~~all business in each location at which such applicant conducts a livestock~~  
17 ~~auction or sales ring, in a principal amount to be determined by the secretary~~  
18 ~~based on the volume of his purchases, but not to exceed \$150,000.00.~~

19 [Repealed.]

20 (c) All ~~livestock dealers' and livestock auction~~ bonds required under this  
21 section shall be in such the form as ~~the secretary shall prescribe and shall be~~

1 ~~conditioned for compliance with the provisions of this chapter and for payment~~  
2 ~~of all obligations of the licensee for purchases of livestock within this state.~~  
3 ~~Any resident of this state injured by a harmful act of the licensee, his agents,~~  
4 ~~servants, or operators shall have a cause of action in his own name on such~~  
5 ~~bond for the damage sustained; provided, however, that the aggregate liability~~  
6 ~~of the surety to all residents of this state shall in no event exceed the principal~~  
7 ~~amount of the bond. required under 9 C.F.R. § 201.30, as amended over time.~~  
8 In lieu of a surety bond required under this section, the Secretary may accept a  
9 financial instrument or alternate form of surety authorized under 9 C.F.R.  
10 § 201.30.

11 (d) ~~Before a license shall be issued to an applicant whose residence is~~  
12 ~~outside Vermont, or to an applicant whose employer is not a resident of~~  
13 ~~Vermont, such applicant shall furnish the secretary of agriculture, food and~~  
14 ~~markets in addition to any other bond required by this section, a bond in the~~  
15 ~~principal amount to be determined by the secretary based on the volume of his~~  
16 ~~purchases, but not to exceed \$150,000.00 executed by a surety company~~  
17 ~~authorized to do business in this state. [Repealed.]~~

18 (e) ~~The secretary may accept a livestock dealer surety bond issued under~~  
19 ~~the Federal Packers and Stockyard Act instead of the bonds required under~~  
20 ~~subsections (a), (b), and (c) of this section, provided that a copy of such bond~~  
21 ~~is filed with the secretary and in an amount considered by the secretary to be~~

1 sufficient. ~~Where the coverage is considered insufficient the secretary may~~  
2 ~~require additional bonding to the extent authorized under subsections (a), (b),~~  
3 ~~and (c) of this section. [Repealed.]~~

4 (f) ~~The secretary may accept, in lieu of a surety bond, a federal packers and~~  
5 ~~stockyards administration trust fund agreement, or a packers and stockyards~~  
6 ~~administration trust agreement that includes an irrevocable letter of credit.~~

7 [Repealed.]

8 (g) ~~The secretary may accept a federal packers and stockyards packers~~  
9 ~~surety bond in lieu of a livestock dealers bond, but only on the condition that~~  
10 ~~all livestock purchased by the packer in this state shall be slaughtered at the~~  
11 ~~packer's facility. [Repealed.]~~

12 § 764a. ~~CLAIMS~~

13 ~~Any claims on the licensee under section 764 of this title shall be filed by~~  
14 ~~the claimant with the secretary of agriculture, food and markets within 120~~  
15 ~~days of date of sale. [Repealed.]~~

16 § 765. ~~EXEMPTIONS FROM BOND~~

17 ~~A nonprofit cooperative association, organized under chapter 1 or 7 of~~  
18 ~~Title 11, or similar laws of other states, shall not be required to furnish a bond~~  
19 ~~as required in section 764 of this title. [Repealed.]~~

1 § 767. POSSESSION OF LICENSE; FEES FOR COPIES; EXPIRATION  
2 DATE; LICENSES NOT TRANSFERABLE

3 (a) A livestock dealer shall keep a copy of such license in his or her  
4 possession ~~and one.~~ One number plate of suitable design ~~which~~ shall be issued  
5 to ~~such~~ the dealer by the ~~secretary~~ Secretary at the time of the issuance of ~~such~~  
6 the license and shall be attached to each truck or other conveyance used by  
7 such dealer for the transportation of livestock. The license number ~~plate~~ shall  
8 be attached to the vehicle as regulated by the ~~agency of agriculture, food and~~  
9 ~~markets~~ Agency of Agriculture, Food and Markets. All ~~such~~ plates shall be  
10 removed from the vehicles immediately after expiration.

11 (b) ~~Copies of licenses shall be obtained from the secretary of agriculture,~~  
12 ~~food and markets and he or she shall charge a fee of \$2.50 for each copy.~~

13 [Repealed.]

14 (c) ~~All licenses issued under section 762 of this title shall take effect July 1,~~  
15 ~~and expire on June 30, following. They may~~ A livestock dealer license, packer  
16 license, or transporter license shall not be transferred.

17 § 768. DUTIES OF DEALERS, TRANSPORTERS, AND PACKERS

18 A livestock dealer, transporter, or packer licensed under section 762 of this  
19 title shall:

1           (1) Maintain in a clean and sanitary condition all premises, buildings,  
2           and conveyances used in the business of ~~dealing in~~ buying, selling, or  
3           transporting livestock or operating a livestock auction or sales ring;

4           (2) Submit premises, buildings, and conveyances to inspection and  
5           livestock to inspection and test at any and such times as the ~~secretary~~ Secretary  
6           may deem it necessary and advisable;

7           (3) Allow no livestock on livestock dealer's premises from herds or  
8           premises quarantined by the ~~secretary of agriculture, food and markets;~~  
9           Secretary of Agriculture, Food and Markets.

10          (4) Maintain, subject to inspection by the ~~secretary of agriculture, food~~  
11          ~~and markets~~ Secretary of Agriculture, Food and Markets or his or her agent, a  
12          ~~proper record in which all livestock purchased, repossessed, sold, or loaned are~~  
13          ~~to be listed, giving breed, date purchased, repossessed, sold, or loaned and~~  
14          ~~complete names and addresses from whom obtained and to whom delivered.~~  
15          Such record shall also show the individual identification of each livestock by a  
16          ~~method prescribed for each species by rule by the secretary, except that for~~  
17          ~~equine such record and method of individual identification shall be as~~  
18          ~~prescribed under subchapter 2 of chapter 102 of this title~~ compliant with  
19          applicable State and federal statutes, rules, and regulations specified by the  
20          Secretary, including the U.S. Department of Agriculture Animal Disease  
21          Traceability rule, 9 C.F.R. part 86.



1           (5) Abide by ~~such~~ other reasonable rules ~~and regulations which~~ that may  
2           be ~~issued~~ adopted by the ~~secretary of agriculture, food and markets~~ Secretary  
3           of Agriculture, Food and Markets to prevent the spread of disease. A copy of  
4           ~~such~~ all applicable rules and regulations shall be provided to all livestock  
5           dealers licensed under the terms of section 762 of this title, at the time they  
6           first obtain a license.

7           (6) Pay the seller within 72 hours following the sale of the animal or  
8           animals.

9           (7) ~~Not simultaneously transport brucellosis free and diseased and~~  
10          ~~suspect cattle, except when all the animals are being transported directly to a~~  
11          ~~slaughtering facility. [Repealed.]~~

12          § 769. CANCELLATION OF LICENSE

13          Failure of any livestock dealer, transporter, or packer to abide by the terms  
14          of this chapter, or of any of the State or federal laws, rules, or regulations  
15          relating to livestock, or of ~~such~~ a procedure as that the ~~secretary of agriculture,~~  
16          ~~food and markets deems~~ Secretary of Agriculture, Food and Markets adopts as  
17          necessary to prevent the spread of disease, shall be deemed sufficient cause  
18          after notice and hearing for the cancellation of a license issued under section  
19          762 of this title.

1 § 770. PENALTY

2 Any livestock dealer, transporter, or packer who buys, sells, or transports  
3 livestock in this ~~state~~ State or operates a livestock auction or sales ring without  
4 having a license so to do, issued either to such person or to the firm or  
5 corporation ~~which~~ that he or she represents in conducting such business, as  
6 herein required, shall be ~~fined not less than \$100.00 nor more than \$500.00 or~~  
7 ~~be imprisoned not less than 30 days nor more than 90 days, or both~~ assessed an  
8 administrative penalty under section 15 of this title.

9 § 772. ~~SALE OF FOALS~~

10 (a) ~~A person shall not buy, sell, transfer ownership of, or transport any~~  
11 ~~equine foal less than six months old, except with its dam, unless such foal is~~  
12 ~~naturally weaned or unless for immediate slaughter. For purposes of this~~  
13 ~~section, a colt shall be considered “naturally weaned” if it is capable of~~  
14 ~~subsisting apart from its dam.~~

15 (b) ~~Failure to comply with this section is a violation of 13 V.S.A. § 352(3).~~

16 [Repealed.]

17 Sec. 2. 6 V.S.A. chapter 64 is amended to read:

18 CHAPTER 64. LIVESTOCK CARE STANDARDS

19 ADVISORY COUNCIL

20 § 791. DEFINITIONS

21 As used in this chapter:

1           (1) “Agency” means the ~~agency of agriculture, food and markets~~  
2           Agency of Agriculture, Food and Markets.

3           (2) “Council” means the ~~livestock care standards advisory council~~  
4           Livestock Care Standards Advisory Council.

5           (3) “Livestock” means cattle, calves, sheep, swine, horses, mules, goats,  
6           fallow deer, American bison, poultry, and any other animal that can or may be  
7           used in and for the preparation of meat, fiber, or poultry products.

8           (4) “Secretary” means the ~~secretary of agriculture, food and markets~~  
9           Secretary of Agriculture, Food and Markets.

10       § 792. ESTABLISHMENT OF LIVESTOCK CARE STANDARDS

11           ADVISORY COUNCIL

12           (a) There is established a ~~livestock care standards advisory council~~ the  
13           Livestock Care Standards Advisory Council for the purposes of evaluating the  
14           laws of the ~~state~~ State and of providing policy recommendations regarding the  
15           care, handling, and well-being of livestock in the ~~state~~ State. The ~~livestock~~  
16           ~~care standards advisory council~~ Livestock Care Standards Advisory Council  
17           shall be composed of the following members, all of whom shall be residents of  
18           Vermont:

19           (1) The ~~secretary of agriculture, food and markets~~ Secretary, who shall  
20           serve as the ~~chair~~ Chair of the ~~council~~ Council.

21           (2) The ~~state veterinarian~~ State Veterinarian.

1           (3) The following six members appointed by the ~~governor~~ Governor:

2           (A) A person with knowledge of food safety and food safety  
3 regulation in the ~~state~~ State.

4           (B) A person from a statewide organization that represents the beef  
5 industry.

6           (C) A Vermont licensed livestock or poultry veterinarian.

7           (D) A representative of an agricultural department of a Vermont  
8 college or university.

9           (E) A representative of the Vermont slaughter industry.

10          (F) A representative of the Vermont livestock dealer, hauler, or  
11 auction industry.

12          (4) The following three members appointed by the ~~committee on~~  
13 ~~committees~~ Committee on Committees:

14          (A) A producer of species other than bovidae.

15          (B) An operator of a medium farm or large farm permitted by the  
16 ~~agency~~ Agency.

17          (C) A professional in the care and management of equines and equine  
18 facilities.

19          (5) The following three members appointed by the ~~speaker of the house~~  
20 Speaker of the House:

21          (A) An operator of a small Vermont dairy farm.

1           (B) A representative of a local humane society ~~or organization~~ from  
2 Vermont ~~registered with the agency~~ and organized under ~~state~~ State law.

3           (C) A person with experience investigating charges of animal cruelty  
4 involving livestock, provided that no such person who has received or is  
5 receiving compensation from a national humane society or organization may  
6 be appointed under this subdivision.

7           (b) Members of the ~~board~~ Council shall be appointed for staggered terms of  
8 three years. Except for the ~~chair~~ Chair, the ~~state veterinarian~~ State  
9 Veterinarian, and the representative of the agricultural department of a  
10 Vermont college or university, no member of the ~~council~~ Council may serve  
11 for more than ~~six~~ two consecutive years full terms. Eight members of the  
12 ~~council~~ Council shall constitute a quorum. If a vacancy on the Council occurs,  
13 a new member shall be appointed, in the same manner that his or her  
14 predecessor was appointed, to fill the unexpired term.

15           (c) With the concurrence of the ~~chair~~ Chair, the ~~council~~ Council may use  
16 the services and staff of the ~~agency~~ Agency in the performance of its duties.

17 § 793. POWERS AND DUTIES OF LIVESTOCK CARE STANDARDS

18           ADVISORY COUNCIL

19           (a) The Council shall:

1           (1) Review and evaluate the laws and rules of the State applicable to the  
2           care and handling of livestock. In conducting the evaluation required by this  
3           section, the Council shall consider the following:

4                   (A) the overall health and welfare of livestock species;

5                   (B) agricultural best management practices;

6                   (C) biosecurity and disease prevention;

7                   (D) animal morbidity and mortality data;

8                   (E) food safety practices;

9                   (F) the protection of local and affordable food supplies for  
10           consumers; and

11                   (G) humane transport and slaughter practices.

12           (2) Submit policy recommendations to the Secretary on any of the  
13           subject matter set forth under subdivision (1) of this subsection. A copy of the  
14           policy recommendations submitted to the Secretary shall be provided to the  
15           House Committee on Agriculture and ~~Forest Products~~ Forestry and the Senate  
16           Committee on Agriculture. Recommendations may be in the form of proposed  
17           legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports)  
18           shall not apply to the report to be made under this subdivision.

19           (3) Meet at least annually and at such other times as the Chair  
20           determines to be necessary.

1           (4) Submit minutes of the Council annually, on or before January 15, to  
2 the House Committee on Agriculture and ~~Forest Products~~ Forestry and the  
3 Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d)  
4 (expiration of required reports) shall not apply to the report to be made under  
5 this subdivision.

6           (b) The Council may engage in education and outreach activities related to  
7 the laws and regulations for the care and handling of livestock. The Council  
8 may accept funds from public or private sources in compliance with  
9 32 V.S.A. § 5.

10          Sec. 3. 6 V.S.A. chapter 102 is amended to read:

11                                   CHAPTER 102. CONTROL OF CONTAGIOUS

12   LIVESTOCK DISEASES

13   Subchapter 1. General Provisions

14          § 1151. DEFINITIONS

15           As used in this part:

16           (1) “Accredited veterinarian” means a veterinarian approved by the  
17 ~~United States~~ U.S. Department of Agriculture and the ~~state veterinarian~~ State  
18 Veterinarian to perform functions specified by cooperative state-federal  
19 disease control programs.

20           (2) “Animal” or “domestic animal” means cattle, sheep, goats, equines,  
21 deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix

1 quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus),  
2 and water buffalo. The term shall include cultured ~~trout~~ fish propagated by  
3 commercial ~~trout~~ fish farms.

4 (3) “Approved slaughterhouse” means an establishment maintained by a  
5 slaughterer under ~~state~~ State or federal law.

6 (4) “Camelids” means any animal of the family camelidae, including,  
7 ~~but not limited to,~~ guanacos, vicunas, camels, alpacas, and llamas.

8 (5) “Coggins test” means the agar gel immunodiffusion blood test  
9 conducted in a laboratory approved by the ~~United States~~ U.S. Department of  
10 Agriculture and the ~~secretary~~ Secretary.

11 (6) “~~Secretary~~” means the ~~Vermont secretary of agriculture, food and~~  
12 ~~markets, or his or her designee.~~

13 (7) “Contagious disease,” ~~“communicable disease,”~~ “infectious disease,”  
14 or “disease” means any disease found in domestic animals ~~which~~ that is  
15 capable of directly or indirectly spreading from one domestic animal to another  
16 ~~with or without actual contact.~~ “Contagious disease” includes, ~~but is not~~  
17 ~~limited to,~~ all reportable diseases.

18 (8)(7) “Deer” means any member of the family cervidae except for  
19 white-tailed deer and moose.



1           (8) “Domestic fowl” or “poultry” means all domesticated birds of all  
2           ages that may be used as human food, or which produce eggs that may be used  
3           as human food, excluding those birds protected by 10 V.S.A. part 4.

4           (9) “Equine animal” means any member of the family equidae,  
5           including, ~~but not limited to,~~ horses, ponies, mules, asses, and zebra.

6           (10) ~~“Equine infectious anemia” means swamp fever, the disease of~~  
7           ~~equine animals spread by blood sucking insects and unsterile surgical~~  
8           ~~instruments or equipment that produces cuts or abrasions.~~

9           (11) ~~“Red deer” means domesticated deer of the family cervidae,~~  
10          ~~subfamily cervinae, genus Cervus, species elaphus.~~

11          (12) “Fallow deer” means domesticated deer of the genus Dama, species  
12          dama.

13          (13) ~~“Ferret” means only the European ferret Mustela putorius furo.~~

14          (11) “Red deer” means domesticated deer of the family cervidae,  
15          subfamily cervidae, genus Cervus, species elaphus.

16          (12) “Reactor” means an animal that tests positive to any official test  
17          required under this chapter.

18          (14)(13) “Reportable disease” means any disease determined included in  
19          the National List of Reportable Animal Diseases and any disease required by  
20          the secretary Secretary by rule to be reportable. to be a reportable disease or  
21          contained in the following list:

- 1           ~~(A) Poultry Diseases:~~
- 2           ~~(B) Avian Influenza~~
- 3           ~~(C) Fowl Cholera~~
- 4           ~~(D) Infectious laryngotracheitis~~
- 5           ~~(E) Mycoplasma Gallisepticum~~
- 6           ~~(F) Newcastle disease~~
- 7           ~~(G) Mycoplasma Synoviae~~
- 8           ~~(H) Psittacosis (Chlamydiosis)~~
- 9           ~~(I) Salmonella:~~
- 10           ~~(i) pullorum~~
- 11           ~~(ii) typhimurium~~
- 12           ~~(iii) other salmonellas~~
- 13           ~~(J) Livestock Diseases:~~
- 14           ~~(K) African Swine Fever~~
- 15           ~~(L) Anaplasmosis~~
- 16           ~~(M) Anthrax~~
- 17           ~~(N) Any Vesicular Disease:~~
- 18           ~~(i) foot and mouth disease~~
- 19           ~~(ii) swine vesicular disease~~
- 20           ~~(iii) vesicular stomatitis~~
- 21           ~~(iv) vesicular exanthema~~

- 1           ~~(O) Bluetongue~~
- 2           ~~(P) Brucellosis~~
- 3           ~~(Q) Cystercereosis~~
- 4           ~~(R) Dourine~~
- 5           ~~(S) Equine Encephalomyelitis~~
- 6           ~~(T) Equine Infectious Anemia~~
- 7           ~~(U) Hog Cholera~~
- 8           ~~(V) Paratuberculosis (Johne's disease), positive organism detection~~
- 9           ~~(W) Piroplasmosis~~
- 10          ~~(X) Pleuropneumonia~~
- 11          ~~(Y) Pseudorabies~~
- 12          ~~(Z) Rabies~~
- 13          ~~(AA) Rinderpest~~
- 14          ~~(BB) Scabies:~~
  - 15               ~~(i) sarcoptic (cattle)~~
  - 16               ~~(ii) psoroptic (cattle and sheep)~~
- 17          ~~(CC) Scrapie (sheep)~~
- 18          ~~(DD) Screwworms~~
- 19          ~~(EE) Bovine Tuberculosis~~
- 20          ~~(FF) Malignant Catarrhal Fever~~
- 21          ~~(GG) Transmissible spongiform encephalopathies~~

1           ~~(15) “Deer” means any member of the family cervidae except for white-~~  
2           ~~tailed deer and moose~~

3           (14) “Secretary” means the Secretary of Agriculture, Food and Markets  
4           or designee.

5           § 1152. ADMINISTRATION; INSPECTION; TESTING

6           (a) The ~~secretary~~ Secretary shall be responsible for the administration and  
7           enforcement of the livestock disease control program. The ~~secretary~~ Secretary  
8           may appoint the ~~state veterinarian~~ State Veterinarian to manage the program,  
9           and other personnel as are necessary for the sound administration of the  
10          program.

11          (b) The ~~secretary~~ Secretary shall maintain a public record of all permits  
12          issued and of all animals tested by the Agency of Agriculture, Food and  
13          Markets under this chapter for a period of ~~three~~ five years.

14          (c) The ~~secretary~~ Secretary may conduct any inspections, investigations,  
15          tests, diagnoses, or other reasonable steps necessary to discover and eliminate  
16          contagious diseases existing in domestic animals ~~or cultured trout~~ in this ~~state~~  
17          State. The Secretary shall investigate any reports of diseased animals,  
18          provided there are adequate resources. In carrying out the provisions of this  
19          part, the Secretary or his or her authorized agent may enter any real estate,  
20          premises, buildings, enclosures, or areas where animals may be found for the  
21          purpose of making reasonable inspections and tests. A livestock owner or the

1 person in possession of the animal to be inspected, upon request of the  
2 Secretary, shall restrain the animal and make it available for inspection and  
3 testing.

4 (d) The ~~secretary~~ Secretary may contract and cooperate with the ~~United~~  
5 ~~States~~ U.S. Department of Agriculture ~~and~~, other federal agencies or ~~other~~  
6 ~~states,~~ and accredited veterinarians for the control and eradication of  
7 contagious diseases of animals. The ~~secretary~~ Secretary shall consult and  
8 cooperate, as appropriate, with the ~~commissioner of fish and wildlife and the~~  
9 ~~commissioner of health~~ Commissioner of Fish and Wildlife and the  
10 Commissioner of Health regarding the control of contagious diseases.

11 (e) If necessary, the ~~secretary~~ Secretary shall set priorities for the use of the  
12 funds available to operate the program established by this chapter.

13 (f) ~~The taking and possessing of an animal which is imported, possessed, or~~  
14 ~~confined for the purpose of hunting shall be regulated by the fish and wildlife~~  
15 ~~board and commissioner of fish and wildlife under the provisions of part 4 of~~  
16 ~~Title 10. However, the secretary shall have jurisdiction over the animal for the~~  
17 ~~purposes described in section 1153 of this title~~ Records produced or acquired  
18 by the Secretary under this chapter shall be available to the public, except that  
19 the Secretary may withhold or redact a record to the extent needed to avoid  
20 disclosing directly or indirectly the identity of individual persons, households,  
21 or businesses.

1 § 1153. RULES

2 (a) The Secretary shall adopt rules necessary for the discovery, control, and  
3 eradication of contagious diseases and for the slaughter, disposal, quarantine,  
4 vaccination, and transportation of animals found to be diseased or exposed to a  
5 contagious disease. The Secretary may also adopt rules requiring the  
6 disinfection and sanitation of real estate, buildings, vehicles, containers, and  
7 equipment ~~which~~ that have been associated with diseased livestock.

8 (b) The Secretary shall adopt rules establishing fencing and transportation  
9 requirements for deer.

10 (c) The Secretary shall adopt rules necessary for the inventory, registration,  
11 tracking, and testing of deer.

12 § 1154. ~~INSPECTION AND TESTING~~

13 ~~(a) The secretary may routinely inspect all domestic animals in the state for~~  
14 ~~contagious diseases.~~

15 ~~(b) The secretary shall investigate any reports of diseased animals,~~  
16 ~~provided there are adequate resources.~~

17 ~~(c) In carrying out the provisions of this part, the secretary, or his or her~~  
18 ~~authorized agent, may enter any real estate, premises, buildings, enclosures, or~~  
19 ~~areas where animals may be found for the purpose of making reasonable~~  
20 ~~inspections and tests.~~

1       ~~(d) A livestock owner or the person in possession of the animal to be~~  
2       ~~inspected, upon request of the secretary, shall restrain the animal and make it~~  
3       ~~available for inspection and testing. [Repealed.]~~

4       § 1154a. TESTING OF CULTURED FISH AND FEE FISHING

5               BUSINESSES

6       ~~(a) Health testing of cultured fish shall~~ may be provided to commercial fish  
7       farms and fee fishing businesses through an aquaculture inspection program  
8       conducted jointly by the ~~agency of agriculture, food and markets~~ Agency of  
9       Agriculture, Food and Markets and the ~~department of fish and wildlife~~  
10       Department of Fish and Wildlife, in accordance with any memorandum of  
11       understanding between the ~~agency~~ Agency and ~~department~~ Department  
12       prepared for this purpose as required by ~~Sec. 88 of No. 50 of the Acts of 1991~~  
13       Acts and Resolves No. 50, Sec. 88. Such testing shall be at no charge to the  
14       commercial fish farm or fee fishing business. The testing shall be funded  
15       jointly from the operating budgets of the ~~agency of agriculture, food and~~  
16       ~~markets~~ Agency of Agriculture, Food and Markets and the ~~department of fish~~  
17       ~~and wildlife~~ Department of Fish and Wildlife.

18       ~~(b) A commercial fish farm shall, before commencing operation obtain a~~  
19       ~~breeder's license from the commissioner of fish and wildlife as required by~~  
20       ~~10 V.S.A. § 5207.~~

1 § 1155. ~~TUBERCULOSIS TESTING~~

2 ~~All cattle, red deer, fallow deer, and reindeer within the state shall be tested~~  
3 ~~for tuberculosis on a periodic basis. The secretary shall annually designate a~~  
4 ~~list of towns within which all test eligible cattle are to be tested. [Repealed.]~~

5 \* \* \*

6 § 1157. QUARANTINE

7 (a) The ~~secretary~~ Secretary may order any domestic animals, the premises  
8 upon which they are or have been located, any animal products derived from  
9 those domestic animals, and any equipment, materials, or products to which  
10 they have been exposed to be placed in quarantine if the animals:

- 11 (1) are affected with a contagious disease;
- 12 (2) have been exposed to a contagious disease;
- 13 (3) may be infected with or have been exposed to a contagious disease;
- 14 (4) are suspected of having biological or chemical residues, including  
15 antibiotics, in their tissues ~~which~~ that would cause the carcasses of the animals,  
16 if slaughtered, to be adulterated within the meaning of chapter 204 of this  
17 title; or

18 (5) are owned or controlled by a person who has violated any provision  
19 of this part, and the ~~secretary~~ Secretary finds that a quarantine is necessary to  
20 protect the public welfare.



1 (b) Once a quarantine has been ordered, no animal under quarantine shall  
2 be removed from the premises where it is located. The ~~secretary~~ Secretary  
3 may limit or prevent other animals from being brought onto the same premises  
4 as the quarantined animal.

5 (c) A verbal quarantine order shall be effective immediately. ~~Notice~~  
6 Written notice of quarantine shall be delivered by certified mail, registered  
7 mail, or in person to the owner of the animals or to the person in possession of  
8 the animals, or if the owner or person in possession is unknown, by publication  
9 in a newspaper of general circulation in the area. The notice shall include:

10 (1) a description of the subject of the quarantine;

11 (2) an explanation of why the quarantine is necessary;

12 (3) the duration of the quarantine, or what condition must be met to lift  
13 the quarantine, including conditions for the repopulation of the premises and  
14 disinfection of equipment, materials, and products;

15 (4) the terms of the quarantine;

16 (5) the name and address of the person to be contacted for further  
17 information; and

18 (6) a statement that the person may request a hearing on the quarantine  
19 order.

20 (d) The ~~secretary~~ Secretary may use placards or any other method deemed  
21 necessary to give notice or warning to the general public of the quarantine.

1 (e) Within 15 days of receiving notice, a person subject to a quarantine  
2 order may request a hearing to be held by the ~~secretary~~ Secretary. The hearing  
3 shall be held within 60 days from the date of the request unless the ~~secretary~~  
4 Secretary has determined that a longer period is necessary because of the  
5 extent of the outbreak of disease, in which case the hearing shall be held as  
6 soon as practicable. A request for a hearing shall not stay the quarantine order.

7 (f) It shall be unlawful to violate the terms of a quarantine order issued  
8 pursuant to this section. Any person who knowingly violates a quarantine  
9 order shall be subject to a fine of not more than \$5,000.00; or imprisonment for  
10 not more than six months, or both. Any person who knowingly violates a  
11 quarantine order and causes the spread of a contagious disease beyond the  
12 quarantined premises shall be subject to a fine of not more than \$15,000.00; or  
13 imprisonment ~~of~~ for not more than two years, or both.

14 § 1158. QUARANTINE ~~DISTRICT~~ ZONE

15 (a) The ~~secretary~~ Secretary may establish a quarantine ~~district~~ zone  
16 whenever it is determined that a contagious disease is widely spread  
17 throughout an area of the ~~state~~ State and that a quarantine ~~district~~ zone is  
18 necessary to contain or prevent the further spread of the disease.

19 (b) In establishing a quarantine ~~district~~ zone, the ~~secretary~~ Secretary may,  
20 by order:

1           (1) regulate, restrict, or restrain movements of animals, animal products,  
2           or vehicles and equipment associated with animals or animal products into, out  
3           of, or within the ~~district~~ zone;

4           (2) detain all animals within the ~~district which~~ zone that might be  
5           infected with or have been exposed to the disease for examination at any place  
6           specified by the quarantine order; and

7           (3) take other necessary steps to prevent the spread of and eliminate the  
8           disease within the quarantine ~~district~~ zone.

9           (c) The ~~secretary~~ Secretary shall notify the public of the existence, location,  
10          and terms of a quarantine ~~district~~ zone, in a manner deemed appropriate under  
11          the circumstances. ~~To the extent that such notice is possible, the secretary~~  
12          ~~shall~~ The Secretary may also notify by certified mail or in person, the owner or  
13          person in possession of any animal or animals which must be detained or  
14          otherwise regulated within the ~~district~~ zone.

15          (d) It shall be unlawful to violate the terms of a quarantine ~~district~~ zone  
16          order issued pursuant to this section. Any person who knowingly violates a  
17          quarantine ~~district~~ zone order shall be subject to a fine of not more than  
18          \$5,000.00, or imprisonment for not more than six months, or both. Any person  
19          who knowingly violates a quarantine ~~district~~ zone order and causes the spread  
20          of a contagious disease beyond the quarantine district shall be subject to a fine

1 of not more than \$15,000.00, ~~or imprisonment of~~ for not more than two years,  
2 or both.

3 § 1159. DISPOSAL OF DISEASED ANIMALS

4 (a) The ~~secretary~~ Secretary may condemn and order destroyed any animal  
5 that is infected with or has been exposed to a contagious disease. An order to  
6 destroy an animal shall be based on a determination that the destruction of the  
7 animal is necessary to prevent or control the spread of the disease. The  
8 ~~secretary~~ Secretary shall order any condemned animal to be destroyed and  
9 disposed of in accordance with approved methods ~~as specified by rule~~. The  
10 ~~secretary's~~ Secretary's order may extend to some or all of the animals on the  
11 affected premises.

12 (b) The ~~secretary~~ Secretary may order that any real property, building,  
13 vehicle, piece of equipment, container, or other article associated with a  
14 diseased animal be disinfected and sanitized. Any cost of disinfection incurred  
15 by the ~~secretary~~ Secretary shall be deducted from any compensation paid to an  
16 animal owner under this section.

17 (c) The ~~secretary~~ Secretary may compensate the owner of any ~~cattle~~  
18 domestic animal or poultry destroyed pursuant to this chapter because of  
19 exposure to or infection with ~~brucellosis or tuberculosis~~ contagious disease.  
20 ~~Payment shall not exceed two-thirds of the difference between the salvage~~  
21 ~~value and the appraised value of the animal, and in no event exceed \$250.00~~

1 ~~for each purebred or \$200.00 for each grade animal~~ Compensation shall be  
2 determined on a case-by-case basis as funds allow.

3 (d) ~~The secretary may compensate the owner of any swine destroyed~~  
4 ~~pursuant to this chapter because of exposure to or infection with brucellosis or~~  
5 ~~tuberculosis. Payment shall not exceed two thirds of the difference between~~  
6 ~~the salvage value and the appraised value of the animal, and in no event exceed~~  
7 ~~\$40.00 for each purebred or \$20.00 for each grade swine.~~

8 (e) ~~The secretary may compensate the owner of deer destroyed pursuant to~~  
9 ~~this chapter because of exposure to or infection with brucellosis, tuberculosis,~~  
10 ~~or transmissible spongiform encephalopathies. Payment shall not exceed two-~~  
11 ~~thirds of the difference between the salvage value and the appraised value of~~  
12 ~~the animal, and in no event shall exceed \$250.00 per animal.~~

13 (f) Compensation under this section shall only be paid ~~where~~ when:

14 (1) ~~the owner of an animal destroyed for brucellosis is in compliancee~~  
15 ~~with the recommended uniform methods and rules of the state and federal~~  
16 ~~cooperative brucellosis program;~~

17 (2) ~~the agency~~ Agency of Agriculture, Food and Markets has determined  
18 the origin of all animals on the premises containing the condemned animal;

19 (3)(2) ~~all other state~~ applicable State or federal livestock laws statutes,  
20 rules, or regulations have been complied with by the owner or person in  
21 possession of the animal;

1           ~~(4)~~(3) there are sufficient ~~state~~ State funds appropriated for this  
2           purpose; and

3           ~~(5)~~(4) in the case of a person who has made a claim for compensation  
4           under this section within the previous two years, the ~~secretary~~ Secretary  
5           determines that adequate measures were taken to prevent the reintroduction of  
6           contagious diseases into that person's herd or flock.

7           ~~(g)~~ ~~Payments made pursuant to this section shall be in addition to any~~  
8           ~~compensation paid to the owner by the federal government. The secretary may~~  
9           ~~make additional payments for destroyed animals where federal regulations do~~  
10          ~~not provide for compensation. Additional payments shall not exceed \$100.00~~  
11          ~~for each purebred animal and \$50.00 for each grade animal.~~

12          ~~(h)~~(e) It shall be unlawful to violate the terms of an order issued pursuant to  
13          subsection (a) or (b) of this section. Any person who knowingly violates an  
14          order issued pursuant to subsection (a) or (b) of this section shall be subject to  
15          a fine of not more than \$5,000.00; or imprisonment for not more than six  
16          months, or both. Any person who knowingly violates an order issued pursuant  
17          to subsection (a) or (b) of this section and causes the spread of a contagious  
18          disease shall be subject to a fine of not more than \$15,000.00; or imprisonment  
19          of for not more than two years, or both.

20          ~~(i)~~(f) A destruction order, whether verbal or written, shall take effect  
21          immediately on notice to the owner or the person in possession of the animal

1 or animals, if the owner or person in possession is known. The notice shall be  
2 given by certified mail or in person. Within 15 days of receiving the notice,  
3 the owner or person in possession may request a hearing to be held by the  
4 ~~secretary~~ Secretary. The hearing shall be held within 60 days from the date of  
5 the request unless the ~~secretary~~ Secretary has determined that a longer period is  
6 necessary because of the extent of the outbreak of disease, in which case the  
7 hearing shall be held as soon as practicable. A request for a hearing shall not  
8 stay the destruction order.

9 § 1160. ~~APPROPRIATIONS;~~ EMERGENCY OUTBREAK OF

10 CONTAGIOUS DISEASE

11 ~~(a) In addition to funds appropriated to carry out the purposes of this~~  
12 ~~chapter, all fees and charges collected under this chapter and any amount~~  
13 ~~received by the state from the sale of condemned animals shall be used to carry~~  
14 ~~out the provisions of this chapter.~~

15 ~~(b)~~ In case of the outbreak within this ~~state~~ State of some contagious  
16 disease of domestic animals, or whenever there is reason to believe that there is  
17 danger of the introduction into the ~~state~~ State of any contagious disease  
18 prevailing among domestic animals outside the ~~state~~ State, the ~~secretary~~  
19 Secretary may take ~~such~~ action and ~~issue such~~ adopt emergency rules as ~~are~~  
20 necessary to prevent the introduction or spread of the disease.

1 § 1161. FEES FOR TESTING

2 (a) The ~~secretary~~ Secretary may assess fees necessary to cover the cost of  
3 testing ~~poultry~~ domestic animals for contagious diseases.

4 (b) ~~The secretary may negotiate appropriate compensation with those~~  
5 ~~licensed veterinarians acting at his or her request. At minimum, these fees~~  
6 ~~shall be \$5.00 for each farm at which the veterinarian performs a tuberculosis~~  
7 ~~test on an animal, \$.75 for each animal tested in a stanchion barn, and \$1.50 for~~  
8 ~~each animal tested in a loose housing barn.~~

9 (c) ~~The secretary may negotiate appropriate compensation with those~~  
10 ~~licensed veterinarians acting at his or her request to test red deer, fallow deer,~~  
11 ~~or reindeer for tuberculosis. At minimum, these fees shall be \$25.00 for each~~  
12 ~~farm at which the veterinarian performs a tuberculosis test on such deer and~~  
13 ~~\$5.00 for each deer tested.~~

14 § 1162. REPORT OF DISEASE

15 (a) All accredited veterinarians ~~and persons operating animal disease~~  
16 ~~diagnostic laboratories~~ shall immediately report the discovery of any domestic  
17 animal within this ~~state which~~ State that is infected with, is suspected of being  
18 infected with, or has been exposed to a reportable disease as specified by this  
19 chapter. A veterinarian shall immediately report any sudden unexplained  
20 morbidity or mortality in a herd or flock located within the State. The report  
21 shall be made to the ~~state veterinarian~~ State Veterinarian and shall specify the



1 ~~location~~ physical address where the animal is located, identification, and  
2 description of the animal; ~~the disease involved, or condition suspected or~~  
3 diagnosed; and the name ~~and, mailing address, and telephone number~~ of the  
4 owner or person in possession of the animal.

5 (b) All persons operating diagnostic laboratories shall immediately report  
6 the diagnosis of any domestic animal within this State that has a reportable  
7 disease as specified by this chapter. The report shall be made to the State  
8 Veterinarian and, in addition to the information required under subsection (a)  
9 of this section, shall include a copy of the test chart pertaining to the animal in  
10 question.

11 § 1163. ADDITIONAL VIOLATIONS

12 (a) A person who knowingly commits any of the following acts shall be  
13 ~~imprisoned not more than six months, or fined not more than \$5,000.00, or~~  
14 ~~both~~ assessed an administrative penalty under section 15 of this title for:

15 (1) ~~to transport~~ transporting an animal affected with, or exposed to, a  
16 contagious disease without first obtaining the permission of the ~~secretary~~  
17 Secretary;

18 (2) ~~to interfere~~ interfering with any animal disease test conducted  
19 pursuant to this chapter;

20 (3) ~~to advertise, sell, or offer for sale as accredited tuberculosis-free or~~  
21 ~~certified brucellosis-free, any cattle which do not come from herds officially~~

1 ~~accredited or certified by the secretary or the United States Department of~~  
2 ~~Agriculture;~~

3 ~~(4) to advertise, sell, or offer~~ advertising, selling, or offering for sale as  
4 tested under state or federal supervision any ~~eattle which do~~ domestic animal  
5 that does not come from herds that are under state or federal supervision;

6 ~~(5)(4) to fail~~ failing to report the discovery of a reportable disease as  
7 required by section 1162 of this title;

8 ~~(6)(5) to interfere~~ interfering with or ~~hinder~~ hindering the work of the  
9 ~~secretary~~ Secretary or his or her agents pursuant to this chapter.

10 (b) A person who knowingly commits any of the following acts shall be  
11 imprisoned not more than two years, or fined not more than \$15,000.00, or  
12 both for:

13 (1) ~~to import~~ importing into this ~~state~~ State any animal infected with or  
14 exposed to a contagious disease;

15 (2) ~~to sell, or offer~~ selling or offering for sale for food purposes any  
16 animal, or animal carcass, condemned under the provisions of this chapter,  
17 unless the animal is inspected and approved for use as human food by an agent  
18 of the Secretary or the ~~United States~~ U.S. Department of Agriculture.

19 § 1164. CIVIL PENALTIES

20 (a) A person who violates any provision of this chapter or the rules adopted  
21 under this chapter, or who commits any of the acts described in section 1163 of

1 this title shall ~~in addition to any other penalty be subject to a civil penalty of~~  
2 ~~not more than \$5,000.00~~ be assessed an administrative penalty under section  
3 15 of this title. Each violation shall be a separate and distinct offense and, in  
4 the case of a continuing violation, each day's continuance thereof shall be  
5 deemed a separate and distinct offense. ~~In no event shall the cumulative~~  
6 ~~penalty exceed \$25,000.00 per occurrence.~~

7 (b) The ~~secretary~~ Secretary may, in the name of the ~~agency~~ Agency of  
8 Agriculture, Food and Markets, obtain a temporary or permanent injunction to  
9 restrain a violation of this chapter.

10 (c) After notice and opportunity for hearing, the ~~secretary~~ Secretary may  
11 suspend or revoke any license issued pursuant to chapters 63 and 65 of this  
12 title for any violation of this chapter.

13 § 1165. TESTING OF CAPTIVE DEER

14 (a) Definitions. As used in this section:

15 (1) "Captive deer operation" means a place where deer are privately or  
16 publicly maintained, in an artificial manner, or held for economic or other  
17 purposes within a perimeter fence or confined space.

18 (2) "Chronic wasting disease" or "CWD" means a transmissible  
19 spongiform encephalopathy.

20 (b) Testing. A person operating a captive deer operation under the  
21 jurisdiction of the Secretary of Agriculture, Food and Markets shall inform the

1 Secretary when a captive deer in his or her control dies or is sent to slaughter.  
2 The person operating the captive deer operation shall make the carcass of a  
3 deceased or slaughtered animal available to the Secretary for testing for CWD.

4 ~~(e) Cost. The cost of CWD testing required under this section shall be paid~~  
5 ~~by the Secretary, and shall not be assessed to the person operating the captive~~  
6 ~~deer operation from which a tested captive deer originated.~~

7 Subchapter 2. Equine Infectious Anemia

8 § 1181. CERTIFICATION REQUIRED

9 (a) Any equine animal imported into the ~~state~~ State or transported through  
10 the ~~state~~ State shall be accompanied by a ~~certificate of veterinarian inspection~~  
11 Certificate of Veterinarian Inspection. The certificate shall state that the  
12 equine animal has been tested negative to equine infectious anemia (EIA) by  
13 an accredited veterinarian.

14 (b) Any equine animal purchased, sold, offered for sale, bartered,  
15 exchanged, or given away within the ~~state~~ State, or imported for one of these  
16 purposes, shall be tested by an accredited veterinarian and certified as negative  
17 to equine infectious anemia in accordance with rules adopted by the ~~secretary~~  
18 Secretary as provided by subsection (f) of this section. A test for equine  
19 infectious anemia shall not be required ~~where~~ when:

1           (1) the transfer of ownership is between the owner of the animal and his  
2           or her spouse, child, or sibling and where the animal is not moved to new  
3           premises;

4           ~~(2) the transfer of ownership is between the owner of the animal and a~~  
5           ~~livestock dealer and is conducted in accordance with such rules as the secretary~~  
6           ~~may adopt to ensure that an untested animal does not expose other horses to~~  
7           ~~equine infectious anemia; or~~

8           ~~(3)~~(2) the animal is consigned directly to slaughter.

9           (c) Whenever the ~~secretary~~ Secretary has reason to believe that any equine  
10          animal has been exposed to equine infectious anemia and that the animal may  
11          pose a threat to other equine animals, the ~~secretary~~ Secretary may require that  
12          the animal be tested for equine infectious anemia by an accredited veterinarian  
13          or ~~full-time state~~ State or federal ~~employee~~ veterinarian approved by the  
14          Secretary.

15          (d) The ~~secretary~~ Secretary may require by rule that any equine animal  
16          transported to any fair, show, competition, or other gathering of equine animals  
17          be accompanied by a certificate ~~which~~ that states that the equine animal has  
18          been tested and found negative to equine infectious anemia.

19          (e) The ~~secretary~~ Secretary shall establish by rule the form and manner of  
20          required certifications and the periods of time within which testing and  
21          certification of equine animals shall be accomplished.

1           (f) The ~~secretary~~ Secretary shall adopt rules pursuant to 3 V.S.A. chapter  
2           25, for the purchase by a livestock dealer for resale or for slaughter, of equine  
3           not known to be tested for equine infectious anemia, as authorized by  
4           subsection (b) of this section. The rules shall include specifications governing  
5           equine quarantine facilities, procedures for equine animals of unknown EIA  
6           status intended for resale to be retested, procedures for handling equine  
7           animals of unknown EIA status purchased for slaughter, and ~~record-keeping~~  
8           record-keeping requirements for livestock dealers.

9           § 1182. TESTING OF EQUINE ANIMALS

10          (a) Testing of equine animals for equine infectious anemia shall be done by  
11          an accredited ~~graduate~~ veterinarian licensed in the State by means of a Coggins  
12          test or other test acceptable to the ~~secretary~~ Secretary, at the owner's expense.

13          (b) Any equine animal found to be a reactor by means of a test under  
14          subsection (a) of this section shall be administered a second test ~~within~~  
15          ~~72 hours of receipt of the results of the first test~~ in accordance with the  
16          applicable State and federal statutes, rules, or regulations.

17          (c) Any equine animal found to be a reactor shall be quarantined in  
18          accordance with instructions of the ~~secretary~~ Secretary between receipt of the  
19          results of the first and second tests. Any equine animal found to be a reactor to  
20          a second test shall continue to be quarantined until adequate arrangements are  
21          made for disposition of the animal in accordance with section 1183 of this title.

1 (d) Any veterinarian who identifies an equine animal as a reactor shall  
2 report that animal to the ~~secretary~~ Secretary in a form and manner to be  
3 prescribed by rule of the ~~secretary~~ Secretary.

4 ~~(e) The secretary shall notify veterinarians and owners of equine animals in~~  
5 ~~the immediate area of the location of the diseased animal. The immediate area~~  
6 ~~shall be defined by the secretary as necessary to meet the specific~~  
7 ~~circumstances created by the diseased animal.~~

8 § 1183. DISPOSITION OF REACTORS

9 (a) Any equine animal identified as a reactor through testing as provided in  
10 subsections 1182(a) and (b) of this title shall be humanely destroyed within  
11 seven days of the second test. The destruction of the animal shall be by an  
12 ~~accredited graduate~~ a licensed veterinarian, ~~or by any other person if~~ and shall  
13 be observed by the ~~secretary~~ Secretary or an agent of the ~~United States~~ U.S.  
14 Department of Agriculture.

15 (b) Notwithstanding the provisions of subsection (a) of this section, a  
16 reactor may be transported to an approved slaughterhouse or research facility  
17 where authorized by written permission of the ~~secretary~~ Secretary. In granting  
18 permission, the ~~secretary~~ Secretary may specify the conditions under which the  
19 animal shall be quarantined, transported, and destroyed.

20 (c) Any ~~person, including an accredited graduate~~ licensed veterinarian, who  
21 destroys any equine animal in accordance with the provisions of this section

1 shall immediately report the destruction of the animal to the ~~secretary~~ within  
2 ~~seven days~~ Secretary.

3 (d) As an alternative to the destruction of animals under the provisions of  
4 subsections (a) and (b) of this section, reactors may be isolated permanently  
5 under quarantine from all other equine animals and shall be conspicuously  
6 freezebranded with the letters "EIA." In no case shall this action be delayed  
7 for more than two weeks. The quarantine shall apply to all equine animals on  
8 the premises where the reactor is located; and shall remain in effect until the  
9 reactor is destroyed or isolated under quarantine and the remaining equine  
10 animals are tested and found to be negative.

11 (e) The provisions of this section shall be implemented by rule of the  
12 ~~secretary~~ Secretary.

13 § 1184. PENALTIES

14 ~~Any person who violates subsection 1183(a) of this title shall be fined not~~  
15 ~~less than \$500.00 nor more than \$2,500.00.~~ Any person who violates the  
16 provisions of section 1181, 1182, or ~~subsection 1183(b), (c), or (d)~~ of this title  
17 ~~shall be fined not more than \$500.00~~ shall be assessed an administrative  
18 penalty under section 15 of this title.



1 Sec. 4. 6 V.S.A. chapter 107 is amended to read:

2 CHAPTER 107. ~~IMPORTS AND EXPORTS~~ MOVEMENT OF  
3 LIVESTOCK AND POULTRY

4 § 1459. DEFINITIONS

5 As used in this chapter:

6 (1) “Commercial slaughter facility” shall have the same meaning as  
7 “commercial slaughterhouse” set forth in section 3302 of this title.

8 (2) “Livestock” shall have the same meaning as set forth in section 3302  
9 of this title.

10 (3) “Poultry” shall have the same meaning as set forth in section 3302 of  
11 this title.

12 (4) “Reactor” means livestock or poultry that test positive to a test  
13 required under this chapter.

14 (5) “Suspect” means livestock or poultry that are tested under a  
15 requirement in this chapter and are not classified as testing positive or  
16 negative.

17 § 1460. INTERSTATE MOVEMENT; ADMINISTRATION

18 (a) In order to implement the requirements of this chapter and chapter 63 of  
19 this title related to the licensing of livestock businesses, the Secretary of  
20 Agriculture, Food and Markets shall require importers of livestock or poultry  
21 into the State to comply with minimum requirements of the U.S. Department

1 of Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including  
2 any future amendments to the rule.

3 (b) In order to prevent the introduction or spread of contagious disease, or  
4 to ensure adequate animal traceability within this State, the Secretary may  
5 adopt rules to mandate stricter movement requirements than those required by  
6 the U.S. Department of Agriculture Animal Disease Traceability rule.

7 § 1461. IMPORT AND EXPORT DOCUMENTATION REQUIRED

8 (a) Import permit. ~~No person shall import, or cause~~ The Secretary of  
9 Agriculture, Food and Markets may require a person who imports or causes to  
10 be imported into this State; any domestic animal except dogs and cats, without  
11 to first ~~obtaining~~ obtain an import permit from the Secretary, except as the  
12 Secretary may provide by rule. Permits shall be issued ~~on forms provided in a~~  
13 manner approved by the Secretary. ~~Within ten days of importing an animal~~  
14 into Vermont, the importer shall return the import permit, detailing all  
15 information which the Secretary may reasonably require, to the Vermont  
16 Agency of Agriculture, Food and Markets. ~~Persons importing horses shall not~~  
17 be required to obtain an import permit under this subsection unless there is a  
18 substantial danger of the introduction of a contagious disease into this State. ~~In~~  
19 such case, the Secretary may require import permits for horses by emergency  
20 rule.

1 (b) Certificates of veterinary inspection. No person shall import, or cause  
2 to be imported, any domestic animal into this State without first obtaining a  
3 ~~certificate of veterinary inspection~~ Certificate of Veterinary Inspection, ~~except~~  
4 ~~for equine imported for resale or slaughter as provided by subsection 1181(b)~~  
5 ~~of this title, and~~ except as the Secretary may provide by rule. The certificate  
6 shall be issued by an accredited and licensed veterinarian in the state, or  
7 country, of origin. The certificate shall contain a statement by the ~~chief~~  
8 ~~livestock official~~ State Animal Health Official for that state certifying that the  
9 veterinarian who executed the certificate is licensed to practice veterinary  
10 medicine in that state or country and is accredited by the U.S. Department of  
11 Agriculture to sign ~~certificate of veterinary inspection~~ a Certificate of  
12 Veterinary Inspection. The certificate shall be issued electronically or on a  
13 form prescribed by the state of origin, and declare that all of the animals listed  
14 have been inspected, tested, or both inspected and tested, as required by the  
15 ~~laws of Vermont~~ applicable State and federal statutes, rules, and regulations.  
16 The certificate shall also set forth the name and address of the owner of any  
17 animal transferred pursuant to the certificate. One copy of the certificate shall  
18 accompany the animals during transportation, and one copy shall be filed with  
19 the Secretary. A Certificate of Veterinary Inspection that is issued  
20 electronically shall meet the data standards established by the National

1 Assembly of State Animal Health Officials in consultation with the U.S.  
2 Department of Agriculture.

3 (c) Exemption. The Secretary may, by rule, exempt from the provisions of  
4 this section transactions concerning domestic animals transported into this  
5 State for immediate slaughter. A person who so imports an animal without a  
6 permit and then does not immediately slaughter the animal shall be subject to  
7 the provisions of this section.

8 (d) Exportation. A person wishing to export domestic animals to another  
9 state or country shall comply with all the requirements of that state or country  
10 for the importation of domestic animals.

11 § 1461a. INTRASTATE MOVEMENT

12 (a) The Secretary of Agriculture, Food and Markets shall require all  
13 livestock being transported within the State to satisfy the requirements for  
14 official identification for interstate movement under the U.S. Department of  
15 Agriculture Animal Disease Traceability rule, 9 C.F.R. part 86, including any  
16 future amendments to the rule, prior to leaving the premises of origin,  
17 regardless of the reason for movement or duration of absence from the  
18 premises.

19 (b) Livestock transported from the premises of origin for purposes of  
20 receiving veterinary care at a hospital in this State are exempt from the  
21 requirements of subsection (a) of this section, provided that the livestock are

1 returned to the premises of origin immediately following the conclusion of  
2 veterinary care.

3 (c) Livestock and poultry that are transported to a commercial slaughter  
4 facility within the State shall not be removed from the facility without the  
5 facility's owner first obtaining written permission from the State Veterinarian.

6 For purposes of this section, arrival of the conveyance onto facility property  
7 constitutes transport to a slaughter facility, regardless of whether the animals  
8 have been offloaded or presented for antemortem inspection. The State  
9 Veterinarian may require inspection and testing prior to issuing consent for  
10 removal.

11 (d) Vermont-origin livestock and poultry that are transported to a slaughter  
12 facility outside this State shall not be removed from the facility and returned to  
13 Vermont without the facility's owner first obtaining written permission from  
14 the State Veterinarian. For purposes of this section, arrival of the conveyance  
15 onto facility property constitutes transport to a slaughter facility, regardless of  
16 whether the animals have been offloaded or presented for antemortem  
17 inspection. The State Veterinarian may require inspection and testing prior to  
18 issuing consent for removal.

19 (e) A person shall not transport out-of-state livestock or poultry into  
20 Vermont for slaughter or other purpose without written consent from the State  
21 Veterinarian if the livestock or poultry is classified as a suspect or a reactor by

1 the U.S. Department of Agriculture or was exposed to livestock or poultry  
2 classified as a suspect or a reactor.

3 § 1462. QUARANTINE

4 The ~~secretary~~ Secretary may require by rule in general, or order in specific  
5 cases, that any domestic ~~animals~~ animal imported into this ~~state~~ State be placed  
6 in quarantine.

7 § 1463. EXAMINATION; RELEASE FROM QUARANTINE

8 Within a reasonable time, the ~~secretary~~ Secretary shall examine any  
9 imported domestic animal placed in quarantine, and may apply such tests or  
10 retests as the ~~secretary~~ Secretary deems necessary to determine the health of  
11 ~~such~~ the animals. After test or retests ordered by the ~~secretary~~ Secretary have  
12 been applied, any domestic animal found free from contagious or infectious  
13 disease shall be released from quarantine, unless the ~~secretary~~ Secretary  
14 determines that the animal may have been exposed to a contagious disease and  
15 that it is necessary to continue the quarantine in order to prevent the potential  
16 spread of a contagious disease. Any ~~such~~ order shall be made in the manner  
17 provided by section 1157 of this title.

18 § 1464. SLAUGHTER; EXPENSES

19 The ~~secretary~~ Secretary may take all steps that he or she deems necessary to  
20 prevent the potential spread of a contagious or an infectious disease, including  
21 ~~but not limited to~~, continuing a quarantine order concerning imported animals

1 found to be infected with or exposed to a contagious disease. Where necessary  
2 to protect the health of other domestic animals, or to prevent or control the  
3 spread of contagious disease, the ~~secretary~~ Secretary may order any domestic  
4 animal imported into the ~~state which~~ State that is infected with or has been  
5 exposed to an infectious or contagious disease condemned, and ~~destroyed,~~ and  
6 the carcass disposed with, in accordance with the provisions of section 1159 of  
7 this title. The owner shall bear the expense of detention, examination, test, and  
8 slaughter but not the personal expenses of the ~~secretary~~ Secretary.

9 § 1466. EXCEPTIONS

10 Nothing in sections 1461-1465 of this title shall be construed to apply to the  
11 transportation of domestic animals through the ~~state, nor shall it apply to~~  
12 ~~horses that are driven into and out of the state on business or pleasure. This~~  
13 ~~exemption shall not apply, however, if such animals remain in the state for~~  
14 ~~more than 48 hours~~ State, provided that the animals are not off-loaded within  
15 the State and the premises of the consignee are not within the State.

16 § 1467. TEST AND INSPECTION IN STATE OF ORIGIN

17 (a) Any domestic animal brought into the ~~state~~ State shall be tested and  
18 inspected in the state of origin when testing or inspection is required by rule.  
19 Imported domestic animals may be retested at the discretion of the ~~secretary~~  
20 Secretary.

1 (b) In order to prevent the spread of infections or contagious diseases, any  
2 domestic animal brought into the ~~state~~ State without having been first tested  
3 and inspected, as required by the ~~secretary's~~ Secretary's rules, may be returned  
4 to the state of origin within 48 hours of a determination by the ~~secretary~~  
5 Secretary that the animals have been illegally imported. While in the ~~state~~  
6 State, the illegally imported domestic animals shall be strictly quarantined. In  
7 the event that the domestic animals cannot be returned to the state of origin, the  
8 animals ~~shall~~ may be slaughtered or euthanized within 72 hours of a  
9 determination by the ~~secretary~~ Secretary that the animals have been illegally  
10 imported. The owner of the domestic animals shall bear the full expense of  
11 their removal from the ~~state~~ State, or destruction, and shall not be entitled to  
12 any compensation from the ~~state~~ State.

13 § 1468. PERMITS TO PERSONS NEAR STATE LINE; SECRETARY

14 GRANT OF PERMISSION OF ENTRY DURING FAIR SEASON

15 Persons living near the ~~state~~ State line who own or occupy land in an  
16 adjoining state may procure from the ~~secretary~~ Secretary permits to drive, herd,  
17 or transport cattle, horses, or other livestock back and forth to seasonal pasture  
18 ~~and for other purposes~~ or housing, subject to such restrictions as the ~~secretary~~  
19 Secretary may prescribe by rule or order. ~~The secretary may make such rules~~  
20 ~~in each case as are deemed necessary.~~ The ~~secretary~~ Secretary may grant  
21 permission for cattle, horses, or other domestic animals to enter the ~~state~~ State



1 for exhibition purposes ~~during the fair season and~~ between May 1 and  
2 October 31 of any year. The Secretary may ~~make such~~ adopt rules ~~in~~  
3 ~~connection therewith as are deemed necessary~~ regarding entry of cattle, horses,  
4 or other domestic animals into the State for seasonal pasture, housing, or  
5 exhibition purposes.

6 § 1469. PENALTIES-ILLEGAL IMPORTATION

7 (a) A person engaged in a commercial enterprise who violates a provision  
8 of this chapter, the rules adopted thereunder, a permit issued pursuant to this  
9 chapter, or an order issued pursuant to this chapter ~~shall be fined not more than~~  
10 ~~\$15,000.00, or imprisoned for not more than two years, or both~~ may be  
11 assessed an administrative penalty under section 15 of this title.

12 (b) The ~~secretary~~ Secretary may seek a temporary or permanent injunction  
13 to enforce the provisions of this chapter, the rules adopted under this chapter, a  
14 permit issued pursuant to this chapter, or an order issued pursuant to this  
15 chapter.

16 (c) The ~~secretary~~ Secretary may suspend or revoke a license issued under  
17 ~~chapters~~ chapter 63 ~~and 65~~ of this title for a violation of this chapter, the rules  
18 adopted under this chapter, a permit issued pursuant to this chapter, or an order  
19 issued pursuant to this chapter in accordance with the provisions of the  
20 Administrative Procedure Act, 3 V.S.A. chapter 25 ~~of Title 3.~~

1 § 1471. ~~EXPORTATION~~

2 ~~A person wishing to export domestic animals to another state or country~~  
3 ~~shall comply with all the requirements of that state or country for the~~  
4 ~~importation of domestic animals. [Repealed.]~~

5 \* \* \*

6 § 1475. RULEMAKING

7 The ~~secretary~~ Secretary may adopt rules to carry out the provisions of this  
8 chapter.

9 § 1476. MISUSE OR REMOVAL OF OFFICIAL IDENTIFICATION

10 DEVICES

11 A person who, without authority from the Secretary, removes or causes to  
12 be removed from an animal any official identification device as defined in  
13 9 C.F.R. § 86.1, or otherwise misuses or causes an official identification device  
14 to be misused, may be imprisoned not more than one year or fined not more  
15 than \$1,000.00, or both.

16 § 1477. REVOCATION OF LIVESTOCK DEALER LICENSE

17 The Secretary may revoke for a period of one year the license of a livestock  
18 dealer who has been convicted of a violation of the provisions of section 1476  
19 of this title, and the license shall not be renewed prior to the expiration of one  
20 year from the date of conviction.

1 Sec. 5. 6 V.S.A. chapter 113 is amended to read:

2 CHAPTER 113. FEEDING PROHIBITED FOOD WASTE TO SWINE

3 § 1671. DEFINITION

4 ~~For the purpose of~~ (a) As used in this chapter, “prohibited food waste”

5 means ~~all~~ the following:

6 (1) Pre- and post-consumer waste material derived in whole or in part

7 from the meat of any animal (, including fish and poultry), or from other

8 animal material; or

9 (2) ~~other than processed dairy products, and other refuse of any~~

10 ~~character whatsoever that has been associated with any such material, resulting~~

11 ~~from the handling, preparation, cooking, disposal, or consumption of food,~~

12 ~~except that such term shall not include~~ Material that as, a result of the

13 handling, preparation, cooking, disposal, or consumption of food, has come

14 into contact with pre- or post-consumer waste material derived in whole or in

15 part from the meat of any animal, including fish or poultry, or from other

16 animal material.

17 (b) The term “prohibited food waste” shall not include the following:

18 (1) ~~waste~~ Waste from ordinary household operations which that is fed

19 directly to swine raised exclusively for the use in the household of the owner

20 of the swine by members of the household and nonpaying guests and

21 employees; and

1           (2) Processed dairy products.

2           § 1672. FEEDING OF PROHIBITED FOOD WASTE

3           No person shall feed prohibited food waste to swine or supply prohibited  
4           food waste to others for the purpose of feeding it to swine.

5           § 1675. INSPECTION AND INVESTIGATION; RECORDS

6           Any authorized representative of the Vermont ~~agency of agriculture, food~~  
7           ~~and markets or United States~~ Agency of Agriculture, Food and Markets or  
8           U.S. Department of Agriculture is authorized to enter at reasonable times upon  
9           any private or public property for the purpose of inspecting and investigating  
10          the allegations of feeding of prohibited food waste to swine.

11          § 1676. REGULATIONS; COOPERATION WITH UNITED STATES

12          The ~~agency~~ Agency is charged with administration and enforcement of the  
13          provisions of this chapter, and is authorized to adopt rules and enforce all ~~rules~~  
14          State and federal laws, rules, and regulations ~~which that~~ it deems necessary to  
15          carry out the purposes of this chapter. The ~~agency~~ Agency is authorized to  
16          cooperate with the ~~United States agency of agriculture~~ U.S. Department of  
17          Agriculture.

18          § 1677. PENALTIES

19          A person who violates any of the provisions of, or who fails to perform any  
20          duty imposed by this chapter, or who violates any rule or regulation adopted  
21          hereunder ~~shall be fined not less than \$10.00 nor more than \$100.00 for each~~

1 ~~offense shall be assessed an administrative penalty under section 15 of this~~  
2 ~~title.~~ Each day upon which such violation occurs constitutes a separate  
3 offense. In addition thereto, ~~such~~ the person may be enjoined from further  
4 violation. ~~The secretary may also seek administrative penalties under section~~  
5 ~~15 of this title for violations of this chapter.~~

6 Sec. 6. 6 V.S.A. chapter 115 is amended to read:

7 CHAPTER 115. VETERINARY ~~MEDICINES~~ PHARMACEUTICALS

8 § 1731. SALE, DISTRIBUTION, OR USE

9 (a) A person, firm, or corporation other than a licensed graduate  
10 veterinarian shall not sell, trade, distribute, or use in this ~~state~~ State any  
11 product containing live germs, cultures, or virulent products for the treatment  
12 of any domestic animal without first obtaining ~~the approval of and a permit~~  
13 ~~issued by the secretary of agriculture, food and markets~~ written authorization  
14 from the Secretary of Agriculture, Food and Markets.

15 (b) In no case may a person, firm, or corporation, including licensed  
16 veterinarians, use or possess virulent live virus hog cholera vaccine.

17 § 1732. PENALTIES

18 A person, firm, or corporation who violates a provision of section 1731 of  
19 this title shall be ~~imprisoned not more than six months or fined not more than~~  
20 ~~\$200.00 nor less than \$25.00, or both~~ assessed an administrative penalty under  
21 section 15 of this title.

1       § 1733. ~~SALE OR USE OF TUBERCULIN; LABELS; REPORTS~~

2           ~~All tuberculin sold, given away, or used within this state shall bear a label~~  
3       ~~stating the name and address of the person, firm, or institution making it and~~  
4       ~~the date of preparation. A person selling or giving away tuberculin shall report~~  
5       ~~to the secretary the amount of tuberculin sold or given away, the degree of~~  
6       ~~strength, the name and address of the person to whom sold or given, and the~~  
7       ~~date of delivery. Such report shall include the address of and be signed by the~~  
8       ~~person or firm making the report. [Repealed.]~~

9       § 1734. ~~DUTIES OF BUYER OF TUBERCULIN~~

10          ~~A person buying or procuring tuberculin shall not use or dispose of it until~~  
11       ~~assured in writing by the person from whom the tuberculin is received that its~~  
12       ~~delivery has been reported to the secretary or unless he has reported its receipt~~  
13       ~~to such secretary with information required to be furnished by those who~~  
14       ~~distribute tuberculin. The person buying or procuring tuberculin shall keep a~~  
15       ~~correct record of the amount received, the amount used, and the amount on~~  
16       ~~hand. He shall report these facts whenever any tuberculin is used and, if at any~~  
17       ~~time unused tuberculin is not deemed fit or is not to be used, such person shall~~  
18       ~~forward it to such secretary with a statement showing his name and address,~~  
19       ~~where and when such tuberculin was procured, the amount procured at the~~  
20       ~~time, and the amount used. If the amount forwarded to such secretary and the~~

1 ~~amount used do not equal the amount procured, a statement shall be made as to~~  
2 ~~the disposition of the remainder. [Repealed.]~~

3 § 1735. ~~PENALTIES—FORFEITURE OF VETERINARY’S CERTIFICATE~~

4 ~~A veterinary surgeon who violates a provision of sections 1733 and 1734 of~~  
5 ~~this title shall forfeit his or her certificate to practice and thereafter be debarred~~  
6 ~~from practicing his or her profession within the state of Vermont, until such~~  
7 ~~disability is legally removed. [Repealed.]~~

8 § 1736. ~~FINE OR IMPRISONMENT~~

9 ~~A person who violates a provision of sections 1733 and 1734 of this title~~  
10 ~~shall be fined not more than \$200.00 nor less than \$10.00, or be imprisoned~~  
11 ~~not more than six months, or both. [Repealed.]~~

12 Sec. 7. REPEAL

13 6 V.S.A. chapter 109 (ear tags) is repealed.

14 Sec. 8. EFFECTIVE DATE

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