

1 H.497

2 Introduced by Committee on Agriculture and Forestry

3 Date:

4 Subject: Agriculture; animal health

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

8 An act relating to health requirements for animals used in agriculture

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

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

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

13 § 761. DEFINITIONS

14 As used in this chapter:

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

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

1 ~~state breed associations recognized as such by the secretary of agriculture,~~
2 ~~food and 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
19 provided by the Agency. Each application shall be accompanied by a fee of
20 \$175.00 for ~~persons who buy and sell or auction livestock,~~ livestock dealers
21 and packers and \$100.00 for ~~persons who only transport livestock~~

1 ~~commercially~~ livestock transporters.

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

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

21 § 763. EXEMPTIONS FROM LICENSE

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

4 § 764. BOND

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

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

18 [Repealed.]

19 (c) ~~All livestock dealers' and livestock auction bonds~~ required under this
20 section shall be in such the form as the secretary shall prescribe and shall be
21 ~~conditioned for compliance with the provisions of this chapter and for payment~~

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

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

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

1 require additional bonding to the extent authorized under subsections (a), (b),
2 and (c) of this section. [Repealed.]

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

6 [Repealed.]

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

11 § 764a. CLAIMS

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

15 § 765. EXEMPTIONS FROM BOND

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

19 § 767. POSSESSION OF LICENSE; FEES FOR COPIES; EXPIRATION
20 DATE; LICENSES NOT TRANSFERABLE

21 (a) A livestock dealer shall keep a copy of such license in his or her

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

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

10 [Repealed.]

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

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

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

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

20 (2) Submit premises, buildings, and conveyances to inspection and
21 livestock to inspection and test at any and such times as the ~~secretary~~ Secretary

1 may deem it necessary and advisable;

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

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

17 (5) Abide by such other reasonable rules and regulations which that may
18 be issued adopted by the ~~secretary of agriculture, food and markets~~ Secretary
19 of Agriculture, Food and Markets to prevent the spread of disease. A copy of
20 ~~such~~ all applicable rules and regulations shall be provided to all livestock
21 dealers licensed under the terms of section 762 of this title, at the time they

1 first obtain a license.

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

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

7 § 769. CANCELLATION OF LICENSE

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

15 § 770. PENALTY

16 Any livestock dealer, transporter, or packer who buys, sells, or transports
17 livestock in this state State or operates a livestock auction or sales ring without
18 having a license so to do, issued either to such person or to the firm or
19 corporation ~~which~~ that he or she represents in conducting such business, as
20 herein required, shall be ~~fined not less than \$100.00 nor more than \$500.00 or~~
21 ~~be imprisoned not less than 30 days nor more than 90 days, or both~~ assessed an

1 administrative penalty under section 15 of this title.

2 ~~§ 772. SALE OF FOALS~~

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

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

9 [Repealed.]

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

11 CHAPTER 64. LIVESTOCK CARE STANDARDS

12 ADVISORY COUNCIL

13 § 791. DEFINITIONS

14 As used in this chapter:

15 (1) “Agency” means the ~~agency of agriculture, food and markets~~

16 Agency of Agriculture, Food and Markets.

17 (2) “Council” means the ~~livestock care standards advisory council~~

18 Livestock Care Standards Advisory Council.

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

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

3 § 792. ESTABLISHMENT OF LIVESTOCK CARE STANDARDS
4 ADVISORY COUNCIL

5 (a) There is established a ~~livestock care standards advisory council~~ the
6 Livestock Care Standards Advisory Council for the purposes of evaluating the
7 laws of the state State and of providing policy recommendations regarding the
8 care, handling, and well-being of livestock in the state State. The ~~livestock~~
9 ~~care standards advisory council~~ Livestock Care Standards Advisory Council
10 shall be composed of the following members, all of whom shall be residents of
11 Vermont:

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

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

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

16 (A) A person with knowledge of food safety and food safety
17 regulation in the state State.

18 (B) A person from a statewide organization that represents the beef
19 industry.

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

21 (D) A representative of an agricultural department of a Vermont

1 college or university.

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

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

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

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

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

10 (C) A professional in the care and management of equines and
11 equine facilities.

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

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

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

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

21 (b) Members of the ~~board~~ Council shall be appointed for staggered terms

1 of three years. Except for the ~~chair~~ Chair, the ~~state veterinarian~~ State
2 Veterinarian, and the representative of the agricultural department of a
3 Vermont college or university, no member of the ~~council~~ Council may serve
4 for more than ~~six~~ two consecutive years full terms. Eight members of the
5 ~~council~~ Council shall constitute a quorum. If a vacancy on the Council occurs,
6 a new member shall be appointed, in the same manner that his or her
7 predecessor was appointed, to fill the unexpired term.

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

10 § 793. POWERS AND DUTIES OF LIVESTOCK CARE STANDARDS

11 ADVISORY COUNCIL

12 (a) The Council shall:

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

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

17 (B) agricultural best management practices;

18 (C) biosecurity and disease prevention;

19 (D) animal morbidity and mortality data;

20 (E) food safety practices;

21 (F) the protection of local and affordable food supplies for

1 consumers; and

2 (G) humane transport and slaughter practices.

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

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

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

17 (b) The Council may engage in education and outreach activities related to
18 the laws and regulations for the care and handling of livestock. The Council
19 may accept funds from public or private sources in compliance with
20 32 V.S.A. § 5.

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

1 CHAPTER 102. CONTROL OF CONTAGIOUS

2 LIVESTOCK DISEASES

3 Subchapter 1. General Provisions

4 § 1151. DEFINITIONS

5 As used in this part:

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

10 (2) “Animal” or “domestic animal” means cattle, sheep, goats, equines,
11 deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix
12 quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus),
13 and water buffalo. The term shall include cultured ~~trout~~ fish propagated by
14 commercial ~~trout~~ fish farms.

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

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

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

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

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

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

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

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

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

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

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

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

2 (11) “Red deer” means domesticated deer of the family cervidae,

3 subfamily cervidae, genus *Cervus*, species *elaphus*.

4 (12) “Reactor” means an animal that tests positive to any official test

5 required under this chapter.

6 ~~(14)(13) “Reportable disease” means any disease determined included in~~

7 ~~the National List of Reportable Animal Diseases and any disease required by~~

8 ~~the secretary Secretary by rule to be reportable. ~~to be a reportable disease or~~~~

9 ~~contained in the following list:~~

10 ~~(A) Poultry Diseases:~~

11 ~~(B) Avian Influenza~~

12 ~~(C) Fowl Cholera~~

13 ~~(D) Infectious laryngotracheitis~~

14 ~~(E) Mycoplasma Gallisepticum~~

15 ~~(F) Newcastle disease~~

16 ~~(G) Mycoplasma Synoviae~~

17 ~~(H) Psittacosis (Chlamydiosis)~~

18 ~~(I) Salmonella:~~

19 ~~(i) pullorum~~

20 ~~(ii) typhimurium~~

21 ~~(iii) other salmonellas~~

- 1 ~~(J) Livestock Diseases:~~
- 2 ~~(K) African Swine Fever~~
- 3 ~~(L) Anaplasmosis~~
- 4 ~~(M) Anthrax~~
- 5 ~~(N) Any Vesicular Disease:~~
- 6 ~~(i) foot and mouth disease~~
- 7 ~~(ii) swine vesicular disease~~
- 8 ~~(iii) vesicular stomatitis~~
- 9 ~~(iv) vesicular exanthema~~
- 10 ~~(O) Bluetongue~~
- 11 ~~(P) Brucellosis~~
- 12 ~~(Q) Cysticercosis~~
- 13 ~~(R) Dourine~~
- 14 ~~(S) Equine Encephalomyelitis~~
- 15 ~~(T) Equine Infectious Anemia~~
- 16 ~~(U) Hog Cholera~~
- 17 ~~(V) Paratuberculosis (Johne's disease), positive organism detection~~
- 18 ~~(W) Piroplasmiasis~~
- 19 ~~(X) Pleuropneumonia~~
- 20 ~~(Y) Pseudorabies~~
- 21 ~~(Z) Rabies~~

1 ~~(AA) Rinderpest~~

2 ~~(BB) Scabies:~~

3 ~~(i) sarcoptic (cattle)~~

4 ~~(ii) psoroptic (cattle and sheep)~~

5 ~~(CC) Scrapie (sheep)~~

6 ~~(DD) Screwworms~~

7 ~~(EE) Bovine Tuberculosis~~

8 ~~(FF) Malignant Catarrhal Fever~~

9 ~~(GG) Transmissible spongiform encephalopathies~~

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

12 ~~(14) “Secretary” means the Secretary of Agriculture, Food and Markets~~
13 ~~or designee.~~

14 § 1152. ADMINISTRATION; INSPECTION; TESTING

15 ~~(a) The secretary~~ Secretary shall be responsible for the administration and
16 enforcement of the livestock disease control program. ~~The secretary~~ Secretary
17 may appoint the ~~state veterinarian~~ State Veterinarian to manage the program,
18 and other personnel as are necessary for the sound administration of the
19 program.

20 ~~(b) The secretary~~ Secretary shall maintain a public record of all permits
21 issued and of all animals tested by the Agency of Agriculture, Food and

1 Markets under this chapter for a period of ~~three~~ five years.

2 (c) The ~~secretary~~ Secretary may conduct any inspections, investigations,
3 tests, diagnoses, or other reasonable steps necessary to discover and eliminate
4 contagious diseases existing in domestic animals ~~or cultured trout~~ in this state
5 State. The Secretary shall investigate any reports of diseased animals,
6 provided there are adequate resources. In carrying out the provisions of this
7 part, the Secretary or his or her authorized agent may enter any real estate,
8 premises, buildings, enclosures, or areas where animals may be found for the
9 purpose of making reasonable inspections and tests. A livestock owner or the
10 person in possession of the animal to be inspected, upon request of the
11 Secretary, shall restrain the animal and make it available for inspection and
12 testing.

13 (d) The ~~secretary~~ Secretary may contract and cooperate with the United
14 States U.S. Department of Agriculture ~~and~~, other federal agencies or other
15 states, and accredited veterinarians for the control and eradication of
16 contagious diseases of animals. The ~~secretary~~ Secretary shall consult and
17 cooperate, as appropriate, with the ~~commissioner of fish and wildlife and the~~
18 ~~commissioner of health~~ Commissioner of Fish and Wildlife and the
19 Commissioner of Health regarding the control of contagious diseases.

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

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

10 § 1153. RULES

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

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

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

21 § 1154. ~~INSPECTION AND TESTING~~

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

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

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

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

12 § 1154a. TESTING OF CULTURED FISH AND FEE FISHING

13 BUSINESSES

14 ~~(a) Health testing of cultured fish shall may be provided to commercial fish~~
15 ~~farms and fee fishing businesses through an aquaculture inspection program~~
16 ~~conducted jointly by the ~~agency of agriculture, food and markets~~ Agency of~~
17 ~~Agriculture, Food and Markets and the ~~department of fish and wildlife~~~~
18 ~~Department of Fish and Wildlife, in accordance with any memorandum of~~
19 ~~understanding between the ~~agency~~ Agency and ~~department~~ Department~~
20 ~~prepared for this purpose as required by ~~Sec. 88 of No. 50 of the Acts of 1991~~~~
21 ~~Acts and Resolves No. 50, Sec. 88. Such testing shall be at no charge to the~~

1 commercial fish farm or fee fishing business. The testing shall be funded
2 jointly from the operating budgets of the ~~agency of agriculture, food and~~
3 ~~markets~~ Agency of Agriculture, Food and Markets and the ~~department of fish~~
4 ~~and wildlife~~ Department of Fish and Wildlife.

5 ~~(b) A commercial fish farm shall, before commencing operation obtain a~~
6 ~~breeder's license from the commissioner of fish and wildlife as required by~~
7 ~~10 V.S.A. § 5207.~~

8 § 1155. ~~TUBERCULOSIS TESTING~~

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

12 * * *

13 § 1157. QUARANTINE

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

- 18 (1) are affected with a contagious disease;
- 19 (2) have been exposed to a contagious disease;
- 20 (3) may be infected with or have been exposed to a contagious disease;
- 21 (4) are suspected of having biological or chemical residues, including

1 antibiotics, in their tissues ~~which~~ that would cause the carcasses of the animals,
2 if slaughtered, to be adulterated within the meaning of chapter 204 of this
3 title; or

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

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

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

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

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

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

21 (4) the terms of the quarantine;

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

3 (6) a statement that the person may request a hearing on the quarantine
4 order.

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

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

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

20 § 1158. QUARANTINE ~~DISTRICT~~ ZONE

21 (a) The ~~secretary~~ Secretary may establish a quarantine ~~distriet~~ zone

1 whenever it is determined that a contagious disease is widely spread
2 throughout an area of the state State and that a quarantine ~~district~~ zone is
3 necessary to contain or prevent the further spread of the disease.

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

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

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

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

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

20 (d) It shall be unlawful to violate the terms of a quarantine ~~district~~ zone
21 order issued pursuant to this section. Any person who knowingly violates a

1 quarantine ~~district~~ zone order shall be subject to a fine of not more than
2 \$5,000.00; or imprisonment for not more than six months, or both. Any
3 person who knowingly violates a quarantine ~~district~~ zone order and causes the
4 spread of a contagious disease beyond the quarantine district shall be subject to
5 a fine of not more than \$15,000.00; or imprisonment ~~of~~ for not more than two
6 years, or both.

7 § 1159. DISPOSAL OF DISEASED ANIMALS

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

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

21 (c) The ~~secretary~~ Secretary may compensate the owner of any ~~eattle~~

1 ~~domestic animal or poultry~~ destroyed pursuant to this chapter because of
2 exposure to or infection with ~~brucellosis or tuberculosis~~ contagious disease.
3 Payment shall not exceed two-thirds of the difference between the salvage
4 value and the appraised value of the animal, and in no event exceed \$250.00
5 for each purebred or \$200.00 for each grade animal. Compensation shall be
6 determined on a case-by-case basis as funds allow.

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

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

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

18 (1) ~~the owner of an animal destroyed for brucellosis is in compliance~~
19 ~~with the recommended uniform methods and rules of the state and federal~~
20 ~~cooperative brucellosis program;~~

21 (2) ~~the agency~~ Agency of Agriculture, Food and Markets has

1 determined the origin of all animals on the premises containing the condemned
2 animal;

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

6 (4)(3) there are sufficient state State funds appropriated for this
7 purpose; and

8 (5)(4) in the case of a person who has made a claim for compensation
9 under this section within the previous two years, the ~~secretary~~ Secretary
10 determines that adequate measures were taken to prevent the reintroduction of
11 contagious diseases into that person's herd or flock.

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

17 (h)(e) It shall be unlawful to violate the terms of an order issued pursuant
18 to subsection (a) or (b) of this section. Any person who knowingly violates an
19 order issued pursuant to subsection (a) or (b) of this section shall be subject to
20 a fine of not more than \$5,000.00; or imprisonment for not more than six
21 months, or both. Any person who knowingly violates an order issued pursuant

1 to subsection (a) or (b) of this section and causes the spread of a contagious
2 disease shall be subject to a fine of not more than \$15,000.00, or imprisonment
3 ~~of~~ for not more than two years, or both.

4 (i)(f) A destruction order, whether verbal or written, shall take effect
5 immediately on notice to the owner or the person in possession of the animal
6 or animals, if the owner or person in possession is known. The notice shall be
7 given by certified mail or in person. Within 15 days of receiving the notice,
8 the owner or person in possession may request a hearing to be held by the
9 ~~secretary~~ Secretary. The hearing shall be held within 60 days from the date of
10 the request unless the ~~secretary~~ Secretary has determined that a longer period
11 is necessary because of the extent of the outbreak of disease, in which case the
12 hearing shall be held as soon as practicable. A request for a hearing shall not
13 stay the destruction order.

14 § 1160. APPROPRIATIONS; EMERGENCY OUTBREAK OF
15 CONTAGIOUS DISEASE

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

20 (b) In case of the outbreak within this state State of some contagious
21 disease of domestic animals, or whenever there is reason to believe that there

1 is danger of the introduction into the state State of any contagious disease
2 prevailing among domestic animals outside the state State, the ~~secretary~~
3 Secretary may take such action and issue such adopt emergency rules as are
4 necessary to prevent the introduction or spread of the disease.

5 § 1161. FEES FOR TESTING

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

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

13 ~~(c) The secretary may negotiate appropriate compensation with those~~
14 ~~licensed veterinarians acting at his or her request to test red deer, fallow deer,~~
15 ~~or reindeer for tuberculosis. At minimum, these fees shall be \$25.00 for each~~
16 ~~farm at which the veterinarian performs a tuberculosis test on such deer and~~
17 ~~\$5.00 for each deer tested.~~

18 § 1162. REPORT OF DISEASE

19 (a) All accredited veterinarians ~~and persons operating animal disease~~
20 ~~diagnostic laboratories~~ shall immediately report the discovery of any domestic
21 animal within this state ~~which~~ State that is infected with, is suspected of being

1 infected with, or has been exposed to a reportable disease as specified by this
2 chapter. A veterinarian shall immediately report any sudden unexplained
3 morbidity or mortality in a herd or flock located within the State. The report
4 shall be made to the ~~state veterinarian~~ State Veterinarian and shall specify the
5 ~~location~~ physical address where the animal is located, identification, and
6 description of the animal; ~~the disease involved,~~ or condition suspected or
7 diagnosed; and the name ~~and,~~ mailing address, and telephone number of the
8 owner or person in possession of the animal.

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

15 § 1163. ADDITIONAL VIOLATIONS

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

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

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

3 (3) ~~to advertise, sell, or offer for sale as accredited tuberculosis-free or~~
4 ~~certified brucellosis-free, any cattle which do not come from herds officially~~
5 ~~accredited or certified by the secretary or the United States Department of~~
6 ~~Agriculture;~~

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

10 (5)(4) ~~to fail~~ failing to report the discovery of a reportable disease as
11 required by section 1162 of this title;

12 (6)(5) ~~to interfere~~ interfering with or ~~hinder~~ hindering the work of the
13 ~~secretary~~ Secretary or his or her agents pursuant to this chapter.

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

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

19 (2) ~~to sell, or offer~~ selling or offering for sale for food purposes any
20 animal; or animal carcass; condemned under the provisions of this chapter,
21 unless the animal is inspected and approved for use as human food by an agent

1 of the Secretary or the ~~United States~~ U.S. Department of Agriculture.

2 § 1164. CIVIL PENALTIES

3 (a) A person who violates any provision of this chapter or the rules adopted
4 under this chapter, or who commits any of the acts described in section 1163 of
5 this title shall ~~in addition to any other penalty be subject to a civil penalty of~~
6 ~~not more than \$5,000.00~~ be assessed an administrative penalty under section
7 15 of this title. Each violation shall be a separate and distinct offense and, in
8 the case of a continuing violation, each day's continuance thereof shall be
9 deemed a separate and distinct offense. ~~In no event shall the cumulative~~
10 ~~penalty exceed \$25,000.00 per occurrence.~~

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

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

17 § 1165. TESTING OF CAPTIVE DEER

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

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

1 Secretary as provided by subsection (f) of this section. A test for equine
2 infectious anemia shall not be required ~~where~~ when:

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

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

10 ~~(3)~~(2) the animal is consigned directly to slaughter.

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

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

21 (e) The ~~secretary~~ Secretary shall establish by rule the form and manner of

1 required certifications and the periods of time within which testing and
2 certification of equine animals shall be accomplished.

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

11 § 1182. TESTING OF EQUINE ANIMALS

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

15 (b) Any equine animal found to be a reactor by means of a test under
16 subsection (a) of this section shall be administered a second test ~~within~~
17 72 hours of receipt of the results of the first test in accordance with the
18 applicable State and federal statutes, rules, or regulations.

19 (c) Any equine animal found to be a reactor shall be quarantined in
20 accordance with instructions of the ~~secretary~~ Secretary between receipt of the
21 results of the first and second tests. Any equine animal found to be a reactor

1 to a second test shall continue to be quarantined until adequate arrangements
2 are made for disposition of the animal in accordance with section 1183 of this
3 title.

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

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

11 § 1183. DISPOSITION OF REACTORS

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

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

1 animal shall be quarantined, transported, and destroyed.

2 (c) Any ~~person, including an accredited graduate~~ licensed veterinarian,
3 who destroys any equine animal in accordance with the provisions of this
4 section shall immediately report the destruction of the animal to the ~~secretary~~
5 ~~within seven days~~ Secretary.

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

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

16 § 1184. PENALTIES

17 ~~Any person who violates subsection 1183(a) of this title shall be fined not~~
18 ~~less than \$500.00 nor more than \$2,500.00.~~ Any person who violates the
19 provisions of section 1181, 1182, or ~~subsection 1183(b), (c), or (d)~~ of this title
20 ~~shall be fined not more than \$500.00~~ shall be assessed an administrative
21 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
11 of 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
19 of 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.
19 In such case, the Secretary may require import permits for horses by
20 emergency rule.

21 (b) Certificates of veterinary inspection. No person shall import, or cause

1 to be imported; any domestic animal into this State without first obtaining a
2 ~~certificate of veterinary inspection~~ Certificate of Veterinary Inspection, ~~except~~
3 ~~for equine imported for resale or slaughter as provided by subsection 1181(b)~~
4 ~~of this title, and~~ except as the Secretary may provide by rule. The certificate
5 shall be issued by an accredited and licensed veterinarian in the state; or
6 country; of origin. The certificate shall contain a statement by the ~~chief~~
7 ~~livestock official~~ State Animal Health Official for that state certifying that the
8 veterinarian who executed the certificate is licensed to practice veterinary
9 medicine in that state or country and is accredited by the U.S. Department of
10 Agriculture to sign ~~certificate of veterinary inspection~~ a Certificate of
11 Veterinary Inspection. The certificate shall be issued electronically or on a
12 form prescribed by the state of origin; and declare that all of the animals listed
13 have been inspected, tested, or both inspected and tested, as required by the
14 ~~laws of Vermont applicable~~ State and federal statutes, rules, and regulations.
15 The certificate shall also set forth the name and address of the owner of any
16 animal transferred pursuant to the certificate. One copy of the certificate shall
17 accompany the animals during transportation, and one copy shall be filed with
18 the Secretary. A Certificate of Veterinary Inspection that is issued
19 electronically shall meet the data standards established by the National
20 Assembly of State Animal Health Officials in consultation with the U.S.
21 Department of Agriculture.

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

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

9 § 1461a. INTRASTATE MOVEMENT

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

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

1 (c) Livestock and poultry that are transported to a commercial slaughter
2 facility within the State shall not be removed from the facility without the
3 facility's owner first obtaining written permission from the State Veterinarian.
4 For purposes of this section, arrival of the conveyance onto facility property
5 constitutes transport to a slaughter facility, regardless of whether the animals
6 have been offloaded or presented for antemortem inspection. The State
7 Veterinarian may require inspection and testing prior to issuing consent for
8 removal.

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

17 (e) A person shall not transport out-of-state livestock or poultry into
18 Vermont for slaughter or other purpose without written consent from the State
19 Veterinarian if the livestock or poultry is classified as a suspect or a reactor by
20 the U.S. Department of Agriculture or was exposed to livestock or poultry
21 classified as a suspect or a reactor.

1 § 1462. QUARANTINE

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

5 § 1463. EXAMINATION; RELEASE FROM QUARANTINE

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

16 § 1464. SLAUGHTER; EXPENSES

17 The ~~secretary~~ Secretary may take all steps that he or she deems necessary to
18 prevent the potential spread of a contagious or an infectious disease, including
19 ~~but not limited to~~, continuing a quarantine order concerning imported animals
20 found to be infected with or exposed to a contagious disease. Where necessary
21 to protect the health of other domestic animals, or to prevent or control the

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

7 § 1466. EXCEPTIONS

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

14 § 1467. TEST AND INSPECTION IN STATE OF ORIGIN

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

19 (b) In order to prevent the spread of infections or contagious diseases, any
20 domestic animal brought into the ~~state~~ State without having been first tested
21 and inspected, as required by the ~~secretary's~~ Secretary's rules, may be returned

1 to the state of origin within 48 hours of a determination by the ~~secretary~~
2 Secretary that the animals have been illegally imported. While in the ~~state~~
3 State, the illegally imported domestic animals shall be strictly quarantined. In
4 the event that the domestic animals cannot be returned to the state of origin,
5 the animals ~~shall~~ may be slaughtered or euthanized within 72 hours of a
6 determination by the ~~secretary~~ Secretary that the animals have been illegally
7 imported. The owner of the domestic animals shall bear the full expense of
8 their removal from the ~~state~~ State, or destruction, and shall not be entitled to
9 any compensation from the ~~state~~ State.

10 § 1468. PERMITS TO PERSONS NEAR STATELINE; SECRETARY

11 GRANT OF PERMISSION OF ENTRY DURING FAIR SEASON

12 Persons living near the ~~state~~ State line who own or occupy land in an
13 adjoining state may procure from the ~~secretary~~ Secretary permits to drive,
14 herd, or transport cattle, horses, or other livestock back and forth to seasonal
15 pasture ~~and for other purposes~~ or housing, subject to such restrictions as the
16 ~~secretary~~ Secretary may prescribe by rule or order. ~~The secretary may make~~
17 ~~such rules in each case as are deemed necessary.~~ The ~~secretary~~ Secretary may
18 grant permission for cattle, horses, or other domestic animals to enter the ~~state~~
19 State for exhibition purposes ~~during the fair season and~~ between May 1 and
20 October 31 of any year. The ~~Secretary may make such~~ adopt rules ~~in~~
21 ~~connection therewith as are deemed necessary~~ regarding entry of cattle, horses,

1 or other domestic animals into the State for seasonal pasture, housing, or
2 exhibition purposes.

3 § 1469. PENALTIES-ILLEGAL IMPORTATION

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

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

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

18 § 1471. EXPORTATION

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

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§ 1475. RULEMAKING

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

§ 1476. MISUSE OR REMOVAL OF OFFICIAL IDENTIFICATION DEVICES

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

§ 1477. REVOCATION OF LIVESTOCK DEALER LICENSE

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

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

CHAPTER 113. FEEDING PROHIBITED FOOD WASTE TO SWINE

§ 1671. DEFINITION

~~For the purpose of (a)~~ As used in this chapter, “prohibited food waste” means all the following:

1 (1) Pre- and post-consumer waste material derived in whole or in part
2 from the meat of any animal (~~including fish and poultry~~), or from other
3 animal material;~~;~~ or

4 (2) ~~other than processed dairy products, and other refuse of any~~
5 character whatsoever that has been associated with any such material, resulting
6 from the handling, preparation, cooking, disposal, or consumption of food,
7 except that such term shall not include Material that as, a result of the
8 handling, preparation, cooking, disposal, or consumption of food, has come
9 into contact with pre- or post-consumer waste material derived in whole or in
10 part from the meat of any animal, including fish or poultry, or from other
11 animal material.

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

13 (1) ~~waste~~ Waste from ordinary household operations ~~which~~ that is fed
14 directly to swine raised exclusively for the use in the household of the owner
15 of the swine by members of the household and nonpaying guests and
16 employees; and

17 (2) Processed dairy products.

18 § 1672. FEEDING OF PROHIBITED FOOD WASTE

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

21 § 1675. INSPECTION AND INVESTIGATION; RECORDS

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

6 § 1676. REGULATIONS; COOPERATION WITH UNITED STATES

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

13 § 1677. PENALTIES

14 A person who violates any of the provisions of~~;~~ or who fails to perform any
15 duty imposed by this chapter~~;~~ or who violates any rule or regulation adopted
16 hereunder ~~shall be fined not less than \$10.00 nor more than \$100.00 for each~~
17 offense shall be assessed an administrative penalty under section 15 of this
18 title. Each day upon which such violation occurs constitutes a separate
19 offense. In addition thereto, ~~such~~ the person may be enjoined from further
20 violation. ~~The secretary may also seek administrative penalties under section~~
21 ~~15 of this title for violations of this chapter.~~

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

2 CHAPTER 115. VETERINARY ~~MEDICINES~~ PHARMACEUTICALS

3 § 1731. SALE, DISTRIBUTION, OR USE

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

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

12 § 1732. PENALTIES

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

17 § 1733. ~~SALE OR USE OF TUBERCULIN; LABELS; REPORTS~~

18 ~~All tuberculin sold, given away, or used within this state shall bear a label~~
19 ~~stating the name and address of the person, firm, or institution making it and~~
20 ~~the date of preparation. A person selling or giving away tuberculin shall report~~
21 ~~to the secretary the amount of tuberculin sold or given away, the degree of~~

1 strength, the name and address of the person to whom sold or given, and the
2 date of delivery. Such report shall include the address of and be signed by the
3 person or firm making the report. [Repealed.]

4 § 1734. DUTIES OF BUYER OF TUBERCULIN

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

18 § 1735. PENALTIES—FORFEITURE OF VETERINARY'S CERTIFICATE

19 A veterinary surgeon who violates a provision of sections 1733 and 1734 of
20 this title shall forfeit his or her certificate to practice and thereafter be debarred
21 from practicing his or her profession within the state of Vermont, until such

1 ~~disability is legally removed. [Repealed.]~~

2 § 1736. ~~FINE OR IMPRISONMENT~~

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

6 Sec. 7. REPEAL

7 6 V.S.A. chapter 109 (ear tags) is repealed.

8 Sec. 8. EFFECTIVE DATE

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