

H.626

1
2 Introduced by Representatives Waters Evans of Charlotte, Rice of Dorset,
3 Sims of Craftsbury, Andrews of Westford, Anthony of Barre
4 City, Bos-Lun of Westminster, Boyden of Cambridge, Buss of
5 Woodstock, Casey of Montpelier, Clifford of Rutland City,
6 Cole of Hartford, Gregoire of Fairfield, Hyman of South
7 Burlington, Krasnow of South Burlington, LaBounty of
8 Lyndon, O'Brien of Tunbridge, Priestley of Bradford,
9 Rachelson of Burlington, Stone of Burlington, Surprenant of
10 Barnard, Taylor of Milton, Torre of Moretown, White of Bethel,
11 and Williams of Barre City

12 Referred to Committee on

13 Date:

14 Subject: Public safety; animal welfare; Division of Animal Welfare; animal
15 shelters and animal rescue organizations; importation of animals

16 Statement of purpose of bill as introduced: This bill proposes to establish the
17 Division of Animal Welfare at the Department of Public Safety to develop,
18 implement, and administer a centralized program for investigating and
19 enforcing animal welfare requirements in the State. The bill would also amend
20 or establish standards for the operation of animal shelters and animal rescue

1 organizations. In addition, the bill would amend or establish requirements for
2 the importation or transportation of animals into the State.

3 An act relating to animal welfare

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

5 Sec. 1. FINDINGS AND PURPOSE

6 (a) Findings. The General Assembly finds that for the purposes of Secs. 2–

7 ~~5~~ of this act:

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8 (1) The responsibility for upholding the animal welfare laws of the State
9 of Vermont is fragmented and spread across various State agencies and
10 municipalities. Multiple agencies, municipalities, and individuals have
11 individual and concurrent jurisdiction to enforce the animal welfare laws
12 of the State.

13 (2) Various statutorily delegated functions are not being discharged
14 because of a lack of resources or expertise.

15 (3) Vermont lacks a comprehensive program that upholds the animal
16 welfare laws of the State through communication, education, and enforcement.

17 (4) The lack of a comprehensive program that upholds the animal
18 welfare laws of the State jeopardizes the health and safety of Vermonters and
19 animals.

1 (b) Purpose. The purpose of Secs. 2-~~6~~ 5 of this act are to uphold the
2 animal welfare laws of the State through communication, education, and
3 enforcement to ensure the humane and proper treatment of animals and protect
4 the health
5 and safety of Vermonters.

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6 Sec. 2. 20 V.S.A. chapter 190 is added to read:

7 CHAPTER 190. DIVISION OF ANIMAL WELFARE

8 Subchapter 1. General Provisions

9 § 3201. DEFINITIONS

10 As used in this subchapter:

11 (1) "Animal" has the same meaning as in 13 V.S.A. § 351.

12 (2) "Director" means the Director of Animal Welfare and includes the
13 Director's designee.

14 (3) "Division" means the Division of Animal Welfare.

15 (4) "Domestic animal" has the same meaning as defined by 6 V.S.A.
16 § 1151(2).

17 § 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

18 POWERS AND DUTIES

19 (a)(1) The Division of Animal Welfare is established within the
20 Department of Public Safety. The Commissioner of Public Safety shall
21 appoint a Director of Animal Welfare who shall be in immediate charge of the

1 Division. The Director shall be qualified by education and professional
2 experience to perform the duties of the position. The Director shall have at
3 least the following minimum qualifications:

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

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

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

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

12 (b) The Director shall develop, implement, and administer a comprehensive
13 program that upholds the animal welfare laws of the State through
14 communication, education, and enforcement.

15 (c) The Director shall oversee investigation and response to animal cruelty
16 complaints in the State and shall develop a systematic, collaborative approach
17 to providing the best services to Vermont's animals statewide. Law
18 enforcement and municipalities retain authority to enforce animal cruelty
19 requirements in the State. In carrying out the duties of this section, the
20 Director shall:

1 (1) monitor the extent and scope of any deficiencies in Vermont's
2 system of investigating and responding to animal cruelty complaints;

3 (2) ensure that investigations of animal cruelty complaints are
4 systematic and documented and develop written standard operating procedures
5 and checklists to support the objective investigation of cruelty complaints that
6 include objective measures of both environmental and animal-based evidence
7 of cruelty;

8 (3) develop and update a plan to house and care for animals seized in
9 response to complaints of animal cruelty, including how to pay for the care of
10 seized animals;

11 (4) ensure that requests for voluntary compliance are made in writing,
12 with clear requests and timelines, and include a timeline for the investigator to
13 perform a follow-up visit to confirm actions taken;

14 (5) develop a guide for animal cruelty prosecution, including a review of
15 current sentencing recommendations for State's Attorneys;

16 (6) research the feasibility of developing and implementing an animal
17 cruelty prevention and education program for offenders to be used as a part of
18 offenders' sentencing;

19 (7) seek and accept funds from private and public sources of animal
20 welfare funding;

1 (8) amend rules or standards under this chapter to maintain compliance
2 with the Association of Shelter Veterinarians' Guidelines for Standards of Care
3 in Animal Shelters, as those Standards are amended from time to time;

4 (9) develop trainings, protocols, procedures, and guidance documents
5 for law enforcement officers, municipal animal control officers, and State
6 agencies engaging in animal welfare responsibilities;

7 (10) authorize organizations that are not licensed in the State as an
8 animal shelter or as an animal rescue organization to provide care and
9 sanctuary to animals during emergencies or when necessary to provide
10 adequate food or adequate shelter for the animal; and

11 (11) develop and identify funding sources for an animal cruelty
12 investigation training program for law enforcement officers and animal control
13 officers working for law enforcement.

14 (d)(1) The Director of Animal Welfare shall hire employees necessary to
15 carry out the Director's duties and to assist in enforcing this chapter, chapter
16 200 of this title, and 13 V.S.A. chapter 8.

17 (2)(A) The Director may assist or receive assistance from Level III
18 certified law enforcement officers or trained animal control officers employed
19 by law enforcement agencies in responding to animal cruelty complaints and
20 enforcement of the State's animal welfare laws.

1 (B) The Director may request that animal shelters, animal rescue
2 organizations, or other entities assist in the response to animal cruelty
3 complaints, including the provision of veterinary care, sanctuary, or shelter.

4 § 3203. ANIMAL WELFARE ADVISORY COUNCIL

5 (a) There is created the Animal Welfare Advisory Council to advise the
6 Director of Animal Welfare on matters pertaining to animal welfare.

7 (b) The Council consists of ~~15~~ **nine** members appointed by the Governor as
8 follows:

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9 (1) one member to represent the interests of the Vermont League of
10 Cities and Towns;

11 (2) ~~three members~~ **one member** to represent licensed animal shelters or
12 animal rescue organizations;

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13 (3) ~~one member to represent the interests of dog breeders and associated~~
14 ~~groups;~~ **one member to represent the interests of the Vermont Department of**
15 **State's Attorneys and Sheriffs;**

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16 (4) one member to represent the interests of veterinarians;

17 (5) ~~one member to represent the interests of the Vermont Criminal~~
18 ~~Justice Council;~~

19 (6) **5** one member to represent licensed boarding kennels;

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20 (7) ~~one member to represent licensed pet shops or pet food suppliers;~~

1 ~~(8) one member who owns a pet to represent the interests of the public~~
2 ~~in animal welfare, generally;~~

3 ~~(9) one member who is an attorney with experience in animal welfare~~
4 ~~law or prosecutorial experience within the State court system;~~

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5 ~~(10 6) one member who is a Level III certified law enforcement officer~~
6 ~~who is trained as a humane officer and who has experience in animal cruelty~~
7 ~~investigations;~~

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8 ~~(11 7) one member with expertise in equine care;~~

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9 ~~(12 8) one member with expertise in management of domestic animals~~
10 ~~representing a statewide farming organization; and~~

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11 ~~(13 9) one municipal animal control officer.~~

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12 (c) The Division of Animal Welfare shall provide necessary staffing
13 services to the Council.

14 (d) Members of the Council who are not employees of the State of
15 Vermont and who are not otherwise compensated or reimbursed for their
16 attendance shall be entitled to per diem compensation and reimbursement of
17 expenses pursuant to 32 V.S.A. § 1010, paid from the budget of the Agency of
18 Administration for attendance of meetings of the Council.

19 (e) Each member of the Council shall serve for a term of three years or
20 until the member's successor has been appointed, except that of the members
21 first appointed, the Governor shall designate five members for a term of one

1 year, five members for a term of two years, and five members for a term of
2 three years. In the case of a vacancy for any reason, the Governor shall
3 appoint a member representing the same interest to fill the unexpired term.

4 (f) The Council shall elect one of its members as chair. The Chair shall
5 serve for a two-year period. The Council shall hold regular public meetings
6 every other month but may waive by majority vote a succeeding meeting. The
7 Chair shall call special meetings of the Council whenever requested in writing
8 by two or more Council members.

9 (g) The Council shall perform the following duties:

10 (1) consult with and advise the Director of Animal Welfare on proposed
11 revisions to the animal welfare laws and rules;

12 (2) assist the Director of Animal Welfare in the continuing
13 implementation and evaluation of the animal welfare laws and rules;

14 (3) review training programs for law enforcement officers and municipal
15 animal control officers and make recommendations for training appropriate to
16 the duties of law enforcement officers and municipal animal control officers;

17 (4) research sources of public or private funding that the Director could
18 pursue for deposit to the Animal Welfare Fund to ensure funding for the
19 administration and enforcement of the animal welfare laws and rules;

20 (5) periodically evaluate the adequacy of existing funding for
21 administration and enforcement of the State's animal welfare laws and make

1 recommendations to the Director for increased funding if existing funding is
2 determined to be inadequate; and

3 (6) advise the Director on other matters related to the State's animal
4 welfare laws.

5 § 3204. RULEMAKING

6 The Director, after consultation with the Animal Welfare Advisory Council,
7 may adopt rules necessary for the proper administration, implementation,
8 enforcement, and interpretation of this chapter or any provision of law that the
9 Director is charged with administering.

10 § 3205. ANNUAL REPORT

11 Beginning on January 15, 2025, and annually thereafter, the Director of
12 Animal Welfare shall submit to the Senate Committees on Judiciary, on
13 Agriculture, and on Finance and the House Committees on Judiciary; on
14 Agriculture, Food Resiliency, and Forestry; and on Ways and Means a report
15 regarding the activities of the Division of Animal Welfare. The report shall
16 include:

17 (1) a summary of the animal cruelty cases investigated by the Division
18 of Animal Welfare and a summary of final dispositions of those cases;

19 (2) an accounting of the Animal Welfare Fund and the Animal Welfare
20 Auxiliary Fund;

1 (3) a list of licensed animal shelters and animal rescue organizations in
2 the State;

3 (4) the number of animal intakes, transfers, adoptions, animals that died
4 in care, and euthanasia conducted or directed under the control of animal
5 shelters and animal rescue organizations in the State;

6 (5) a list of the pet shops and pet dealers licensed in the State; and

7 (6) the number of complaints filed against or investigations initiated
8 against animal shelters or animal rescue organizations in the State.

9 § 3206. ANIMAL WELFARE FUND

10 (a) The Animal Welfare Fund is established within the Department of
11 Public Safety to fund the expenses incurred by the Division of Animal Welfare
12 in implementing the requirements of this chapter, chapter 200 of this title, and
13 animal cruelty investigations in general. The Director of Animal Welfare shall
14 administer the Fund.

15 (b) The Fund shall consist of:

16 ~~(1) the animal welfare surcharge assessed on commercial feed products~~
17 ~~under 6 V.S.A. § 324(d)(2);~~

18 (2) 50 percent of the revenue collected from the surcharge assessed
19 under subsection 3581(f) of this title; and

20 ~~(3) appropriations made by the General Assembly.~~

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

3 Subchapter 2. Animal Shelters and Animal Rescue Organizations
4 § 3221. DEFINITIONS

5 As used in this subchapter:

6 (1) “Adequate food” has the same meaning as in 13 V.S.A. § 351.

7 (2) “Adequate water” has the same meaning as in 13 V.S.A. § 351.

8 (3) “Ambient temperature” means the temperature surrounding the
9 animal.

10 (4) “Animal” means:

11 (A) any domestic pet;

12 (B) any domestic animal; or

13 (C) any wild animal authorized to be possessed by the Commissioner
14 of Fish and Wildlife.

15 (5)(A) “Animal rescue organization” means any person who:

16 (i) accepts more than five animals in a calendar year for the
17 purpose of providing sanctuary or finding adoptive homes for the animals;

18 (ii) maintains at least one facility or property in the State for the
19 purposes of the animal rescue organization; and

20 (iii) is subject to the animal care requirements of section 3222 of
21 this title.

1 (B) For purposes of compliance with the animal care requirements of
2 section 3222 of this title, an “animal rescue organization” includes individuals
3 providing temporary foster care to animals in their home or on their property
4 for a person licensed as an animal rescue organization.

5 (6) “Animal shelter” means a facility in Vermont that is used to house or
6 contain animals and is owned, operated, or maintained by a humane society,
7 animal welfare society, society for the prevention of cruelty to animals, or
8 similar entity devoted to the welfare, protection, and humane treatment of
9 animals.

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

11 (8) “Domestic pet” has the same meaning as in 10 V.S.A. § 4001.

12 (9) “Euthanize” means to comply with the requirements of 13 V.S.A.
13 § 371.

14 (10) “Housing facility” means any room, building, or area used to
15 contain a primary enclosure or enclosures.

16 (11) “Owner” means any person who owns a domestic pet or wolf-
17 hybrid and includes any person who has actual or constructive possession of
18 the pet or wolf-hybrid. The term also includes those persons who provide feed
19 or shelter to a domestic pet or wolf-hybrid.

1 (12) “Primary enclosure” means any structure used to immediately
2 restrict an animal or animals to a limited amount of space, such as a room, pen,
3 cage, compartment, or hutch.

4 (13) “Secretary” means the Secretary of Agriculture, Food and Markets.

5 (14) “Wild animal” has the same meaning as in 10 V.S.A. § 4001.

6 § 3222. OPERATION OF AN ANIMAL SHELTER OR RESCUE

7 ORGANIZATION; REQUIRED LICENSE

8 (a) A person shall not operate an animal shelter or animal rescue
9 organization in the State without first obtaining a license from the Director.

10 (b)(1) An animal shelter or animal rescue organization operating in the
11 State shall, at a minimum, comply with:

12 (A) for domestic pets that are cats, dogs, ferrets, rabbits, rodents, or
13 wolf-hybrids, the minimum requirements of the Association of Shelter
14 Veterinarians’ Guidelines for Standards of Care in Animal Shelters, as the
15 Guidelines may be amended or as the Director may amend the requirements
16 under the Guidelines by rule;

17 (B) for domestic pets that are birds and are not domestic animals, the
18 requirement of for humane handling, care, treatment, and transportation of
19 birds under 9 C.F.R. parts 1–3;

20 (C) for domestic animals that are horses, the Global Federation of
21 Animal Sanctuaries’ Standards for Equine Rescue and Sanctuaries;

1 (D) for domestic animals that are not horses, standards adopted by
2 the Director by rule after consultation with the Secretary of Agriculture, Food
3 and Markets; and

4 (E) for wild animals, standards adopted by the Director by rule after
5 consultation with the Commissioner of Fish and Wildlife.

6 (2) An animal shelter or an animal rescue organization operating in the
7 State shall provide animals with adequate food, adequate water, and adequately
8 sized and maintained primary closures and housing facilities.

9 (c) Any animal shelter or an animal rescue organization assisting law
10 enforcement in an animal cruelty investigation or seizure that, in good faith,
11 provides care and treatment to an animal involved in the investigation or
12 seizure shall not be held liable for civil damages by the owner of the animal
13 unless the actions of the shelter or organization constitute gross negligence.

14 § 3223. REPORTING OF ACTIVITY

15 (a) On or before ~~January 15 of each year~~ **November 15, 2025 and**
16 **annually thereafter**, an animal shelter or an animal rescue
17 organization operating in the State shall report the following information
18 regarding its operation to the Director for the previous calendar year:

19 (1) the number of animal intakes by the animal shelter or an animal
20 rescue organization, including the number of animals that originated out of
21 state;

1 (2) the number of animals that the animal shelter or an animal rescue
2 organization transferred to other animal shelters or animal rescue
3 organizations, including the number of animals transferred out of state or to
4 other organizations within Vermont;

5 (3) the number of animals that the animal shelter or animal rescue
6 organization placed for adoption; and

7 (4) the number of animals that were euthanized or died while in the care
8 of the animal shelter or animal rescue organization.

9 (b) In addition to the report required under subsection (a) of this section, an
10 animal shelter or animal rescue organization for domestic pets operating in the
11 State shall annually enter into the Shelter Animals Count database the number
12 of total outcomes, the number of live outcomes, the number of nonlive
13 outcomes, and any other information required by the Director.

14 § 3224. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

15 (a) The Director may deny a license to an animal shelter or an animal
16 rescue organization if the Director determines that the animal shelter fails to
17 meet the requirements of this chapter or rules adopted under this chapter.

18 (b) The Director may, after public hearing, revoke a license issued by the
19 Division of Animal Welfare if it is determined that the animal shelter or animal
20 rescue organization fails to meet the requirements of this chapter or rules
21 adopted under this chapter.

1 § 3225. AUTHORIZED CARE; EMERGENCY; NECESSITY

2 The Director may authorize persons who are not licensed in the State as an
3 animal shelter or as an animal rescue organization to provide care and
4 sanctuary to animals during emergencies or when necessary to provide
5 adequate food or adequate shelter for the animal. The Director may provide
6 authorization under this section through an order of the Division of Animal
7 Welfare or through a memorandum of understanding with the person. Any
8 order or memorandum of understanding issued under this section shall state the
9 standard of care required for the animal being provided care or sanctuary, the
10 amount of daily funding for adequate care, and, if available, the source of the
11 funding for care.

12 Subchapter 3. Pet Dealers and Pet Shops

13 § 3231. DEFINITIONS

14 As used in this subchapter:

15 (1) “Animal” means cats, dogs, wolf-hybrids, rabbits, rodents, birds,
16 fish, reptiles, or other vertebrates authorized for sale in the State.

17 (2) “Pet dealer” means any person who sells or exchanges or who offers
18 to sell or exchange cats, dogs, ferrets, rabbits, rodents, birds, or wolf-hybrids,
19 or any combination thereof, from three or more litters of cats, dogs, ferrets,
20 rabbits, rodents, birds, or wolf-hybrids in any 12-month period. “Pet dealer”
21 does not mean an animal shelter, pet shop, or animal rescue organization. As

1 used in this subdivision, “birds” does not include birds the sale or exchange of
2 which is regulated by the Agency of Agriculture, Food and Markets or the
3 Department of Fish and Wildlife.

4 (3) “Pet shop” means a place of retail or wholesale business, including
5 a flea market, that is not part of a private dwelling, where animals are
6 maintained or displayed for the purpose of sale or exchange to the general
7 public.

8 § 3232. PET DEALER; PET SHOP; OPERATION

9 (a)(1) A person shall not do business as a pet shop without a license issued
10 by the Director of Animal Welfare.

11 (2) A person shall not do business as a pet dealer without a permit
12 issued by the Director of Animal Welfare.

13 (b) A license or permit issued under this section shall be displayed
14 prominently on the premises of the pet shop or pet dealer.

15 (c) At the time of application for or renewal of a license or a permit under
16 this section, an applicant for a new license or permit shall notify the Director of
17 the type of animals to be sold, and an applicant for a renewed license or permit
18 shall notify the Director of the type and number of animals in the preceding
19 license or permit term.

1 (d) The Director may inspect a pet shop or pet dealer licensed or permitted
2 under this section at any time as a condition of receiving and retaining a
3 permit.

4 (e)(1) The term for a license or permit issued under this section shall be
5 April 1 to March 31.

6 (2) The license fee for a pet shop shall be \$175.00, and the permit fee
7 for a pet dealer shall be \$25.00.

8 (3) An application for a permit shall be made in the manner provided by
9 the Director.

10 § 3233. STANDARD OF CARE; QUARANTINE OF PREMISES

11 (a) A pet shop or pet dealer licensed or permitted under this chapter shall,
12 at a minimum, comply with the sanitization requirements of the appropriate
13 standard set forth in subsection 3222(b) of this title for each animal type.

14 (b) In the event that the Director, law enforcement officer, or veterinarian
15 determines that any animals owned or cared for by a pet shop or pet dealer are
16 kept under unsanitary or inhumane conditions, that there is communicable
17 disease among them, or that the condition of the animals is such as to
18 jeopardize or endanger the health or safety of persons, the Director, law
19 enforcement officer, or veterinarian shall quarantine the premises by an order
20 in writing delivered to the holder of the permit. The quarantine shall remain in

1 effect until the conditions affording a basis for the quarantine order have been
2 remedied.

3 (c) A person operating a pet shop or a pet dealer who fails to comply with a
4 quarantine order issued under subsection (b) of this section within 10 days
5 after receiving notice of the order, or who sells, gives away, or otherwise
6 removes an animal under quarantine or affected with a contagious disease,
7 shall be subject to the penalty provided in 13 V.S.A. § 353(a)(1). A pet shop
8 or pet dealer subject to a quarantine order shall be liable for payment of the
9 necessary fees and expenses of a veterinarian utilized by the Director or law
10 enforcement officer issuing a quarantine order.

11 § 3234. REPORTING

12 A pet dealer or pet shop licensed in the State shall annually report to the
13 Division of Animal Welfare the following information:

14 (1) the number of animals sold or transferred in Vermont in the previous
15 calendar year;

16 (2) the number of animals sold or transferred out of state;

17 (3) the number of animals that were euthanized or died while in the care
18 of the pet dealer or pet shop; and

19 (4) any other information required by the Division of Animal Welfare.

1 Subchapter 4. Penalties

2 § 3236. PENALTIES

3 (a) An animal shelter, animal rescue organization, pet shop, or pet dealer
4 that violates the requirements of this chapter or rules adopted under this
5 chapter shall be assessed the following administrative penalty:

6 (1) for a first offense, not more than \$1,000.00;

7 (2) for a second offense, not more than \$2,500.00; and

8 (3) for a third offense or subsequent offense, not more than \$10,000.00.

9 (b)(1) The Director may revoke the license or permit of an animal shelter,
10 animal rescue organization, pet shop, or pet dealer for failure to comply with
11 the requirements of this chapter or rules adopted under this chapter or for
12 violation of terms or conditions in a license or permit issued under this chapter.

13 (2) The Director shall revoke the license or permit of an animal shelter,
14 animal rescue organization, pet shop, or pet dealer that violates the
15 requirements of this chapter or rules adopted under this chapter or that violates
16 the terms or conditions of a license or permit three times in a five-year period.

17 Sec. 3. 20 V.S.A. § 3550(b) is amended to read:

18 (b) A municipal legislative body may impose penalties for violation of any
19 provisions of subchapter 1 or 2, ~~refusal to obtain a pet dealer permit under~~
20 ~~subchapter 3,~~ or a refusal to comply with an order issued by a municipal officer
21 under subchapter 5 of this chapter.

1 Sec. 4. 20 V.S.A. § 3911(b) is amended to read:

2 (b) Any person who operates a fair or public auction ~~or who transacts~~
3 ~~business as a pet shop, animal shelter, or rescue organization~~ without being
4 duly licensed or without possessing a proper certificate of registration, as the
5 case may be, as required under this chapter, or who violates any provision of
6 this chapter or of any rule lawfully adopted under its authority for which no
7 other penalty is provided shall be fined not more than \$300.00 or imprisoned
8 for not more than six months, or both.

9 ~~Sec. 5. 6 V.S.A. § 324 is amended to read:~~

10 ~~§ 324. REGISTRATION AND FEES~~

11 ~~(a) No person shall manufacture or distribute a commercial feed, feed~~
12 ~~supplement, or dosage form animal health product in this State unless that~~
13 ~~person has first filed with the Agency of Agriculture, Food and Markets, in a~~
14 ~~form and manner to be prescribed by rules by the Secretary:~~

- 15 (1) ~~the name of the manufacturer or distributor;~~
16 (2) ~~the manufacturer's or distributor's place of business;~~
17 (3) ~~the location of each manufacturing or distribution facility; and~~
18 (4) ~~any other information that the Secretary considers to be necessary.~~

19 ~~(b) A person shall not distribute in this State a commercial feed, feed~~
20 ~~supplement, or dosage form animal health product that has not been registered~~
21 ~~pursuant to the provisions of this chapter. Application shall be in a form and~~

1 ~~manner to be prescribed by rule of the Secretary. The Secretary shall have the~~
2 ~~authority to determine whether a product subject to an application shall be~~
3 ~~registered as a commercial feed, feed supplement, or dosage form animal~~
4 ~~health product.~~

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5 (e)(1) ~~The application for registration of a commercial feed or feed~~
6 ~~supplement shall be accompanied by a registration fee of \$105.00 per product.~~
7 ~~The registration fees, along with any surcharges collected under subsection (d),~~
8 ~~subdivision (d)(1) of this section, shall be deposited in the special fund created~~
9 ~~by subsection 364(f) of this title. Funds deposited in this account shall be~~
10 ~~restricted to implementing and administering the provisions of this title and~~
11 ~~any other provisions of the law relating to fertilizer, lime, or seeds. If the~~
12 ~~Secretary so requests, the application for registration shall be accompanied by~~
13 ~~a label or other printed matter describing the product.~~

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14 (2) ~~The application for registration of a dosage form animal health~~
15 ~~product shall be accompanied by a registration fee of \$35.00 per product. The~~
16 ~~registration fees, along with any surcharges collected under subsection (d),~~
17 ~~subdivision (d)(1) of this section, shall be deposited in the special fund created~~
18 ~~by subsection 364(f) of this title. Funds deposited in this account shall be~~
19 ~~restricted to implementing and administering the provisions of this title and~~
20 ~~any other provisions of the law relating to items registered under this chapter.~~

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1 ~~If the Secretary so requests, the application for registration shall be~~

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2 ~~accompanied by a label or other printed matter describing the product.~~

3 ~~(d)(1) No person shall distribute in this State any commercial feed, feed~~
4 ~~supplement, or dosage form animal health product required to be registered~~
5 ~~under this chapter upon which the Secretary has placed a withdrawal from~~
6 ~~distribution order because of nonregistration. A surcharge of \$10.00, in~~
7 ~~addition to the registration fee required by subsection (c) of this section, shall~~
8 ~~accompany the application for registration of each product upon which a~~
9 ~~withdrawal from distribution order has been placed for reason of~~
10 ~~nonregistration and must be received before removal of the withdrawal from~~
11 ~~distribution order.~~

12 ~~(2) A surcharge of \$10.00, in addition to the registration fee required by~~
13 ~~subsection (c) of this section, to fund animal welfare activities in the State shall~~
14 ~~accompany the annual application for registration of each product required to~~
15 ~~be registered under this section. The surcharges collected under this~~
16 ~~subdivision shall be deposited in the Animal Welfare Fund created by 20~~
17 ~~V.S.A. § 3206.~~

18 ~~(e) No person shall distribute a commercial feed product in the State that~~
19 ~~is labeled as bait or feed for white-tailed deer.~~

1 Sec. ~~6.5~~. 20 V.S.A. § 3581 is amended to read:

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2 § 3581. GENERAL REQUIREMENTS

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

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

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

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

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

11 (d) Before obtaining a license for a dog or wolf-hybrid six months of age or
12 older, a person shall deliver to the municipal clerk a certificate or a certified
13 copy thereof issued by a duly licensed veterinarian, stating that the dog or
14 wolf-hybrid has received a current preexposure rabies vaccination with a
15 vaccine approved by the Secretary, and the person shall certify that the dog or
16 wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to be
17 licensed. The municipal clerk shall keep the certificates or copies thereof on
18 file. The Secretary shall prescribe the size and format of rabies certificates.
19 The owner of any such dog or wolf-hybrid shall maintain a copy of the rabies
20 vaccination form and provide it to State or municipal officials upon request.

21 * * *

1 (f) In addition to the license fees assessed in subsections (a) and (c) of this
2 section and section 3583 of this title, municipal clerks shall assess a ~~\$1.00~~
3 \$2.00 fee for each license sold. The clerks shall forward the fees collected
4 under this subsection to the State Treasurer on or before the 15th day of May,
5 September, and January of each year, together with an accounting of the
6 licenses sold. The funds collected under this subsection are to be used for
7 rabies control programs and for administration of animal welfare laws in the
8 State. For this purpose, on or before the 30th days of May, September, and
9 January, the State Treasurer shall disburse the funds collected under this
10 subsection as follows:

- 11 (1) ~~Forty five~~ 22.5 percent to the Fish and Wildlife Fund;
12 (2) ~~Forty five~~ 22.5 percent to the Commissioner of Health;
13 (3) ~~Ten~~ Five percent to the Secretary of Agriculture, Food and Markets;
14 and
15 (4) 50 percent to the Animal Welfare Fund created by 20 V.S.A. § 3206.

16 Sec. ~~7.6~~. 13 V.S.A. § 351(4) is amended to read:

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

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

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

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

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

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

10 Sec. ~~§ 7.~~ 13 V.S.A. § 353 is amended to read:

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11 § 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

12 (a) Penalties.

13 * * *

14 (4)(A) Except as provided in subdivision (B) of this subdivision (4), a
15 person found in violation of subdivision 352(3), (4), or (9) of this title pursuant
16 to this subdivision shall be imprisoned not more than one year or fined not
17 more than \$2,000.00, or both. Second and subsequent convictions shall be
18 punishable by a sentence of imprisonment of not more than two years or a fine
19 of not more than \$5,000.00, or both.

20 (B) In lieu of a criminal citation or arrest, the Director of Animal
21 Welfare or a law enforcement officer may issue a civil citation to a person who

1 violates subdivision 352(3), (4), or (9) of this title if the person has not been
2 previously adjudicated in violation of this chapter. A person adjudicated in
3 violation of subdivision 352(3), (4), or (9) of this title pursuant to this
4 subdivision shall be assessed a civil penalty of not more than \$500.00. At any
5 time prior to the person admitting the violation and paying the assessed
6 penalty, the State's Attorney may withdraw the complaint filed with the
7 Judicial Bureau and file an information charging a violation of subdivision
8 352(3), (4), or (9) of this title in the Criminal Division of the Superior Court.

9 (C) Nothing in this subdivision (4) shall be construed to require that a
10 civil citation be issued prior to a criminal charge of violating subdivision
11 352(3), (4), or (9) of this title.

12 * * *

13 (b) In addition to any other sentence the court may impose, the court may
14 require a defendant convicted of a violation under section 352 or 352a of this
15 title to:

16 * * *

17 Sec. ~~9.8~~ 13 V.S.A. § 354 is amended to read:

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18 § 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;
19 SEARCHES AND SEIZURES; FORFEITURE

20 (a) ~~The Secretary of Agriculture, Food and Markets shall be consulted prior~~
21 ~~to any enforcement action brought pursuant to this chapter that involves~~

1 ~~livestock and poultry. Law~~ The Director of Animal Welfare or law
2 enforcement may ~~consult with~~ request guidance from the Secretary of
3 Agriculture, Food and Markets in person or by electronic means when
4 responding to complaints under this chapter related to livestock or poultry, and
5 the Secretary shall assist the Director of Animal Welfare or law enforcement in
6 evaluating the facts determining whether the practice or animal condition, or
7 both, represent acceptable livestock or poultry husbandry practices. This
8 provision makes the Secretary of Agriculture, Food and Markets' expertise
9 available to the Director or law enforcement for consultation, but neither lack
10 of consultation nor the scope of result of any consultation creates a procedural
11 defense to an enforcement action, which shall be determined by the underlying
12 facts.

13 * * *

14 Sec. ~~10.9.~~ 13 V.S.A. § 356 is amended to read:

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15 § 356. ~~HUMANE OFFICER REQUIRED TRAINING; AUTHORIZATION~~
16 ~~TO PERFORM DUTIES~~

17 ~~(a) All humane officers as defined in subdivision 351(4)(B) of this title~~
18 ~~shall complete the animal cruelty response training as required by 20 V.S.A.~~
19 ~~§ 2365b in order to serve in the capacity of a humane officer.~~

20 ~~(b) A humane officer as defined in subdivision 351(4)(B) of this title shall~~
21 ~~be authorized to serve as a humane officer if the humane officer is employed~~

1 ~~by a humane society or a municipality and has completed the trainings as~~
2 ~~required by this section and by 20 V.S.A. § 2365b. Upon termination of~~
3 ~~employment from the humane society or municipality through which they were~~
4 ~~authorized to serve, the person shall no longer be authorized to perform the~~
5 ~~legal functions of a humane officer.~~

6 ~~(c) The Animal Cruelty Investigation Advisory Board shall keep and at~~
7 ~~least annually update an index of individuals who have completed the animal~~
8 ~~cruelty response training as required by this section and by 20 V.S.A. § 2365b.~~

9 ~~[Repealed.]~~

10 Sec. ~~11~~ 10. 20 V.S.A. § 2365b is amended to read:

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11 § 2365b. ANIMAL CRUELTY RESPONSE TRAINING

12 (a) As part of basic training in order to become certified as a Level II and
13 Level III law enforcement officer, a person shall receive a training module on
14 animal cruelty investigations as developed and approved by the Animal
15 Cruelty Investigation Advisory Board and approved and administered by the
16 Vermont Criminal Justice Council.

17 (b) ~~On or before December 31, 2023, humane officers as defined in 13~~
18 ~~V.S.A. § 351(4)(B) shall complete an animal cruelty response training as~~
19 ~~developed and approved by the Animal Cruelty Investigation Advisory Board~~
20 ~~and Animal control officers working for municipal or state law enforcement~~
21 ~~shall complete an animal response training program approved and administered~~

1 by the Vermont Criminal Justice Council. ~~The Council shall provide the~~
2 ~~training only to designated humane society employees, animal control officers~~
3 ~~appointed by the legislative body of a municipality, and other humane officers~~
4 ~~as defined in 13 V.S.A. § 351(4).~~ The trainings shall be conducted on a
5 periodic basis by qualified instructors ~~as determined by the Animal Cruelty~~
6 ~~Investigation Advisory Board.~~

7 (c) ~~The Animal Cruelty Investigation Advisory Board may elect to require~~
8 ~~that humane officers as defined in 13 V.S.A. § 351(4)(B) complete a refresher~~
9 ~~course on the training required by this section on a periodic basis. Such~~
10 ~~refresher training shall be developed and approved by the Animal Cruelty~~
11 ~~Investigation Advisory Board and approved and administered by the Vermont~~
12 ~~Criminal Justice Council. [Repealed.]~~

13 (d) ~~On or before January 1, 2024 and annually thereafter, the Vermont~~
14 ~~Criminal Justice Council shall provide the Animal Cruelty Investigation~~
15 ~~Advisory Board with a list of the individuals that completed the trainings as~~
16 ~~required by this section. [Repealed.]~~

17 Sec. ~~12~~ 11. FINDINGS AND PURPOSE

18 (a) Findings. The General Assembly finds that for the purposes of this
19 section and Sec. 12 of this act:

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1 (1) It is reasonable for Vermont residents to expect that their adopted
2 companion animals will be free from communicable disease, be of sound
3 temperament, and not be dangerous.

4 (2) The unregulated transportation or importation of feline and canine
5 companion animals poses risks to Vermonters. Such risks include:

6 (A) communicable zoonotic disease from parasite-borne diseases
7 such as Lyme, Leptospirosis, and Giardia and blood-borne diseases such
8 as rabies;

9 (B) physical harm from behaviorally unsound and potentially
10 dangerous animals; and

11 (C) emotional distress and financial loss when the health or behavior
12 of adopted animals result in extraordinary medical bills or heartbreak should
13 the animal die or is required to be surrendered.

14 (3) Some transmissible diseases or parasites are transmissible from
15 animals to humans, such as Giardia, and if not promptly diagnosed or treated
16 could lead to a public health risk.

17 (4) Current law requires that a dog, cat, ferret, or wolf-hybrid imported
18 into the State of Vermont for sale, resale, exchange, or donation be
19 accompanied by an official health certificate or similar certificate of inspection
20 for the dog, cat, ferret, or wolf-hybrid issued by a veterinarian licensed in the
21 state or county of origin; however, there is no enforcement authority or entity

1 in place to enforce the requirement for importation of dogs, cat, ferrets, or
2 wolf-hybrids.

3 (5) There is currently no process in place to screen for behaviorally
4 unsafe animals.

5 (6) Vermonters who adopt companion animals through importation into
6 the State have little to no recourse if the animal has behavior or health issues.

7 (b) Purpose. The purpose of Sec. ~~13~~ 12 of this act is to provide standards
8 for the handling and care of dogs, cats, ferrets, and wolf-hybrids within the
9 State of Vermont by animal shelters, animal rescue organizations, and
10 individuals whose primary activity is the placement of abandoned, displaced,
11 unwanted, neglected, or abused animals and for the importation or
12 transportation of dogs, cats, ferrets, and wolf-hybrids into the State of
13 Vermont.

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14 Sec. 12. 20 V.S.A. chapter 200 is added to read:

15 CHAPTER 200. PLACEMENT OF ANIMALS

16 Subchapter 1. Importation of Animals

17 § 4401. DEFINITIONS

18 As used in this chapter:

19 (1) “Animal” has the same meaning as in 13 V.S.A. § 351, except for
20 the importation or placement of domestic animals regulated by the Agency of

1 Agriculture, Food and Markets or the importation or placement of wild animals
2 regulated by the Department of Fish and Wildlife.

3 (2) “Applicant” means a person who has submitted an application for a
4 license or renewal of an import organization license to the Division of Animal
5 Welfare.

6 (3) “Capacity for care” means the maximum number of animals that an
7 import organization can appropriately care for in each facility it owns, controls,
8 or operates under its license.

9 (4) “Cat” means a mammal of the species Felis catus.

10 (5) “Clean and disinfect” means the process, as set forth in the
11 Association of Shelter Veterinarians’ Guidelines for Standards of Care in
12 Animal Shelters, by which bacteria, viruses, or other pathogens are eliminated
13 from an environment through the physical removal of organic material or
14 debris from personnel, facilities, vehicles, or other equipment, followed by the
15 appropriate application of chemical agents specifically designed to destroy
16 potentially hazardous microorganisms in accordance with applicable
17 directions.

18 (6) “Consumer” means a person who adopts, purchases, exchanges, or
19 barters for an animal for companionship or their own noncommercial use.

20 (7) “Division” means the Division of Animal Welfare.

21 (8) “Dog” means a mammal of the species Canis familiaris.

1 (9) “Domestic animal” has the same meaning as defined by 6 V.S.A.
2 § 1151(2).

3 (10) “Facility” or “facilities” mean a location or locations owned,
4 operated, or otherwise used by a licensee for receiving, maintaining, caring for,
5 or transporting animals for the purpose of placing such animals. A facility
6 shall include any shelter or kennel but not a foster home.

7 (11) “Ferret” means only the European ferret (Mustela putorius furo).

8 (12) “Foster home” means a residential location providing interim or
9 temporary in-home housing for animals on behalf of an import organization
10 licensed under this chapter and for which the import organization assumes
11 responsibility and liability.

12 (13) “Health certificate” means a legible certificate or form signed by an
13 accredited veterinarian that shows the age, sex, breed, description, and health
14 record of each animal and the name of the consignor and consignee. The
15 certificate or form shall list the vaccines administered to each animal and shall
16 state that the animal is not showing signs of infectious, contagious, or
17 communicable diseases. The certificate is valid for 30 days from the date it
18 was issued.

19 (14) “Impervious” means characteristics of a nonporous, impermeable
20 surface through which a liquid is not allowed to pass but upon which water
21 will bead.

1 (15) “Import” means the transport of animals into the State of Vermont
2 by a licensed animal shelter, licensed animal rescue organization, or licensed
3 import organization for the purpose of placement.

4 (16) “Import license” means a license issued by the Division of Animal
5 Welfare that authorizes the licensee to operate in the State of Vermont as an
6 import organization and to import animals into the State of Vermont.

7 (17) “Import organization” means an entity licensed by the Director of
8 Animal Welfare that is not otherwise required to be licensed under Vermont
9 laws and whose primary activity is the placement of abandoned, displaced,
10 unwanted, neglected, or abused animals. An import organization shall not
11 obtain animals from an animal breeder or broker for payment or compensation.

12 (18) “Individual animal record” means the comprehensive record
13 relating to an individual animal that includes, where applicable, a certificate of
14 veterinary inspection; documentation of isolation upon import; post isolation
15 health certificate; history of vaccinations; history of all medical treatment,
16 including administered medications; source of animal; date of acquisition;
17 name and address of adoptive owner or foster home; official identification;
18 date of placement; mortality record; and other records as may be appropriate.

19 (19) “Isolation” means the confinement of animals to prohibit other
20 animal contact by restricting the animal to an isolation room for the purposes
21 of separating an animal displaying signs of contagious or infectious illness and

1 minimizing the risk of the animal spreading a contagious or infectious illness
2 to humans and other animals.

3 (20) “Isolation room” means a location designed to serve as a receiving
4 and holding station for animals that are subject to quarantine.

5 (21) “Official identification” means a device or method used as a means
6 of identifying an individual animal appropriate for that species, including
7 microchip, labeled collar, or other means of distinction affixed to the animal.
8 For ferrets, if no identification is affixed, a detailed description of the animal
9 attached to the enclosure will suffice.

10 (22) “Place” or “placement” means to sell, barter, exchange, give away,
11 or otherwise find a permanent physical placement for an animal that is
12 abandoned, displaced, unwanted, neglected, or abused.

13 (23) “Primary housing enclosure” means a cage, crate, or any area
14 within a facility in which a confined animal is kept.

15 (24) “Sanitary condition” means the state of facilities, primary housing
16 enclosures, and associated equipment having been cleaned and disinfected as
17 often as necessary to be free of, at a minimum, urine, feces, and noxious odors.

18 (25) “U.S. Department of Agriculture accredited veterinarian” means a
19 veterinarian accredited by the U.S. Department of Agriculture’s Animal and
20 Plant Health Inspection Service and approved by the animal health official of
21 the state where the veterinarian is doing business.

1 (26) “Veterinarian” means a veterinarian licensed and in good standing
2 in the state where the veterinarian is doing business.

3 (27) “Wild animal” has the same meaning as in 10 V.S.A. § 4001.

4 (28) “Wolf-hybrid” means an animal that is the progeny or descendant
5 of a domestic dog (Canis familiaris) and a wolf (Canis lupus or Canis rufus).
6 “Wolf-hybrid” also means an animal that is advertised, registered, licensed, or
7 otherwise described or represented as a wolf-hybrid by its owner, or an animal
8 that exhibits primary physical and behavioral wolf characteristics.

9 (29) “Zoonotic disease” means an infectious disease that can be
10 transmitted from animals to humans or from humans to animals.

11 § 4402. LICENSE REQUIRED

12 A person shall not import or place an animal or operate an import
13 organization that imports or places animals in the State of Vermont without
14 first having obtained a license issued by the Division of Animal Welfare. A
15 license under this chapter shall be valid only for the import organization
16 specified in the license and shall be nontransferable.

17 § 4403. LICENSE APPLICATION

18 (a) A complete application for a license or renewal of a license shall be
19 submitted to the Division of Animal Welfare on a form prescribed by the
20 Division. The application shall state the applicant’s name, name of individual
21 serving as the primary contact for the applicant, principal place of business,

1 and a detailed operations plan that includes the following information in

2 writing:

3 (1) a complete list of the import organization's directors and managerial
4 personnel;

5 (2) a complete list of the locations of all facilities, including shelters,
6 kennels, or foster homes where animals in the custody of the import
7 organization are or will be housed, and the capacity for care for each facility,
8 provided that information regarding foster homes is exempt from public
9 inspection and copying under the Public Records Act and shall be confidential;

10 (3) the location within the State of Vermont where the import
11 organization will maintain its records;

12 (4) methods of acquiring animals for purposes of placement;

13 (5) methods of animal care and maintenance, provided that such
14 methods shall comply with the Association of Shelter Veterinarians'
15 Guidelines for Standards of Care in Animal Shelters;

16 (6) description of facility operations and maintenance;

17 (7) documentation that the individual or entity is licensed in this State as
18 an animal shelter, animal rescue organization, or import organization;

19 (8) the handling and segregation of animals in the custody of the import
20 organization that are found to be suffering from illness or injury;

1 (9) methods to ensure the handling and disposing of deceased animals in
2 a sanitary manner;

3 (10) such other detailed information that fully describes the import
4 organization's proposed activities;

5 (11) evidence that the import organization holds a current kennel license
6 from the municipality in which any facility is operating, if applicable;

7 (12) a euthanasia policy that complies with the law, if applicable;

8 (13) evidence that the import organization holds a current certificate of
9 occupancy from the municipality in which any facility is operating, if
10 applicable; and

11 (14) whether the import organization intends to import animals into the
12 State of Vermont; if so, the Division shall issue an import license to qualified
13 persons that clearly authorizes the import of animals in addition to their
14 placement within the State of Vermont.

15 (b) An application for a license or renewal of license shall be accompanied
16 by an application fee as determined by the Division of Animal Welfare. The
17 fee for a new license shall be \$750.00, and the fee for subsequent, annual
18 license renewals shall be \$200.00.

19 (c) The Division of Animal Welfare shall confirm receipt of the license
20 application in writing and shall approve or deny the license within 90 days
21 following the notice confirming receipt of the license application.

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1 (d) Before issuance of the license, the Division of Animal Welfare shall be
2 granted access to all the applicant's facilities to ensure compliance with
3 applicable laws or rules. All inspections shall be conducted during normal
4 business hours. The Division of Animal Welfare may conduct additional
5 inspections before renewal and as it deems necessary. An isolation room shall
6 be inspected and approved by the Division before issuance of an import
7 license.

8 (e) An applicant may enter into a written agreement with the operator of an
9 approved isolation room to perform the activities required by this chapter.
10 Such written agreement shall be approved by the Division of Animal Welfare
11 before issuance of an import license.

12 (f) Licenses shall be issued on an annual basis and shall authorize the
13 licensee to operate for 12 months from the date of issuance, unless earlier
14 suspended, modified, or revoked by the Division of Animal Welfare in
15 accordance with the rules of the Division of Animal Welfare.

16 (g) The licensee shall keep the original of its most recent license at a
17 location within the State of Vermont and shall make a copy available for
18 inspection upon request, including by any individual at the time and location of
19 any placement. A copy shall be posted at each facility in a place prominently
20 visible to the public.

1 (h) The licensee shall include its most recent license number in a way that
2 is easily viewed by the public on its website and any other printed promotional
3 materials or printed advertisements that offer a specific animal for placement.

4 (i) A renewal application shall be submitted not later than 30 days before
5 the expiration of the license.

6 (j) The licensee will promptly notify the Division of Animal Welfare in
7 writing of any material change in the information provided in the license or
8 renewal application, including changes in managerial personnel; loss of,
9 acquisitions of, or renovations to facilities; or a change in the status of
10 municipal kennel licensing.

11 § 4404. FACILITY REQUIREMENTS

12 (a) General standards. For buildings and premises that are utilized as a
13 facility, each licensee shall be required to conform with:

14 (1) the Association of Shelter Veterinarians' Guidelines for Standards of
15 Care in Animal Shelters for animals subject to those guidelines; and

16 (2) requirements specified by the Division of Animal Welfare in a
17 license issued under this chapter for all other animals.

18 (b) Minimum standards. At a minimum, a licensee under this chapter shall:

19 (1) Maintain all buildings and premises in good repair and in a sanitary
20 condition.

1 (2) Maintain and use equipment in a manner that ensures the proper and
2 legal storage and disposal of wastes or disease-contaminated material,
3 including medical supplies, syringes, needles, and sharps containers.

4 (3) Take and maintain effective control measures to prevent the spread
5 of disease, noxious odors, and the infestation of animals and premises with
6 external parasites, insects, or vermin.

7 (4) Provide and maintain artificial illumination in all areas and rooms in
8 which animals are kept. The artificial illumination shall be well distributed
9 and adequate to provide efficient inspection and cleaning of facilities,
10 enclosures, cages, and animals. Each cage and enclosure in use shall be
11 situated in a manner that protects the animals contained from excessive or
12 stressful illumination.

13 (5) To the extent feasible, utilize natural illumination during daylight
14 hours in all areas and rooms where animals are kept. Artificial illumination
15 shall be available during nondaylight hours.

16 (6) Make a freezer or other means of mechanical or nonmechanical
17 refrigeration available at the facility for the temporary storage of deceased
18 animals, unless an arrangement has been made with another entity capable of
19 appropriately storing and disposing of deceased animals. Any such
20 arrangement with another entity shall be made in writing and kept as part of
21 the import organization's operations plan.

1 (c) Isolation room. In addition to complying with subsections (a) and (b) of
2 this section, each facility shall be required to conduct each of the following:

3 (1) provide a room to be used exclusively for the purposes of isolating
4 sick or diseased animals; and

5 (2) ensure that the isolation room, in addition to complying with the
6 requirements of subsections (a) and (e) of this section, is compliant with the
7 isolation requirements of the Association of Shelter Veterinarians' Guidelines
8 for Standards of Care in Animal Shelters.

9 (d) Protective clothing for isolation room.

10 (1) Each licensee shall ensure that isolation rooms comply with:

11 (A) the isolation room requirements in the Association of Shelter
12 Veterinarians' Guidelines for Standards of Care in Animal Shelters for animals
13 subject to those guidelines; and

14 (B) isolation room requirements specified the Division of Animal
15 Welfare in a license issued under this chapter for all other animals.

16 (2) Each licensee shall ensure that each person who enters an isolation
17 room or otherwise feeds, waters, cleans, treats, or handles quarantined or
18 isolated animals showing signs of infectious or contagious disease or disease-
19 contaminated equipment or material shall wear clean protective outerwear,
20 gloves, and shoe covers, or take equivalent biosecurity measures while so
21 doing, and shall remove and adequately clean or dispose of the protective

1 outerwear, gloves, and shoe covers, or equivalent, and thoroughly wash their
2 hands with soap and water immediately upon leaving such room.

3 (e) Animal facilities.

4 (1) Each animal housing area within a facility shall be constructed and
5 maintained in compliance with:

6 (A) the housing requirements in the Association of Shelter
7 Veterinarians' Guidelines for Standards of Care in Animal Shelters for animals
8 subject to those guidelines; and

9 (B) requirements specified the Division of Animal Welfare in a
10 license issued under this chapter for all other animals.

11 (2) At a minimum, a housing area provided by a licensee shall comply
12 with all of the following:

13 (A) The area shall be cleaned at least daily and more often as
14 necessary to maintain sanitary conditions. Enclosures shall be disinfected
15 periodically and as soon as practicable once emptied. Group housing rooms
16 shall be emptied and disinfected periodically. Cages and enclosures shall be
17 unoccupied during disinfecting. The use of chemical agents to disinfect shall
18 be in accordance with the chemical manufacturer's label, with particular
19 attention paid to temperatures and contact time.

20 (B) The area shall be of adequate size and space to permit an animal
21 therein to stand, sit, lie down, turn around, and make other normal postural

1 adjustments without obstruction, interference, or impediment by the presence
2 of food and water bowls, equipment, beds, toys, or other animals.

3 (C) The area shall be equipped with heating, cooling, and ventilation
4 to maintain adequate ambient conditions appropriate for the species and
5 necessary to minimize odor, ammonia levels, disease transmission risk, and
6 unnecessary stress on the animals due to uncomfortable temperatures or
7 environmental conditions. Ambient temperature shall be between 55°F and
8 85°F, unless other temperatures have been determined to be appropriate based
9 on an information source approved by the Division. To ensure that these
10 conditions are met, the licensee shall install and maintain a working
11 thermometer in all areas in which animals are maintained and cared for.

12 (D) The area shall be constructed and maintained in accordance with
13 all of the following provisions:

14 (i) Each floor shall be impervious to moisture and no carpeted
15 flooring may be permitted in animal areas.

16 (ii) Any material used shall be resistant to rusting and be
17 maintained free of rust.

18 (iii) Animal cages or enclosures equipped with a wire floor shall
19 be prohibited for animals. Crates meant for temporary confinement of animals,
20 such as airline crates, wire crates, or cat carriers, shall be the appropriate size
21 to provide adequate shelter and shall not be used for long-term housing.

1 Stacked housing shall be specifically constructed for that purpose. Stacking
2 wire crates is prohibited.

3 (E) The area shall be designed to permit the unimpeded access of the
4 animal to clean, fresh food and water.

5 (F) The area shall provide adequate shelter from the sun and
6 inclement weather when animals are outside.

7 (G) The area shall be maintained at a comfortable noise level. Under
8 normal circumstances, the noise level shall not be at or above 100 dB for a
9 sustained period of 15 minutes or longer.

10 § 4405. ANIMAL CARE REQUIREMENTS

11 (a) Standard of care.

12 (1) The import organization shall provide staffing adequate to ensure the
13 general care and maintenance of the animals daily.

14 (2) The import organization shall provide care in compliance with:

15 (A) the care requirements in the Association of Shelter Veterinarians'
16 Guidelines for Standards of Care in Animal Shelters for animals subject to
17 those guidelines; and

18 (B) the care requirements specified by the Division of Animal
19 Welfare in a license issued under this chapter for all other animals.

1 (3) With due regard to the differences in species, breed, age, and
2 condition, the import organization shall ensure that every animal receives all of
3 the following care and maintenance:

4 (A) The animal shall be kept clean and dry.

5 (B) The animal shall be provided with standard veterinary care in a
6 timely manner following the protocols established by the veterinarian of
7 record. Emergency care shall be provided.

8 (C) The animal shall be provided with sufficient fresh food.

9 (D) The animal shall be provided at all times, or at regular intervals,
10 with access to clean drinking water.

11 (E) The animal shall be housed in an area having appropriate
12 temperature and ventilation.

13 (F) The animal shall be protected from weather and the elements.

14 (G) The animal shall be provided with clean bowls, dishes, or other
15 containers for food and water.

16 (H) The animal shall be free from contamination by excrement, urine,
17 or other matter.

18 (I) When appropriate for the species, breed, and age, the animal shall
19 be given the opportunity to exercise outside its enclosure regularly in order to
20 maintain the animal in good health and reduce the stress of confinement.

1 (J) When held in group housing, the animal shall be housed in
2 compatible groups without exceeding the capacity of care.

3 (4) No animal may be imported unless the animal:

4 (A) is eight weeks of age or older; or

5 (B) is less than eight weeks of age and is accompanied by a nursing
6 mother.

7 (b) Vaccinations and testing. Vaccination and testing schedules shall apply
8 based on the age of the dog, cat, or wolf-hybrid as follows, or in accordance
9 with the most recent recommendations of the Association of Shelter
10 Veterinarians' Guidelines for Standards of Care in Animal Shelters in effect at
11 the time of vaccination:

12 (1) All rabies-vaccine eligible animals 12 weeks of age and older shall
13 be vaccinated for rabies by a veterinarian, as stated in 20 V.S.A. § 3581a,
14 including appropriate re-immunizations, unless prior veterinary records
15 indicate a current vaccination status.

16 (2) Any dog six months of age or older shall be tested for heartworm as
17 soon as practicable.

18 (c) Behavior. The import organization shall document any behavioral
19 information received on intake as well as any behavioral observations made
20 while the animal was in the import organization's possession. The
21 observations and findings shall be documented in the individual animal record.

1 in accordance with subdivision 4408(b)(12) of this title. Any animal with
2 behavioral issues that may pose a safety risk to humans or other animals, such
3 as aggression, will also need to comply with the provisions of subsection
4 4407(d) of this title.

5 (d) Zoonotic disease. If an animal is found to have a zoonotic disease, the
6 import organization shall promptly notify its veterinarian, the Division, and the
7 Department of Health.

8 § 4406. IMPORTED ANIMALS

9 (a) Isolation upon import.

10 (1) An import organization holding an import permit shall comply with:

11 (A) the import requirements of the Association of Shelter
12 Veterinarians' Guidelines for Standards of Care in Animal Shelters for animals
13 subject to those guidelines; and

14 (B) requirements specified by the Division of Animal Welfare in a
15 license issued under this chapter for all other animals.

16 (2) At a minimum, an import organization shall comply with the
17 following import requirements:

18 (A) Any imported animal shall receive a brief health assessment at
19 intake.

20 (B) Any animal showing signs of having an infectious or contagious
21 disease shall be placed under quarantine according to:

1 (i) the guidelines of the Association of Shelter Veterinarians’
2 Guidelines for Standards of Care in Animal Shelters for animals subject to
3 those requirements; and

4 (ii) requirements specified by the Division of Animal Welfare in a
5 license issued under this chapter or in a Division order.

6 (b) Health certificate. Any animal entering the State of Vermont under an
7 import license shall be accompanied by a health certificate prepared and issued
8 not earlier than 30 days prior to import into the State of Vermont by a U.S.
9 Department of Agriculture accredited veterinarian in the state of origin.

10 (1) The health certificate shall include the following information about
11 the animal:

12 (A) estimated breed or category;

13 (B) sex;

14 (C) estimated age or age range;

15 (D) name, if applicable;

16 (E) microchip number, tattoo, or other official identification;

17 (F) color and distinctive markings;

18 (G) health status;

19 (H) the place from which the animal was shipped into the State of
20 Vermont, including the name and address of the shipper;

1 (I) name, address, and import license number of the Vermont
2 receiving import organization to which each animal was shipped;
3 (J) required vaccines and testing as applicable; and
4 (K) a statement that the animal appears to be free of infectious and
5 contagious disease, including internal or external parasites and heartworm, and
6 exposure thereto.

7 (2) Animals shall be examined by trained staff within 24 hours prior to
8 travel and deemed fit for transport. A veterinarian shall confirm that animals
9 with medical concerns or recovering from surgery are fit for transport, and the
10 receiving import organization shall be notified and agree to take the animal.

11 (3) A health certificate shall be void 30 days after issuance.

12 (c) Vaccinations and testing. Each licensee that imports an animal into the
13 State for purposes of placement shall comply with the vaccination and testing
14 schedules as described in subsection 4405(b) of this title. Any dog or wolf-
15 hybrid six months of age or older shall be tested for heartworm within three
16 months before shipment. The heartworm testing results shall be disclosed to
17 the receiving import organization. The receiving import organization shall
18 agree to treat the animal.

19 § 4407. RESTRICTIONS ON PLACEMENT

20 (a) Unless otherwise specified in this section, no licensee shall place an
21 animal that shows signs of any significant behavioral concern, such as signs of

1 a temperamental or behavioral issue that may pose a safety risk to humans or
2 other animals.

3 (b) No licensee shall place an animal, unless:

4 (1) the animal is eight weeks of age or older;

5 (2) the licensee possesses the animal's complete individual animal
6 record, in accordance with section 4408 of this title; and

7 (3) prior to placement, the licensee has provided the prospective adopter
8 with a disclosure statement and a partial animal record, consisting of at least
9 the information required under subsection 4408(b) of this title, as applicable.

10 (c) Notwithstanding subsections (a) and (b) of this section, any animal with
11 a chronic infectious or contagious medical condition may be placed, provided
12 that:

13 (1) the licensee has supplied any prospective adopter with a disclosure
14 statement documenting the specific medical condition; and

15 (2) the prospective adopter has signed an acknowledgment of receipt on
16 the disclosure statement and an agreement requiring the adopter to take steps to
17 prevent the spread of disease to any other susceptible animals.

18 (d) Notwithstanding subsections (a) and (b) of this section, any animal with
19 behavioral issues that may pose a safety risk to humans or other animals, such
20 as aggression, may only be placed, provided that:

1 (1) The animal receives training or behavior modification prior to
2 placement such that the safety risk is mitigated to the satisfaction of the
3 Division of Animal Welfare.

4 (2) The licensee supplies any prospective adopter with a disclosure
5 statement documenting the specific behavioral issues, and the prospective
6 adopter signs an acknowledgment of receipt on the disclosure statement and an
7 agreement requiring the adopter to establish an adequate management plan or
8 employ the services of a professional animal trainer or behaviorist to provide
9 training or behavior modification that mitigates the safety risk. The licensee
10 shall obtain and retain a copy of these documents as part of the animal's
11 individual animal record.

12 (e) An import organization shall dispense medication to an adopter based
13 on recommendations of the veterinarian of record.

14 (f) Any location where an animal placement occurs, including any off-site
15 or outdoor locations, shall meet all standards set forth subsection 4405(a) of
16 this title.

17 (g) Within 14 calendar days following placement, the adopter may return
18 the animal for a full refund and the import organization shall take the animal
19 back within three days. After the 14-day period, the adopter may return the
20 animal for any reason and the import organization shall take the animal back
21 but shall have no obligation to provide a refund.

1 (h) The provisions in subsections (a), (c), and (e) of this section and
2 subdivisions (b)(1) and (2) of this section shall not apply to transfers of
3 animals between import organizations licensed in Vermont.

4 § 4408. RECORDS

5 (a) Access by Division. Records shall be maintained in accordance with
6 the requirements of this section and this chapter and shall be made available
7 for review by the Division during any inspection or upon request.

8 (b) Individual animal records. The import organization shall keep a
9 complete copy of the record of each animal in its custody. The record of each
10 animal shall, at a minimum, include the following information:

11 (1) Species.

12 (2) Sex and reproductive status and, if spayed or neutered, the date and
13 name of the veterinarian performing the surgery, when available.

14 (3) Approximate age or age group.

15 (4) Name, if applicable.

16 (5) Microchip number, tattoo, or other official identification.

17 (6) Color and distinctive markings.

18 (7) Health status.

19 (8) History of vaccinations administered, including rabies vaccination.

1 (9) Health certificate if the animal was imported from outside the State
2 of Vermont. The health certificate or medical history supporting it shall
3 include:

4 (A) the date of examination; and

5 (B) a statement that the animal is free of any symptoms of infectious
6 or contagious disease.

7 (10) All vaccines, prophylactic, and therapeutic medications, and all
8 other medications administered to the animal, identified by name of drug,
9 dosage, and dates and duration of administration.

10 (11) Observations or findings of behavioral concerns or temperament
11 issues that may pose a safety concern for humans or other animals.

12 (12) A disclosure statement with a signed acknowledgment of receipt.

13 (13) The name and address of the import organization or individual from
14 whom the animal was obtained and the date of receipt.

15 (14) The name and address of the licensed Vermont animal shelter,
16 animal rescue organization, or import organization to which the animal was
17 transferred and the date of placement.

18 (15) The mortality of any animal and the cause, if known, including
19 euthanasia.

20 (c) Format. The import organization shall provide information from the
21 individual animal record in a format requested by the Division.

1 (d) Records retention. Records shall be retained for a period of 24 months
2 from the date of placement or mortality unless otherwise directed by the
3 Division.

4 (e) Confidentiality of information. The name, address, and other
5 identifying information of an adoptive home or foster home within individual
6 animal records are exempt from public inspection and copying under the
7 Public Records Act and shall be confidential.

8 § 4409. INSPECTIONS AND QUARANTINES

9 (a) The Division shall have the right to inspect any facility, and the animals
10 therein, during normal operating hours. Additionally, the Division shall be
11 given access to and the right to inspect and copy any and all records pertaining
12 to such animals.

13 (b) The Division may order that a quarantine be placed on the entire
14 premises operated by a licensee, on a specific species, or on a specific group of
15 animals or an individual animal for any of the following:

16 (1) excessive parasitism;

17 (2) poor body condition;

18 (3) presence of, or exposure to, infectious or contagious disease;

19 (4) infection with or exposure to a contagious disease;

20 (5) suspected of exposure to a contagious disease;

1 (6) the importation of a dog or cat into Vermont in violation of this
2 chapter; or

3 (7) violation of the capacity for care limits of a facility.

4 (c) Each animal that the Division has ordered quarantined shall be
5 maintained in an isolation room meeting the requirements of subsection
6 4404(b) of this title, or in such other location that prevents the spread of
7 disease, until released in writing by the Division.

8 (d) If any animal required to be maintained according to the requirements
9 of subsection 4404(b) of this title is not so maintained, the Division may order
10 that a quarantine be placed on the entire premises operated by a licensee.

11 § 4410. PROHIBITION OF DIRECT IMPORTATION OF AN ANIMAL

12 It shall be unlawful to import an animal into the State of Vermont for the
13 purpose of transferring possession or ownership directly to a person in the
14 State that is not an import organization licensed under this chapter.

15 § 4411. ENFORCEMENT

16 (a) The Division may deny, revoke, or suspend a license upon finding that
17 the import organization has not complied with the provisions of this chapter.

18 (b) An emergency suspension may be imposed for any licensee whose
19 officers, employees, or volunteers have been charged with violations of
20 13 V.S.A. §§ 352, 352a, and 355, provided that a hearing is held within

1 21 days after the date of such suspension. The hearing shall be held pursuant
2 to 3 V.S.A. chapter 25.

3 (c) Except for emergency suspensions under subsection (b) of this section,
4 no license or renewal of license may be denied, revoked, suspended, or
5 renewal denied prior to notice of the opportunity for a full and fair hearing. A
6 request for a hearing shall be made in writing to the Division within 21 days
7 following notification of the Division's decision. The hearing shall be held
8 pursuant to 3 V.S.A. chapter 25.

9 (d) Any action taken under this chapter shall not limit the Division's
10 authority to take additional action as necessary, including assessment of fines.

11 (e) The Division may order the transfer of any animal in the custody of any
12 import organization found in violation of any provisions of this chapter to a
13 compliant animal shelter, animal rescue organization, or import organization.

14 § 4412. PENALTIES

15 Violations of this chapter are civil violations for which the Division may
16 assess administrative penalties not to exceed \$1,000.00 for each violation.

17 § 4413. FORMS AND RULES

18 The Division may adopt rules and forms regarding the licensing of
19 organizations and the importation of animals into the State.

20 Sec. 13. TRANSITION

1 Notwithstanding rules previously adopted, between July 1, 2024 and July 1,
2 2025, the Agency of Agriculture, Food and Markets shall implement the
3 standards of care set forth under 20 V.S.A. § 3222(b)(1)(A)–(C) as the
4 standard to be applied and enforced for the operation of pet dealers and pet
5 shops operating in the State to the extent applicable to the animal and facility
6 at issue.

7 Sec. 14. REPEALS

8 (a) The following shall be repealed on July 1, 2025:

9 (1) 20 V.S.A. § 3541(10) (definition of pet dealer) and §§ 3681–3884
10 (licensing and operation of pet dealers);

11 (2) 20 V.S.A. §§ 3906 and 3907 (licensing of pet shops), 3909 (sale of
12 animals by humane society), 3908 (Agency of Agriculture, Food and Markets
13 animal welfare rules), and 3912 (commitment of animal to Agency of
14 Agriculture, Food and Markets); and

15 (3) 20 V.S.A. § 3915 (health certificate for transport).

16 (b) 24 V.S.A. § 1943 (Animal Cruelty Investigation Advisory Board) shall
17 be repealed 30 days after the final member is appointment to the initial
18 composition of the Animal Welfare Advisory Council under 20 V.S.A. § 3203.

19 Sec. 15. EFFECTIVE DATES

20 (a) This section; Sec. 1 (findings); the following sections in Sec. 2, 20
21 V.S.A. §§ 3201, 3202, and 3204–3206 (Animal Welfare Division); ~~Sec. 5~~

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1 ~~(commercial feed surcharge);~~ Sec. 6 (rabies control surcharge); and Sec. 134

2 (transition) shall take effect July 1, 2024.

3 (b) All remaining sections shall take effect on July 1, 2025.