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H.158

Introduced by Representatives Walz of Barre City, Anthony of Barre City,
Birong of Vergennes, Sullivan of Burlington, and Townsend of
South Burlington

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to amend

standards relating to the care of domestic pets, including standards for

activities and programs intended to reduce the number of cats without homes,

such as capturing, spaying or neutering, vaccination, and return of unowned

cats.

An act relating to standards for the care of domestic pets

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.

* * *

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

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

5 § 352b. RULES; AFFIRMATIVE DEFENSE

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

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

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

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

20 (3) the defendant was a person appropriately licensed to utilize
21 pesticides under 6 V.S.A. chapter 87;

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

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

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

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

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

16 § 362. EXPOSING POISON ON THE LAND

17 A person who deposits any poison or substance poisonous to animals on his
18 or her premises or on the premise or buildings of another, with the intent that it
19 be taken by an animal, including a domestic pet, shall be in violation of
20 subdivision 352(2) of this title. This section shall not apply to control of wild
21 pests; protection of crops from insects, mice, and plant diseases; or the

1 Department of Fish and Wildlife and employees and agents of the ~~State Forest~~
2 ~~Service~~ Department of Forests, Parks and Recreation in control of destructive
3 wild animals.

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

5 § 371. EUTHANIZING ANIMALS

6 (a) Registered animal shelters may purchase, possess, and administer
7 approved euthanasia solution to euthanize injured, sick, homeless, or unwanted
8 pets and animals in accordance with the rules established by the Secretary of
9 Agriculture, Food and Markets under 20 V.S.A. § 3913.

10 (b) No person shall euthanize animals for an animal shelter without first
11 completing the certification training program under 20 V.S.A. § 3913, except a
12 Vermont licensed veterinarian and a person in training under such program.

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

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

19 § 3541. DEFINITIONS

20 As used in this chapter:

21 * * *

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

2 § 3806. CONFINING OR IMPOUNDING A DOMESTIC PET OR
3 WOLF-HYBRID

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

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

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

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

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

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

14 (6) It is found in a property vacated through foreclosure, termination of
15 tenancy, abandonment, or other removal or exclusion of a tenant from the
16 premises.

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

1 may be posted in the municipal clerk's office, online websites or forums
2 commonly used to share information about animals, and other usual places for
3 public notice for ~~a one-week period~~ three calendar days. Unowned cats
4 impounded as part of a population management effort, including a trap-neuter-
5 return program, may be exempted from any holding period that an animal
6 shelter requires.

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

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

14 § 3813. VACCINATION ADMINISTRATION

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

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

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

4 Sec. 8. 20 V.S.A. § 3511 is amended to read:

5 § 3511. ABANDONED ANIMALS, DEFINITION

6 An animal shall be deemed to be abandoned when it is placed in the custody
7 of a veterinarian, veterinary hospital, boarding kennel, stable, or other person
8 or establishment for treatment, board, or care and:

9 (1) ~~Having~~ having been placed in custody for a specific period of time,
10 the animal is not removed at the end of the specific period and a notice to
11 remove the animal within ~~ten~~ three calendar days thereafter has been given to
12 the person placing the animal in custody by means of in-person
13 communication, telephone, or written statement sent to the last known address
14 of the owner; registered mail addressed to the last known address of the person
15 or;

16 (2) ~~Having~~ having been placed in custody for an unspecified period of
17 time, the animal is not removed within ~~ten~~ three calendar days after notice to
18 remove the animal has been given to the person placing the animal in custody
19 by means of ~~registered mail addressed to the last known address of the person~~
20 in-person communication, telephone, or written statement sent to the last
21 known address of the owner.

1 Sec. 9. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.