

1 H.310

2 Introduced by Representative Ainsworth of Royalton

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; crimes; livestock; adequate shelter

6 Statement of purpose of bill as introduced: This bill proposes to define

7 adequate natural shelter, adequate constructed shelter, and adequate ventilation

8 for the management of livestock animals. The bill also would require livestock

9 animals confined in enclosed areas to be provided adequate exercise. In

10 addition, the bill would require a livestock animal on a leash, rope, or chain to

11 be affixed in a manner that prevents the livestock animal from becoming

12 entangled or injured and permits the livestock animal access to adequate

13 shelter, adequate food, and adequate water.

14 An act relating to adequate shelter for livestock

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

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

17 § 351. DEFINITIONS

18 As used in this chapter:

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

20 (2) “Secretary” means the Secretary of Agriculture, Food and Markets.

1 (3) "Horse" means the entire family of equidae.

2 * * *

3 (7) "Necessary medical attention" shall include medical treatment for
4 illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.

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

7 (9) "Sanitation" means the maintenance of clean conditions for indoor
8 and outdoor enclosures to minimize health hazards, including periodic
9 cleanings to remove excretions or other waste materials, dirt, and trash.

10 * * *

11 (11) "Livestock" means cattle, bison, horses, sheep, goats, swine,
12 cervidae, ratites, and camelids.

13 * * *

14 (13) "Livestock and poultry husbandry practices" means the raising,
15 management and using of animals to provide humans with food, fiber, or
16 transportation in a manner consistent with:

17 (A) husbandry practices recommended for the species by agricultural
18 colleges and the U.S. Department of Agriculture Extension Service;

19 (B) husbandry practices modified for the species to conform to the
20 Vermont environment and terrain; and

21 (C) husbandry practices that minimize pain and suffering.

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

7 (16) “Adequate food” means food that is not spoiled or contaminated
8 and is of sufficient quantity and quality nutritional content to meet the normal
9 daily requirements for the condition and size of the animal and the
10 environment in which it is kept. An animal shall be fed or have food available
11 at least once each day, unless a licensed veterinarian instructs otherwise; or
12 withholding food is in accordance with accepted agricultural or ~~veterinarian~~
13 veterinary practices.

14 (17) “Adequate water” means fresh, potable water provided at suitable
15 intervals for the species, and which, in no event, shall exceed 24 hours at any
16 interval. The animal must have access to the water.

17 (18) ~~“Adequate shelter” means shelter which protects the animal from~~
18 ~~injury and environmental hazards.~~ [Repealed.]

19 (19) “Adequate constructed shelter” means a well-drained and
20 structurally sound building with a waterproof roof that is of sufficient size to
21 provide a windbreak and protection from exposure to prevailing winds, rain,

1 hail, sleet, snow, and sun and that provides enough space to accommodate at
2 one time all livestock and animals comfortably. The building opening size and
3 height shall, at a minimum, allow six inches of clearance above the largest
4 animal's ears when the animal is standing in a normal position and the
5 clearance shall be maintained at that level even with manure and litter
6 build-up.

7 (20) “Adequate natural shelter” means a natural structure or formation,
8 including a stand of trees that:

9 (A) is a well-drained area of sufficient size to provide a windbreak
10 and protection from exposure to prevailing winds, rain, hail, sleet, and
11 snow; and

12 (B) provides enough space to accommodate at one time all livestock
13 or animals maintained out-of-doors in the area.

14 (21) “Adequate ventilation” means that ventilation in an enclosed or
15 confined area shall be sufficient to control excessive ambient temperatures and
16 to prevent the accumulation of toxic gases, such as ammonia.

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

18 § 365. SHELTER OF ANIMALS

19 (a) All livestock and animals ~~which~~ that are to be predominantly
20 maintained out-of-doors ~~must~~ shall be provided with ~~adequate shelter~~ adequate

1 natural shelter or adequate constructed shelter to prevent direct exposure to the
2 elements.

3 (b)(1) ~~Adequate natural shelter, or a three sided, roofed building with~~
4 ~~exposure out of the prevailing wind and of sufficient size to adequately~~
5 ~~accommodate all livestock maintained out of doors shall be provided. The~~
6 ~~building opening size and height must, at a minimum, extend one foot above~~
7 ~~the withers of the largest animal housed and must be maintained at that level~~
8 ~~even with manure and litter build up. Livestock animals confined in enclosed~~
9 ~~areas shall be provided with adequate ventilation and shall have access to~~
10 ~~adequate exercise. Equines housed within a designated space continually,~~
11 ~~without free access to a paddock, turn out, or other exercise area shall be~~
12 ~~provided the opportunity for periodic exercise, either through free choice or~~
13 ~~through a forced work program, to maintain normal muscle tone and mass for~~
14 ~~the age, size, and condition of the animal or in accordance with accepted~~
15 ~~agricultural or veterinary practices.~~ Nothing in this section shall control dairy
16 herd housing facilities, either loose housing, comfort stall, or stanchion ties, or
17 other housing under control of the ~~department of agriculture, food and markets~~
18 ~~Agency of Agriculture, Food And Markets.~~ This ~~section subdivision~~ shall not
19 apply to any accepted housing or grazing practices for any livestock industry.

20 (2) A leash, rope, or chain used to restrict a livestock animal shall be
21 affixed in a manner that prevents the livestock animal from becoming

entangled or injured and shall permit the livestock animal access to adequate shelter, adequate food, and adequate water. This subdivision shall not apply to a livestock animal that is in transit or in the immediate control of a person.

4 * * *

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

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11 Sec. 2. EFFECTIVE DATE

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