

No. 167. An act relating to animal welfare.

(H.626)

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

Sec. 1. 20 V.S.A. chapter 190 is added to read:

CHAPTER 190. DIVISION OF ANIMAL WELFARE

§ 3201. DEFINITIONS

As used in this subchapter:

(1) “Animal” has the same meaning as in 13 V.S.A. § 351, provided that the animals or activities regulated under this chapter shall not apply to:

(A) activities regulated by the Department of Fish and Wildlife pursuant to 10 V.S.A. Part 4;

(B) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(C) livestock and poultry husbandry practices for the raising, management, and use of domestic animals;

(D) veterinary medical or surgical procedures; and

(E) the killing of an animal as authorized pursuant to sections 3809 and 3545 of this title.

(2) “Director” means the Director of Animal Welfare and includes the Director’s designee.

(3) “Division” means the Division of Animal Welfare.

(4) “Domestic animal” has the same meaning as in 6 V.S.A. § 1151(2).

§ 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

POWERS AND DUTIES

(a)(1) The Division of Animal Welfare is established within the Department of Public Safety. The Commissioner of Public Safety shall appoint a Director of Animal Welfare who shall be in immediate charge of the Division. The Director shall be qualified by education and professional experience to perform the duties of the position. The Director shall have at least the following minimum qualifications:

(A) experience in interpreting or knowledge of animal welfare laws and rules;

(B) knowledge of animal welfare stakeholders in the State and regionally; and

(C) knowledge of the causes and characteristics of animal welfare and animal cruelty issues.

(2) The Director position shall be a classified service position in the Department of Public Safety.

(b)(1) The Director shall develop a comprehensive plan for the development, implementation, and enforcement of the animal welfare laws of the State. In developing the comprehensive plan, the Director shall first review the 2023 Report on Unification of Animal Welfare and Related Public Safety Function and similar reports and proposed legislation. The plan shall include:

(A) how the Director shall oversee investigation and response to animal cruelty complaints in the State in order to provide the best services to Vermont's animals statewide;

(B) how the Director shall coordinate administration and enforcement of animal welfare laws in the State in a collaborative manner with those law enforcement officers and municipalities that retain authority to enforce animal cruelty requirements in the State;

(C) how the State should address the extent and scope of any deficiencies in Vermont's system of investigating and responding to animal cruelty complaints;

(D) how the State should ensure that investigations of animal cruelty complaints are conducted according to systematic and documented written standard operating procedures and checklists;

(E) a proposal to house and care for animals seized in response to complaints of animal cruelty, including how to pay for the care of seized animals;

(F) a proposal for funding animal welfare administration and enforcement in the State, including potential sources of public and private funding; and

(G) recommended amendments to animal welfare statutes or rules, including standards of care for animals housed or imported by animal shelters or rescue organizations.

(2) The Director of Animal Welfare shall submit the comprehensive plan required by this subsection and any revisions thereto to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations not later than eight months after the date of hiring of the Director.

(c) The Director of Animal Welfare shall consult with other State agencies that respond to animal welfare complaints or with animal welfare responsibilities to estimate the number and type of animal welfare complaints received by State agencies and to quantify the amount of time State agency staff expend in fulfilling animal welfare responsibilities, including the costs to agencies of fulfilling the responsibilities.

(d) The Director of Animal Welfare shall be the sole employee of the Division of Animal Welfare until the comprehensive plan required under subdivision (b)(2) of this section is completed and the General Assembly enacts legislation, as needed, to implement the comprehensive plan.

§ 3203. ANIMAL WELFARE FUND

(a) The Animal Welfare Fund is established within the Department of Public Safety to fund the expenses incurred by the Division of Animal Welfare in implementing the requirements of this chapter. The Director of Animal Welfare shall administer the Fund.

(b) The Fund shall consist of:

(1) 67 percent of the revenue collected from the surcharge assessed under subsection 3581(f) of this title; and

(2) appropriations made by the General Assembly.

(c) All balances in the Fund at the end of the fiscal year shall be carried forward. Interest earned by the Fund shall remain in the Fund.

Sec. 2. 20 V.S.A. § 3581 is amended to read:

§ 3581. GENERAL REQUIREMENTS

(a) A person who is the owner of a dog or wolf-hybrid more than six months old shall annually on or before April 1 cause it to be registered, numbered, described, and licensed on a form approved by the Secretary for one year from that day in the office of the clerk of the municipality in which the dog or wolf-hybrid is kept. A person who owns a working farm dog and who intends to use that dog on a farm pursuant to the exemptions in section 3549 of this title shall cause the working farm dog to be registered as a working farm dog and shall, in addition to all other fees required by this section, pay \$5.00 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause it to wear a collar and attach a license tag issued by the municipal clerk to the collar. Dog or wolf-hybrid owners shall pay for the license \$4.00 for each neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-hybrid. If the license fee for any dog or wolf-hybrid is not paid on or before April 1, its owner or keeper may thereafter procure a license for that license year by paying a fee of 50 percent in excess of that otherwise required.

(b) Before a person shall be entitled to obtain a license for a neutered dog or wolf-hybrid, he or she shall exhibit to the clerk a certificate signed by a duly licensed veterinarian showing that the dog or wolf-hybrid has been sterilized.

(c)(1) A mandatory license fee surcharge of \$4.00 per license shall be collected by each city, town, or village for the purpose of funding the dog, cat, and wolf-hybrid spaying and neutering program established in chapter 193, subchapter 6 of this title.

(2) An optional license fee surcharge of up to \$10.00 per license is to be implemented by the legislative body of a city, town, or village that has established an animal and rabies control program for the sole purpose of funding the rabies control program.

(3) The license fee surcharges in this subsection shall not be considered part of the license fee for purposes of calculating a penalty for late payment.

(d) Before obtaining a license for a dog or wolf-hybrid six months of age or older, a person shall deliver to the municipal clerk a certificate or a certified copy thereof issued by a duly licensed veterinarian, stating that the dog or wolf-hybrid has received a current preexposure rabies vaccination with a vaccine approved by the Secretary, and the person shall certify that the dog or wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to be licensed. The municipal clerk shall keep the certificates or copies thereof on file. The Secretary shall prescribe the size and format of rabies certificates.

The owner of any such dog or wolf-hybrid shall maintain a copy of the rabies vaccination form and provide it to State or municipal officials upon request.

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(f) In addition to the license fees assessed in subsections (a) and (c) of this section and section 3583 of this title, municipal clerks shall assess a ~~\$1.00~~ \$3.00 fee for each license sold. The clerks shall forward the fees collected under this subsection to the State Treasurer on or before the 15th day of May, September, and January of each year, together with an accounting of the licenses sold. The funds collected under this subsection are to be used for rabies control programs and for administration of animal welfare laws in the State. For this purpose, on or before the 30th days of May, September, and January, the State Treasurer shall disburse the funds collected under this subsection as follows:

- (1) ~~Forty five~~ 14.85 percent to the Fish and Wildlife Fund;
- (2) ~~Forty five~~ 14.85 percent to the Commissioner of Health;
- (3) ~~Ten~~ 3.3 percent to the Secretary of Agriculture, Food and Markets;

and

- (4) 67 percent to the Animal Welfare Fund created by section 3203 of this title.

Sec. 3. 13 V.S.A. § 351(4) is amended to read:

(4) “Humane officer” or “officer” means:

(A) any enforcement officer as defined in 23 V.S.A. § 4(11)(A) or investigator employed by the Office of the Attorney General or State’s Attorney; or

(B) an individual who has received the animal cruelty response training required by section 356 of this title who is:

(i) ~~a designated humane society employee; or~~

~~(ii) an animal control officer appointed by the legislative body of a municipality who is authorized by the legislative body~~ employed by a municipal or State law enforcement agency to perform the duties and functions of a humane officer; or

(ii) a Division of Animal Welfare employee authorized to conduct investigations under this chapter.

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 3, definition of humane officer, shall take effect on July 1, 2024, except that 13 V.S.A. § 351(4)(B)(ii), inclusion of Division of Animal Welfare employee as humane officer, shall take effect on January 1, 2025.

(b) All other sections shall take effect on January 1, 2025.

Date Governor signed bill: June 10, 2024