

1 H.841

2 An act relating to miscellaneous animal welfare procedures

3 The Senate proposes to the House to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

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

6 CHAPTER 190. DIVISION OF ANIMAL WELFARE

7 § 3201. DEFINITIONS

8 As used in this subchapter:

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

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

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

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

17 (D) veterinary medical or surgical procedures; and

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

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

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

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

3 § 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

4 POWERS AND DUTIES

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

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

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

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

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

19 (b)(1) The Director shall develop a comprehensive plan for the
20 development, implementation, and enforcement of the animal welfare laws of
21 the State. In developing the comprehensive plan, the Director shall first review

1 the 2023 Report on Unification of Animal Welfare and Related Public Safety
2 Function and similar reports and proposed legislation. The plan shall include:

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

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

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

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

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

19 (F) a proposal for funding animal welfare administration and
20 enforcement in the State, including potential sources of public and private
21 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 (e) The Division of Animal Welfare may adopt rules pursuant to 3 V.S.A.
20 chapter 25 to implement the provisions of this chapter.

1 (f)(1) The Director of Animal Welfare shall require that animal shelters,
2 rescue organizations, and pet dealers, and any person importing one or more
3 domestic pets into the State of Vermont for adoption, sale, other transfer, or
4 breeding shall register with the Division of Animal Welfare. The registration
5 required by this subsection shall include information on animal intake,
6 production, inventory, and disposition. No fee shall be charged for the
7 registration.

8 (2) If a person fails to register as required by subdivision (1) of this
9 subsection the Director shall:

10 (A) for a first violation, issue the person a warning; and

11 (B) for a second or subsequent violation, issue a fine and a cease and
12 desist order to the same extent that the Secretary and municipal legislative
13 bodies have authority to issue such orders under chapter 193 of this title.

14 (3) This subsection shall not apply to an individual importing a domestic
15 pet for personal purposes.

16 § 3203. ANIMAL WELFARE FUND

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

21 (b) The Fund shall consist of:

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

3 (2) ~~appropriations~~ transfers made by the General Assembly; and

4 (3) any donations, grants, or gifts made to the Fund.

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

7 Sec. 2. 20 V.S.A. § 3552 is added to read:

8 § 3552. SEXUAL STERILIZATION OF STRAY CATS WITH NO KNOWN
9 OWNER

10 An animal shelter or rescue organization that, pursuant to a contract with a
11 municipal legislative body, impounds a stray cat with no known owner may
12 have the cat sexually sterilized not sooner than one day after the impound.

13 Sec. 3. 20 V.S.A. § 3581 is amended to read:

14 § 3581. GENERAL REQUIREMENTS

15 (a) A person who is the owner of a dog or wolf-hybrid more than six
16 months old shall annually on or before April 1 cause it to be registered,
17 numbered, described, and licensed on a form approved by the Secretary for one
18 year from that day in the office of the clerk of the municipality in which the
19 dog or wolf-hybrid is kept. A person who owns a working farm dog and who
20 intends to use that dog on a farm pursuant to the exemptions in section 3549 of
21 this title shall cause the working farm dog to be registered as a working farm

1 dog and shall, in addition to all other fees required by this section, pay \$5.00
2 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause
3 it to wear a collar and attach a license tag issued by the municipal clerk to the
4 collar. Dog or wolf-hybrid owners shall pay for the license \$4.00 for each
5 neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-
6 hybrid. If the license fee for any dog or wolf-hybrid is not paid on or before
7 April 1, its owner or keeper may thereafter procure a license for that license
8 year by paying a fee of 50 percent in excess of that otherwise required.

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

13 * * *

14 (d)(1) Before obtaining a license for a dog or wolf-hybrid ~~six months of~~
15 ~~age or older~~, a person shall deliver to the municipal clerk a certificate or a
16 certified copy thereof issued by a duly licensed veterinarian, stating that the
17 dog or wolf-hybrid has received a current preexposure rabies vaccination with
18 a vaccine approved by the Secretary, and the person shall certify that the dog
19 or wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to
20 be licensed. The municipal clerk shall keep the certificates or copies thereof
21 on file. The Secretary shall prescribe the size and format of rabies certificates.

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

3 (2) Before obtaining a license for a wolf-hybrid, a person shall deliver to
4 the municipal clerk a certificate or a certified copy thereof, issued by a duly
5 licensed veterinarian, stating that the wolf-hybrid has been sexually sterilized.

6 * * *

7 Sec. 4. 20 V.S.A. § 3583 is amended to read:

8 § 3583. ~~DOMESTIC PETS AND WOLF-HYBRIDS KEPT FOR BREEDING~~
9 ~~PURPOSES~~

10 ~~(a) The owner or keeper of domestic pets and wolf hybrids kept for~~
11 ~~breeding purposes may take out annually, on or before April 1, a special~~
12 ~~license for the domestic pets or wolf hybrids, provided:~~

13 ~~(1) He or she keeps the domestic pets or wolf hybrids within a proper~~
14 ~~enclosure. A proper enclosure is a locked fence or structure of sufficient height~~
15 ~~and sufficient depth into the ground to prevent the entry of young children and~~
16 ~~to prevent the animal from escaping. A proper enclosure also provides humane~~
17 ~~shelter for the animal.~~

18 ~~(2) The domestic pets or wolf hybrids at all times have a current~~
19 ~~vaccination against rabies.~~

1 ~~(3) When the number of domestic pets or wolf hybrids so kept does not~~
2 ~~exceed ten, the fee shall be \$30.00 and for each additional domestic pet or~~
3 ~~wolf hybrid so kept, an annual fee of \$3.00.~~

4 ~~(b) Domestic pets and wolf hybrids covered by the special license pursuant~~
5 ~~to this section shall be exempt from other license fees, and all licenses under~~
6 ~~this section are exempt from the surcharge enacted under subsection (c) of~~
7 ~~section 3581 of this title.~~

8 ~~(c) If the license fee is not paid by April 1, the owner or keeper may~~
9 ~~thereafter procure a license for that license year by paying a fee of 50 percent~~
10 ~~in excess of that otherwise required. These license fees are in addition to any~~
11 ~~fees required for the operation of a kennel under subchapter 3 of this chapter.~~

12 [Repealed.]

13 Sec. 5. 20 V.S.A. § 3682 is amended to read:

14 § 3682. INSPECTION OF PREMISES

15 (a) The pet dealer's premises may be inspected upon the issuance of the pet
16 dealer permit or at any time the pet dealer permit is in effect. Inspections may
17 be conducted by a municipal animal control officer, a law enforcement officer
18 as that term is defined in 23 V.S.A. § 4(11), or a representative of the Agency
19 of Agriculture, Food and Markets. The inspector may, at ~~his or her~~ the
20 inspector's discretion and with the approval of the municipality, be
21 accompanied by a veterinarian or an officer or agent of a humane society

1 incorporated in Vermont. This section shall not create an obligation on the
2 part of any municipal legislative body to conduct inspections.

3 * * *

4 Sec. 6. 20 V.S.A. § 3814 is amended to read:

5 § 3814. FINDINGS

6 The General Assembly finds:

7 (1) The supply of dogs, cats, and wolf-hybrids in Vermont is a major
8 concern.

9 (2) There are insufficient resources in this State to care for or provide
10 homes for these animals.

11 (3) Many of these animals are ultimately euthanized or become victims
12 of accidents, starvation, or disease.

13 (4) Pet owners who have limited economic resources have great
14 difficulty affording the cost of professional ~~spaying and neutering~~ sexual
15 sterilization services.

16 Sec. 7. 20 V.S.A. § 3815 is amended to read:

17 § 3815. DOG, CAT, AND WOLF-HYBRID ~~SPAYING AND NEUTERING~~

18 SEXUAL STERILIZATION PROGRAM

19 (a) The Agency of Human Services shall administer a dog, cat, and wolf-
20 hybrid ~~spaying and neutering~~ sexual sterilization program providing reduced-
21 cost ~~spaying and neutering~~ sexual sterilization services and presurgical

1 immunization for dogs, cats, and wolf-hybrids owned or cared for by
2 individuals with low income. The Agency ~~shall~~ may implement the program
3 through an agreement with a qualified organization consistent with the
4 applicable administrative rules.

5 (b) The program shall reimburse veterinarians who voluntarily consent to
6 ~~spay or neuter~~ sexually sterilize dogs, cats, and wolf-hybrids under the
7 auspices of the program. The reimbursement shall be less any co-payment by
8 the owner of a dog, cat, or wolf-hybrid for the cost of each ~~spaying or~~
9 ~~neutering~~ sexual sterilization procedure.

10 * * *

11 Sec. 8. 20 V.S.A. § 3816 is amended to read:

12 § 3816. ANIMAL ~~SPAYING AND NEUTERING~~ SEXUAL
13 STERILIZATION FUND; CREATION

14 (a) There is created, pursuant to 32 V.S.A. chapter 7, subchapter 5, in the
15 Agency of Human Services the Dog, Cat, and Wolf-Hybrid ~~Spaying and~~
16 ~~Neutering~~ Sexual Sterilization Special Fund to finance the costs of the dog, cat,
17 and wolf-hybrid ~~spaying and neutering~~ sexual sterilization program established
18 in section 3815 of this title.

19 (b) Revenue for the Fund shall be derived from:

20 (1) the surcharge payment paid to a municipality pursuant to subdivision
21 3581(c)(1) of this title;

1 (2) gifts from private donors; and

2 (3) any appropriation that the General Assembly makes to the Fund.

3 (c) Interest earned on the Fund shall be retained in the Fund.

4 (d) The Agency of Human Services shall use the revenue in the Fund
5 created in subsection (a) of this section for administering the dog, cat, and
6 wolf-hybrid ~~spaying and neutering~~ sexual sterilization program.

7 Sec. 9. 20 V.S.A. § 3903 is amended to read:

8 § 3903. ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

9 (a) [Repealed.]

10 (b) Animal intake. An animal shelter or rescue organization as defined by
11 section 3901 of this title shall ~~make every effort to~~ collect the following
12 information, if available, about an animal it accepts: the name and address of
13 the person transferring the animal and, if known, the name of the animal; its
14 vaccination history; and other information concerning the background,
15 temperament, and health of the animal.

16 * * *

17 Sec. 10. 20 V.S.A. § 3907 is amended to read:

18 § 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

19 Issuance of a certificate of registration may be denied to any animal shelter,
20 rescue organization, pet dealer, or fair, or a license may be denied to any public
21 auction or pet shop or any certificate or license previously granted under this

1 chapter may be revoked by the Secretary if, after public hearing, it is
2 determined that the housing facilities or primary enclosures are inadequate for
3 the purposes of this chapter or if the feeding, watering, sanitizing, and housing
4 practices of the animal shelter, rescue organization, fair, public auction, or pet
5 shop, as the case may be, are not consistent with this chapter or with rules
6 adopted under this chapter.

7 Sec. 11. 20 V.S.A. § 3911 is amended to read:

8 § 3911. PENALTIES

9 (a) Any person licensed or registered under this chapter who fails to
10 provide animals under the person's care or custody with adequate food or
11 adequate water, as defined in section 3901 of this title, or who fails to house
12 animals in the person's care or custody in a manner that is adequate for their
13 welfare, shall be fined not more than \$500.00.

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

1 (c) The Secretary may assess administrative penalties under 6 V.S.A.
2 §§ 15–17, not to exceed \$1,000.00, for violations of this chapter.

3 Sec. 12. 20 V.S.A. § 3915 is amended to read:

4 § 3915. HEALTH CERTIFICATE FOR TRANSPORT INTO STATE

5 (a) A dog, cat, ferret, or wolf-hybrid imported into the State for sale, resale,
6 exchange, or donation shall be accompanied by an official health certificate or
7 similar certificate of inspection for the dog, cat, ferret, or wolf-hybrid issued by
8 a veterinarian licensed in the state or country of origin. The certificate shall
9 certify that:

10 (1) the dog, cat, ferret, or wolf-hybrid has been inspected and is free of
11 visible signs of infections or contagious or communicable disease; ~~and~~

12 (2) if the dog, cat, ferret, or wolf-hybrid is more than three months of
13 age, the dog, cat, ferret, or wolf-hybrid has a current rabies vaccination or is a
14 specific breed for which a rabies vaccination is not age-appropriate; and

15 (3) if the wolf-hybrid is more than four months of age, the wolf-hybrid
16 has been sexually sterilized.

17 (b) The Agency of Agriculture, Food and Markets may adopt rules
18 regarding the issuance and contents of any certificate required under
19 subsection (a) of this section.

1 Sec. 13. 20 V.S.A. § 3916 is added to read:

2 § 3916. INSURANCE

3 Pet dealers, animal shelters, rescue organizations, and keepers of animals
4 for breeding purposes shall, as a condition of their licenses or certificates of
5 registration, be required to obtain and maintain a commercially reasonable
6 level of general liability insurance.

7 Sec. 14. REPORT

8 On or before December 15, 2026, the Director of Animal Welfare shall
9 report to the House Committee on Government Operations and Military
10 Affairs and the Senate Committee on Government Operations on the next steps
11 necessary for the creation of a comprehensive animal welfare program in
12 Vermont, including specifically a proposal for the development of an oversight
13 structure for dog and cat breeders and sellers, and people owning large
14 numbers of these animals. The Director shall consult with stakeholders and
15 registrants for purposes of preparing the report required by this section.

16 Sec. 15. EFFECTIVE DATE

17 This act shall take effect on passage.