

1 H.841

2 Introduced by Representative Waters Evans of Charlotte

3 Referred to Committee on

4 Date:

5 Subject: Public safety; animal welfare

6 Statement of purpose of bill as introduced: This bill proposes to make several  
7 changes to the laws concerning animal welfare procedures.

8 An act relating to miscellaneous animal welfare procedures

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

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

11 CHAPTER 190. DIVISION OF ANIMAL WELFARE

12 § 3201. DEFINITIONS

13 As used in this subchapter:

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

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

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

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

3 (D) veterinary medical or surgical procedures; and

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

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

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

9 (4) "Domestic animal" has the same meaning as in 6 V.S.A. § 1151(2).  
10 § 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

11 POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18          (c) The Director of Animal Welfare shall consult with other State agencies  
19       that respond to animal welfare complaints or with animal welfare  
20       responsibilities to estimate the number and type of animal welfare complaints  
21       received by State agencies and to quantify the amount of time State agency

1 staff expend in fulfilling animal welfare responsibilities, including the costs to  
2 agencies of fulfilling the responsibilities.

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

7 (e)(1) The Division of Animal Welfare may adopt rules pursuant to  
8 3 V.S.A. chapter 25 to implement the provisions of this chapter.

9 (2) The Division of Animal Welfare shall adopt rules pursuant to  
10 3 V.S.A. chapter 25 to:

11 (A) require outdoor cats to be vaccinated for rabies, spayed or  
12 neutered, and licensed, including a definition of outdoor cats and a provision  
13 that indoor cats shall not be subject to the rule's requirements; and

14 (B) implement the certified rabies vaccinator program established by  
15 section 3814 of this title.

16 (f) The Director of Animal Welfare shall have the same authority to inspect  
17 pet dealers, animal shelters, rescue organizations, and kennels as municipal  
18 animal control officers have to inspect pet dealers under chapter 193,  
19 subchapter 3 of this title.

20 (g) Notwithstanding any other provision of law, the Director of Animal  
21 Welfare shall have the same authority that the Secretary and municipal

1 legislative bodies have under chapters 1, 2, and 3 of this title to issue notices of  
2 violation of license requirements, apply to the Civil Division of the Superior  
3 Court to enjoin the violation of licensing provisions, suspend licenses, impose  
4 penalties for violations of license requirements, and revoke or suspend  
5 licenses.

6 § 3203. ANIMAL WELFARE FUND

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

11 (b) The Fund shall consist of:

12 (1) 67 percent of the revenue collected from the surcharge assessed  
13 under subsection 3581(f) of this title; ~~and~~

14 (2) appropriations made by the General Assembly;

15 (3) any donations or gifts made to the Fund; and

16 (4) revenue from the Animal Welfare Fund checkoff under 32 V.S.A.

17 § 5862g.

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

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

21 § 3581. GENERAL REQUIREMENTS

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

16       (2) A person shall not own more than 35 dogs licensed under this  
17      section. When calculating the number of dogs permitted under this subsection,  
18      dogs less than four months old and dogs that have been spayed or neutered  
19      shall not be counted.

20       (b) Before a person shall be entitled to obtain a license for a neutered dog  
21      or wolf-hybrid, ~~he or she~~ the person shall exhibit to the clerk a certificate

1 signed by a duly licensed veterinarian showing that the dog or wolf-hybrid has  
2 been sterilized.

3 \* \* \*

4 (d)(1) Before obtaining a license for a dog or wolf-hybrid six months of  
5 age or older, a person shall deliver to the municipal clerk a certificate or a  
6 certified copy thereof issued by a duly licensed veterinarian, stating that the  
7 dog or wolf-hybrid has received a current preexposure rabies vaccination with  
8 a vaccine approved by the Secretary, and the person shall certify that the dog  
9 or wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to  
10 be licensed. The municipal clerk shall keep the certificates or copies thereof  
11 on file. The Secretary shall prescribe the size and format of rabies certificates.  
12 The owner of any such dog or wolf-hybrid shall maintain a copy of the rabies  
13 vaccination form and provide it to State or municipal officials upon request.

14 (2) Before obtaining a license for a wolf-hybrid six months of age or  
15 older, a person shall deliver to the municipal clerk a certificate or a certified  
16 copy thereof, issued by a duly licensed veterinarian, stating that the wolf-  
17 hybrid has been spayed or neutered.

18 \* \* \*

19 Sec. 3. 20 V.S.A. § 3583 is amended to read:

20 § 3583. ~~DOMESTIC PETS AND WOLF-HYBRIDS KEPT FOR BREEDING~~  
21 ~~PURPOSES~~

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

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

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

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

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

18            ~~(c) If the license fee is not paid by April 1, the owner or keeper may~~  
19       ~~thereafter procure a license for that license year by paying a fee of 50 percent~~  
20       ~~in excess of that otherwise required. These license fees are in addition to any~~

1 ~~fees required for the operation of a kennel under subchapter 3 of this chapter.~~

2 [Repealed.]

3 Sec. 4. 20 V.S.A. § 3682 is amended to read:

4 § 3682. INSPECTION OF PREMISES

5 (a) The pet dealer's premises may be inspected upon the issuance of the pet  
6 dealer permit or at any time the pet dealer permit is in effect. Inspections may  
7 be conducted by a municipal animal control officer, a law enforcement officer  
8 as that term is defined in 23 V.S.A. § 4(11), the Director of Animal Welfare, or  
9 a representative of the Agency of Agriculture, Food and Markets. The  
10 inspector may, at ~~his or her~~ the inspector's discretion and with the approval of  
11 the municipality, be accompanied by a veterinarian or an officer or agent of a  
12 humane society incorporated in Vermont. This section shall not create an  
13 obligation on the part of any municipal legislative body to conduct inspections.

14 \* \* \*

15 Sec. 5. 20 V.S.A. § 3813a is added to read:

16 § 3813a. CERTIFIED RABIES VACCINATOR PROGRAM

17 (a) As used in this section:

18 (1) "Certified rabies vaccinator" means a person certified to administer  
19 rabies vaccine to animals under the certified rabies vaccinator program  
20 established pursuant to subsection (b) of this section.

21 (2) "Humane officer" has the same meaning as in 13 V.S.A. § 351.

1        (b) The Director of Animal Welfare shall, in consultation with Vermont  
2        veterinarians, establish a program to train humane officers as certified rabies  
3        vaccinators. The program shall include training in properly storing and  
4        administering rabies vaccines, issuing rabies certificates, and providing  
5        information to owners and keepers of animals to be vaccinated. The Director  
6        of Animal Welfare shall certify a humane officer who satisfactorily completes  
7        the program as a certified rabies vaccinator.

8        (c) A certified rabies vaccinator shall:

9            (1) not accept compensation for administering rabies vaccines or  
10        providing services related to rabies vaccination; and

11           (2) be immune from liability to the same extent as a volunteer is  
12        immune from liability for conducting or assisting with rabies inoculations  
13        under section 3812 of this title.

14        Sec. 6. 20 V.S.A. § 3903 is amended to read:

15        § 3903. ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

16        (a) [Repealed.]

17        (b) Animal intake. An animal shelter or rescue organization as defined by  
18        section 3901 of this title shall ~~make every effort to~~ collect the following  
19        information, if available, about an animal it accepts and report the information  
20        to the Director of Animal Welfare: the name and address of the person  
21        transferring the animal and, if known, the name of the animal; its vaccination

1 history; and other information concerning the background, temperament, and  
2 health of the animal.

3 \* \* \*

4 Sec. 7. 20 V.S.A. § 3907 is amended to read:

5 § 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

6 Issuance of a certificate of registration may be denied to any animal shelter,  
7 rescue organization, pet dealer, or fair, or a license may be denied to any public  
8 auction or pet shop or any certificate or license previously granted under this  
9 chapter may be revoked by the Secretary if, after public hearing, it is  
10 determined that the housing facilities or primary enclosures are inadequate for  
11 the purposes of this chapter or if the feeding, watering, sanitizing, and housing  
12 practices of the animal shelter, rescue organization, fair, public auction, or pet  
13 shop, as the case may be, are not consistent with this chapter or with rules  
14 adopted under this chapter.

15 Sec. 8. 20 V.S.A. § 3911 is amended to read:

16 § 3911. PENALTIES

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

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

8 (c) The Secretary may assess administrative penalties under 6 V.S.A.  
9 §§ 15–17, not to exceed \$1,000.00, for violations of this chapter.

10 Sec. 9. 20 V.S.A. § 3915 is amended to read:

11 § 3915. HEALTH CERTIFICATE AND LICENSING REQUIREMENTS  
12 FOR TRANSPORT INTO STATE

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

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

1           (2) if the dog, cat, ferret, or wolf-hybrid is more than three months of  
2           age, the dog, cat, ferret, or wolf-hybrid has a current rabies vaccination or is a  
3           specific breed for which a rabies vaccination is not age-appropriate.

4           (b) A dog, cat, ferret, or wolf-hybrid shall not be imported into Vermont for  
5           sale, resale, exchange, or donation by a shelter or rescue organization in  
6           another state unless the shelter or rescue organization is licensed by the  
7           originating state.

8           (c) The Agency of Agriculture, Food and Markets may adopt rules  
9           regarding the issuance and contents of any certificate required under  
10          subsection (a) of this section.

11          Sec. 10. 20 V.S.A. § 3916 is added to read:

12          § 3916. INSURANCE

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

17          Sec. 11. 20 V.S.A. § 3917 is added to read:

18          § 3917. ADVERTISING

19          (a) All advertisements of animals for adoption in Vermont shall contain:

20                  (1) the current location of the animal; and

21                  (2) the advertiser's license number, if any.

1       (b) For purposes of advertising on social media accounts, subsection (a) of  
2       this section shall only apply to advertisers located in Vermont or subject to  
3       section 3915 of this title for importing animals into Vermont.

4       Sec. 12. 32 V.S.A. § 5862g is added to read:

5       § 5862g. VERMONT ANIMAL WELFARE FUND CHECKOFF

6       (a) Returns filed by individuals shall include, on a form prescribed by the  
7       Commissioner of Taxes, an opportunity for the taxpayer to designate funds to  
8       the Animal Welfare Fund established by 20 V.S.A. § 3203.

9       (b) Amounts designated under subsection (a) of this section shall be  
10       deducted from refunds due to, or an overpayment made by, the designating  
11       taxpayer. All amounts so designated and deducted shall be deposited in an  
12       account by the Commissioner of Taxes for payment to the Animal Welfare  
13       Fund. If at any time after the payment of amounts so designated to the account  
14       it is determined that the taxpayer was not entitled to all or any part of the  
15       amount so designated, the Commissioner may assess, and the account shall  
16       then pay to the Commissioner, the amount received, together with interest at  
17       the rate prescribed by section 3108 of this title, from the date the payment was  
18       made until the date of repayment.

19       (c) The Commissioner of Taxes shall explain to taxpayers the purpose of  
20       the account and how to contribute to it. The Commissioner shall provide  
21       notice in the instructions for the State individual income tax return as to how to

1 obtain a copy of the annual income and expense report of the Animal Welfare  
2 Fund.

3 (d) If amounts paid with respect to a return are insufficient to cover both  
4 the amount owed on the return under this chapter and the amount designated as  
5 a contribution to the Animal Welfare Fund, the payment shall first be applied  
6 to the amount owed on the return under this chapter, and the balance, if any,  
7 shall be deposited in the Fund.

8 (e) Nothing in this section shall be construed to require the Commissioner  
9 to collect any amount designated as a contribution to the Animal Welfare  
10 Fund.

11 Sec. 13. EFFECTIVE DATE

12 This act shall take effect on passage.