

# **Animal Shelter Working Group Report**

Pursuant to Sec. 26a of No. 39 of the Acts of the 2015 Sess.

January 2016

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**Animal Shelter Working Group**

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**Animal Shelter Working Group  
Committee Charge**

Sec. 26a of No. 39 of the Acts of the 2015 Sess.

Sec. 26a. ANIMAL SHELTER WORKING GROUP

(a) Creation. There is created an Animal Shelter Working Group for the purpose of making a recommendation to the House Committee on Agriculture and Forest Products and the Senate Committee on Agriculture regarding the appropriate statutory standards and requirements for adequate shelter of animals.

(b) Membership. The Animal Shelter Working Group shall be composed of:

- (1) the Chair of the House Committee on Agriculture and Forest Products or designee;
- (2) a representative of the Vermont Humane Federation (VHF), to be appointed by the VHF;
- (3) a representative of the Vermont Veterinary Medical Association, to be appointed by the Association; and
- (4) a representative of the Vermont Federation of Dog Clubs, to be appointed by the Federation.

(c) Additional members. The members of the Animal Shelter Working Group may vote to add additional members to the Working Group. Additional members shall have the same powers and authority of members designated under subsection (b) of this section.

(d) Purpose. The Animal Shelter Working Group shall convene to propose draft legislation designed to amend and improve the statutory requirements for adequate shelter of animals in the State of Vermont.

(e) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Animal Shelter Working Group shall have the assistance of the Office of Legislative Council and the Joint Fiscal Office.

(f) Report. On or before January 15, 2016, the Animal Shelter Working Group shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture and Forest Products a written report containing the findings of the Animal Shelter Working Group. The report shall include recommendations as to whether and how the existing State requirements for the shelter of animals should be amended. The report may be in the form of proposed legislation.

(g) Meetings.

(1) The Chair of the House Committee on Agriculture and Forest Products or designee shall be the Chair of the working group.

(2) The Chair shall call all meetings of the Animal Shelter Working Group, the first of which shall occur on or before September 1, 2015.

(h) Reimbursement. Members of the Animal Shelter Working Group shall not be entitled to compensation or reimbursement of expenses for participation in the Working Group.

**Members of the Animal Shelter Working Groups**

Chair of House Committee on Agriculture and Forest Products or Designee	Rep. John Bartholomew
Representative of Vermont Humane Federation (VHF).	Joanne Bourbeau
Representative of Vermont Veterinary Medical Association	Dr. Lisa Nelson, VMD
Representative of the Vermont Federation of Dog Clubs	Deb Brown

## Overview

Section 26a of No. 39 of the Acts of the 2015 Sess. of the Vermont General Assembly established an Animal Shelter Working Group (Working Group) for the purpose of making a recommendation to the General Assembly regarding the appropriate statutory standards and requirements for adequate shelter of animals. Act No. 39 further provides that the purpose of the Working Group is to meet in order to draft legislation that will be proposed to the General Assembly to amend and improve the statutory requirements for adequate shelter of animals in the State of Vermont.

The Working Group convened four meetings in 2006. The minutes of each of the meetings is attached as Appendix B of this report. At its first meeting on July 30, 2015, the Working Group agreed that the scope and focus of the Group should be on recommending changes to the statutory requirements for the shelter of dogs and cats, with the possibility of addressing shelter requirements for other animals. The Working Group then reviewed the existing statutory requirements for the shelter of dogs and cats. In addition, at the first meeting, the Working Group reviewed a draft bill offered by Rep. John Bartholomew to amend the existing statutory requirements for the shelter of dogs and cats.

The second and third meetings of the Working Group—occurring respectively on September 3, 2015 and September 22, 2015—focused principally on the mark up of proposed legislation to amend the statutory requirements for the shelter of dogs and cats. During these meetings, the Working Group reached general consensus on the text of proposed legislative changes. At the final meeting of the Working Group, the Group unanimously approved a draft bill as the final recommendations of the Group. That draft bill is attached as Appendix A of this report.

**Appendix A**

H.512

Introduced by Representative Bartholomew of Hartland

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; humane treatment of animals; shelter of dogs and cats

Statement of purpose of bill as introduced: This bill proposes to amend the requirements for the humane shelter of dogs and cats.

An act relating to adequate shelter of dogs and cats

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.

\* \* \*

(15) "Living space" means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing. Living space does not include a structure, such as a doghouse, in which an animal is not confined, or a cage, crate, or other structure in which the animal is temporarily confined.

(16) "Adequate food" means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the

animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with accepted agricultural or veterinarian practices.

(17) “Adequate water” means ~~fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water~~ potable water that is either accessible to the animal at all times or is provided at suitable intervals for the species and in sufficient quantity for the health of the animal. In no event shall the interval when water is provided exceed 24 hours. Snow or ice is not an adequate water source.

(18) “Adequate shelter” means shelter which protects the animal from injury and environmental hazards.

(19) “Enclosure” means any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space.

Sec. 2. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals ~~which that~~ are to be predominantly maintained ~~out-of-doors must~~ in an outdoor area shall be provided with adequate shelter to prevent direct exposure to the elements.

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained ~~out-of-doors~~ in an outdoor area shall be provided. The building opening size and height ~~must~~ shall, at a minimum, extend one foot above the withers of the largest animal housed and ~~must~~ shall be



maintained at that level even with manure and litter build-up. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort stall, or stanchion ties, or other housing under control of the ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter, and proper ventilation.

(c) Minimum size of living space; dogs and cats.

(1) ~~A dog, whether chained or penned,~~ shall be provided an adequate living space no less than three feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have adequate living space if provided with the floor space in square footage calculated according to the following formula: Floor space in square feet = (length of dog in inches + 6) x (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

(2) ~~The specifications required by subdivision (c)(1) of this section shall apply to be~~ required for each dog, regardless of whether the dog is housed individually or with other animals.

(3)(A) A cat over the age of two months shall be provided adequate living space that is large enough to allow the cat, in a normal manner, to turn about freely, stand, sit, and lie down.

A cat shall be presumed to have adequate living space if provided with:

(i) floor space, including raised resting platforms, of at least nine square feet; and

(ii) a primary structure of at least 24 inches in height.

(B) The requirements of this subdivision (c)(3) shall apply to each cat regardless of whether the cat is housed individually or with other animals.

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

(B) Each female cat with nursing kittens shall be provided the living space required under subdivision (3) of this subsection (c) plus sufficient additional floor space to allow for a queening box and the litter, based on the size or the age of the kittens. When the kittens discontinue nursing, the living space requirements of subdivision (3) of this subsection shall apply for all cats housed in the same living space.

(5) Dogs or cats that are housed in the same primary living space or enclosure shall be compatible, as determined by observation, provided that:

(A) Females in heat (estrus) shall not be housed in the same primary living space or enclosure with males, except for breeding purposes.

(B) A dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately from other dogs or cats.

(6) All dogs or cats shall have access to adequate water and adequate food.

(d) Daily exercise; dogs or cats. A dog or cat confined in a living space shall be permitted outside the cage, crate, or structure living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) A dog or dogs ~~maintained out-of-doors must~~ outdoors in an enclosure shall be provided with ~~suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year a primary~~ one or more shelter structure structures. A shelter structure shall:

(A) Provide each dog housed in the structure sufficient space to, in a normal manner, turn about freely, stand, sit, and lie down.

(B) Be structurally sound and constructed of suitable, durable material.

(C) Have four sides and a roof.

(D) Have an entrance or portal large enough to allow each dog housed in the shelter unimpeded access to the structure, and the entrance or portal shall be constructed with a windbreak or rainbreak.

(E) Provide adequate protection from cold and heat, including protection from the direct rays of the sun and the direct effect of wind, rain, or snow. Shivering due to cold is evidence of inadequate shelter for any dog.

(F) Contain clean, dry bedding material if the ambient temperature is below 50 degrees Fahrenheit.

(2) If multiple dogs are maintained outdoors in an enclosure at one time:

(A) Each dog will be provided with an individual structure, or the structure or structures provided shall be cumulatively large enough to contain all of the dogs at one time.

(B) A shelter structure shall be accessible to each dog in the enclosure.

(3) The following categories of dogs shall not be maintained in an outdoor enclosure when the ambient temperature is below 50 degrees Fahrenheit:

(A) dogs that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(B) dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

(C) sick or infirm dogs or dogs that cannot regulate their own body temperature.

(4) Metal barrels, cars, refrigerators, freezers, and similar objects shall not be used as a shelter structure for a dog maintained in an outdoor enclosure.

(5) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and protect them from the direct rays of the sun.

(f) Tethering of dog. A dog chained to a shelter must shall be on a tether chain at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow the dog access to the shelter. The chain or tether shall be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether shall be attached to a well-fitted collar or harness on the dog.

(g) A cat, over the age of two months, shall be provided minimum living space of nine square feet, provided the primary structure shall be constructed and maintained so as to provide

~~sufficient space to allow the cat to turn about freely, stand, sit, and lie down. Each primary enclosure housing cats must be at least 24 inches high. These specifications shall apply to each cat regardless of whether the cat is housed individually or with other animals. [Repealed.]~~

~~(h) Notwithstanding the provisions of this section, animals may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter, and proper ventilation. [Repealed.]~~

~~(i) Violations. Failure to comply with this section shall be a violation of subdivision 352(3) or (4) of this title.~~

~~(j) Notwithstanding the provisions of this section, an animal may be sheltered, chained, confined, or maintained out of doors if doing so is directed by a licensed veterinarian or is in accordance with accepted agricultural or veterinarian practices. [Repealed.]~~

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

**Appendix B: Minutes of Animal Shelter Group Meetings**



**STATE OF VERMONT**  
GENERAL ASSEMBLY

**Animal Shelter Working Group**

**MINUTES**

**Thursday, July 30, 2015**

**Members Present:** Rep. John Bartholomew, Joanne Bourbeau, Deb Brown, and Lisa Nelson. All members participated by phone.

**Staff Present:** Michael O'Grady, Office of Legislative Council. Staff was located in Room 31 of the Vermont State House.

**Also Present:** A representative of McLean, Meehan and Rice attended the meeting in Room 31.

**Recording:** CD 20? – 1 and 2

**Convene**

At 10:30, Rep. Bartholomew convened the meeting via conference call.

**Member Identification**

As required under the Vermont Open Meeting Law for meetings held electronically, the members of the Animal Shelter Working Group (Working Group) identified themselves.

**Overview of Working Group**

Michael O'Grady provided background information regarding how and why the General Assembly established the Working Group in Sec. 26a of Act No. 39 of 2015. Rep. Bartholomew provided additional background regarding the establishment of the Working Group.

**Scope of Working Group**

Joanne Bourbeau questioned whether the scope of the Working Group included review of the shelter requirements for livestock. If the Group's scope included shelter for livestock, Joanne Bourbeau proposed that the Working Group vote to add a representative of large animal/livestock interests.

The Working Group decided that the focus of the Group should be the requirements for the shelter of dogs and cats. However, if the Working Group adequately addressed the shelter of dogs and cats, the Group agreed to possibly revisit the issue of livestock shelter. The Working Group chose not to add an additional member to the Group.

**Review of Existing Statutory Standards**

Michael O'Grady reviewed the existing standards for the shelter of animals under 13 V.S.A. § 365. Upon completion of the review, members of the Working Group expressed concerns regarding the existing requirements, including the vagueness or relevancy of certain standards and the ability of humane officers to enforce standards.

**Review and Markup of Proposed Legislation**

Michael O'Grady reviewed a document provided by Rep. Bartholomew that proposed amendments to the shelter for dogs and cats (See Doc. # 308830). The Working Group agreed to use Rep. Bartholomew's proposed amendments as the basis of the Group's recommendations. The Working Group Subsequently requested edits to the proposed amendments. A new draft of the proposed amendments will be circulated to the Group hopefully by the August 7, 2015.

**Future Meeting Planning and Discussion**

The next meeting of the Working Group was scheduled for September 3, 2015 from 10:30 a.m. until Noon. The September 3 meeting will occur via teleconference. A place where the public may attend the meeting will be posted to the website of Vermont General Assembly at least 24 hours prior to the meeting.

**Adjournment**

At 12:20 p.m. the Working Group adjourned.

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**STATE OF VERMONT**  
GENERAL ASSEMBLY

**Animal Shelter Working Group**

**APPROVED MINUTES**  
**Thursday, September 3, 2015**

**Members Present:** Rep. John Bartholomew, Joanne Bourbeau, Deb Brown, and Lisa Nelson. All members participated by phone.

**Staff Present:** Michael O'Grady, Office of Legislative Council. Staff was located in Room 31 of the Vermont State House.

**Also Present:** Barry Londeree, Vermont State Director of the Humane Society of the United States was on the conference call.

**Recording:** Digital recording on file with the Office of Legislative Council. Available upon request.

**Convene**

At 10:30, Rep. Bartholomew convened the meeting via conference call.

**Review and Approve Minutes**

Michael O'Grady reviewed the draft minutes of the July 30 meeting of the Animal Shelter Working Group (Working Group). Joanne Bourbeau moved to approve the minutes. After a second, the Working Group Approved the July 30 minutes.

**Member Identification**

As required under the Vermont Open Meeting Law for meetings held electronically, the members of the Animal Shelter Working Group (Working Group) identified themselves.

**Review and Markup of Proposed Legislation**

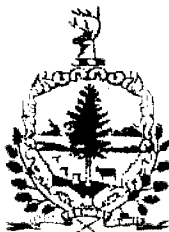
Members of the Working Group reviewed amendments to a draft bill regarding the shelter of dogs and cats and prepared in the name of Rep. Bartholomew. (See Doc. # 310403). The Working Group requested edits to the proposed amendments. A new draft of the proposed amendments will be circulated to the Group hopefully by September 15, 2015.

**Future Meeting Planning and Discussion**

The next meeting of the Working Group was scheduled for September 22, 2015 from 10:30 a.m. until Noon. The September 22 meeting will occur via teleconference. A place where the public may attend the meeting will be posted to the website of Vermont General Assembly at least 24 hours prior to the meeting.

**Adjournment**

At 12:00 p.m. the Working Group adjourned.



**STATE OF VERMONT**  
GENERAL ASSEMBLY

**Animal Shelter Working Group**

**MINUTES**

**Thursday, September 22, 2015**

**Members Present:** Rep. John Bartholomew, Joanne Bourbeau, Deb Brown, and Lisa Nelson. All members participated by phone.

**Staff Present:** Michael O'Grady, Office of Legislative Council. Staff was located in Room 31 of the Vermont State House.

**Also Present:** Barry Londeree, Vermont State Director of the Humane Society of the United States was on the conference call.

**Recording:** Digital recording on file with the Office of Legislative Council. Available upon request.

**Convene**

At 10:30, Rep. Bartholomew convened the meeting via conference call.

**Member Identification**

As required under the Vermont Open Meeting Law for meetings held electronically, the members of the Animal Shelter Working Group (Working Group) identified themselves.

**Review and Approve Minutes**

Joanne Bourbeau moved to amend typographic errors in the draft minutes. Rep. Bartholomew moved to approve the minutes with changes. The Working Group approved the September 3 minutes with the requested changes.

**Review and Markup of Proposed Legislation**

Members of the Working Group reviewed amendments to a draft bill regarding the shelter of dogs and cats and prepared in the name of Rep. Bartholomew. (See Doc. # 310403 Dr. 3.1). The Working Group requested edits to the proposed amendments. A new draft of the proposed amendments will be circulated to the Group.

**Future Meeting Planning and Discussion**

The next meeting of the Working Group was scheduled for November 5, 2015 from 10:30 a.m. until Noon. The November 5 meeting will occur via teleconference. A place where the public may attend the meeting will be posted to the website of Vermont General Assembly at least 24 hours prior to the meeting.

**Adjournment**

At 11:30 p.m. the Working Group adjourned.



**STATE OF VERMONT**  
GENERAL ASSEMBLY

**Animal Shelter Working Group**

**MINUTES**

**Thursday, November 19, 2015**

**Members Present:** Rep. John Bartholomew, Joanne Bourbeau, Deb Brown, and Lisa Nelson. All members participated by phone.

**Staff Present:** Michael O'Grady, Office of Legislative Council. Staff was located in Room 31 of the Vermont State House.

**Also Present:** No other person was present at the meeting.

**Recording:** Digital recording on file with the Office of Legislative Council. Available upon request.

**Convene**

At 10:30 a.m., Rep. Bartholomew convened the meeting via conference call.

**Member Identification**

As required under the Vermont Open Meeting Law for meetings held electronically, the members of the Animal Shelter Working Group (Working Group) identified themselves.

**Review and Approve Minutes**

Joanne Bourbeau moved to approve the minutes of the September 22 meeting of the Working Group. The Working Group approved the September 22 minutes.

**Review and Markup of Proposed Legislation**

Members of the Working Group reviewed amendments to a draft bill regarding the shelter of dogs and cats and prepared in the name of Rep. Bartholomew. (See Doc. # 310403 Dr. 4.1). Dr. Nelson requested changes to Draft 4.1.

**Participation on Conference Call**

Michael O'Grady interrupted the Working Group's discussion of the revisions to Draft 4.1 to ask the Working Group whether a member of the media who had requested the conference call number could participate in the meeting via the conference call number. Rep. Bartholomew reminded the Working Group that the Group had decided at its initial meeting that they would not allow members of the public to participate on the conference call because of inability to control participation or know who was participating. Members of the public could participate in the meeting by attending the meeting in Room 31 of the State House. The Working Group agreed to maintain its original position and not provide the conference call number to the public.

**Further Review of Proposed Legislation**

The Working Group continued its discussion of Dr. Nelson's proposed revisions to Draft 4.1. The Working Group agreed to make two changes to Draft 4.1.

**Approval of Draft 4.1 with Requested Changes**

Joanne Bourbeau moved to approve Draft 4.1 with the requested changes as the Working Group's final recommendations. The vote of the Working Group was held by roll. All members voted to approve Draft 4.1 with the requested changes as the final recommendations of the Working Group.

**Discussion of Possible Review by General Assembly**

Rep. Bartholomew discussed the potential for review of the Working Group's recommendations by the General Assembly, the potential time frame for legislative review, and his desire that all members of the Working Group testify when the recommendations are reviewed by the General Assembly.

**Adjournment**

At 11:15 a.m. the Working Group adjourned. The Working Group did not schedule a future meeting.