

1 H.626

2 An act relating to animal welfare

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

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

5 CHAPTER 190. DIVISION OF ANIMAL WELFARE

6 § 3201. DEFINITIONS

7 As used in this subchapter:

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

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

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

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

16 (D) veterinary medical or surgical procedures; and

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

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

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

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

1 § 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

2 POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 § 3203. ANIMAL WELFARE FUND

20 (a) The Animal Welfare Fund is established within the Department of
21 Public Safety to fund the expenses incurred by the Division of Animal Welfare

1 in implementing the requirements of this chapter. The Director of Animal
2 Welfare shall administer the Fund.

3 (b) The Fund shall consist of:

4 (1) 67 percent of the revenue collected from the surcharge assessed
5 under subsection 3581(f) of this title; and

6 (2) appropriations made by the General Assembly.

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

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

10 § 3581. GENERAL REQUIREMENTS

11 (a) A person who is the owner of a dog or wolf-hybrid more than six
12 months old shall annually on or before April 1 cause it to be registered,
13 numbered, described, and licensed on a form approved by the Secretary for one
14 year from that day in the office of the clerk of the municipality in which the
15 dog or wolf-hybrid is kept. A person who owns a working farm dog and who
16 intends to use that dog on a farm pursuant to the exemptions in section 3549 of
17 this title shall cause the working farm dog to be registered as a working farm
18 dog and shall, in addition to all other fees required by this section, pay \$5.00
19 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause
20 it to wear a collar and attach a license tag issued by the municipal clerk to the
21 collar. Dog or wolf-hybrid owners shall pay for the license \$4.00 for each

1 neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-
2 hybrid. If the license fee for any dog or wolf-hybrid is not paid on or before
3 April 1, its owner or keeper may thereafter procure a license for that license
4 year by paying a fee of 50 percent in excess of that otherwise required.

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

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

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

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

18 (d) Before obtaining a license for a dog or wolf-hybrid six months of age or
19 older, a person shall deliver to the municipal clerk a certificate or a certified
20 copy thereof issued by a duly licensed veterinarian, stating that the dog or
21 wolf-hybrid has received a current preexposure rabies vaccination with a

1 vaccine approved by the Secretary, and the person shall certify that the dog or
2 wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to be
3 licensed. The municipal clerk shall keep the certificates or copies thereof on
4 file. The Secretary shall prescribe the size and format of rabies certificates.
5 The owner of any such dog or wolf-hybrid shall maintain a copy of the rabies
6 vaccination form and provide it to State or municipal officials upon request.

7 * * *

8 (f) In addition to the license fees assessed in subsections (a) and (c) of this
9 section and section 3583 of this title, municipal clerks shall assess a ~~\$1.00~~
10 \$3.00 fee for each license sold. The clerks shall forward the fees collected
11 under this subsection to the State Treasurer on or before the 15th day of May,
12 September, and January of each year, together with an accounting of the
13 licenses sold. The funds collected under this subsection are to be used for
14 rabies control programs and for administration of animal welfare laws in the
15 State. For this purpose, on or before the 30th days of May, September, and
16 January, the State Treasurer shall disburse the funds collected under this
17 subsection as follows:

18 (1) ~~Forty five~~ 14.85 percent to the Fish and Wildlife Fund;

19 (2) ~~Forty five~~ 14.85 percent to the Commissioner of Health;

20 (3) ~~Ten~~ 3.3 percent to the Secretary of Agriculture, Food and Markets;

21 and

1 (4) 67 percent to the Animal Welfare Fund created by section 3203 of
2 this title.

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

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

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

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

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

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

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

17 Sec. 4. EFFECTIVE DATES

18 (a) This section and Sec. 3, definition of humane officer, shall take effect
19 on July 1, 2024, except that 13 V.S.A. § 351(4)(B)(ii), inclusion of Division of
20 Animal Welfare employee as humane officer, shall take effect on January 1,
21 2025.

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