

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 841 entitled “An act relating to miscellaneous
4 animal welfare procedures” respectfully reports that it has considered the same
5 and recommends that the Senate propose to the House that the bill be amended
6 by striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 CHAPTER 190. DIVISION OF ANIMAL WELFARE

10 § 3201. DEFINITIONS

11 As used in this subchapter:

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

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

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

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

1 (D) veterinary medical or surgical procedures; and

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

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

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

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

8 § 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

9 POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 § 3203. ANIMAL WELFARE FUND

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

6 (b) The Fund shall consist of:

7 (1) 67 percent of the revenue collected from the surcharge assessed
8 under subsection 3581(f) of this title; ~~and~~

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

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

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

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

14 § 3552. SEXUAL STERILIZATION OF STRAY CATS WITH NO KNOWN
15 OWNER

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

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

20 § 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. When calculating the
17 number of dogs permitted under this subsection, a dog shall not be counted if
18 the owner can prove that the dog:

19 (A) is less than four months old; or

20 (B) has been sexually sterilized.

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

5 * * *

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

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

19 * * *

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

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

1 **PURPOSES**

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

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

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

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

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

19 ~~(c) If the license fee is not paid by April 1, the owner or keeper may~~
20 ~~thereafter procure a license for that license year by paying a fee of 50 percent~~
21 ~~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. 5. 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), or a representative of the Agency
9 of Agriculture, Food and Markets. The inspector may, at ~~his or her~~ the
10 inspector’s discretion and with the approval of the municipality, be
11 accompanied by a veterinarian or an officer or agent of a humane society
12 incorporated in Vermont. This section shall not create an obligation on the
13 part of any municipal legislative body to conduct inspections.

14 * * *

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

16 § 3814. FINDINGS

17 The General Assembly finds:

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

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

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

2 § 3816. ANIMAL ~~SPAYING AND NEUTERING~~ SEXUAL
3 STERILIZATION FUND; CREATION

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

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

10 (1) the surcharge payment paid to a municipality pursuant to subdivision
11 3581(c)(1) of this title;

12 (2) gifts from private donors; and

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

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

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

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

19 § 3903. ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

20 (a) [Repealed.]

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

7 * * *

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

9 § 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

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

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

20 § 3911. PENALTIES

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

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

13 (c) The Secretary may assess administrative penalties under 6 V.S.A.
14 §§ 15–17, not to exceed \$1,000.00, for violations of this chapter.

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

16 § 3915. HEALTH CERTIFICATE FOR TRANSPORT INTO STATE

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

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

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

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

8 (b) 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. 13. 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. 14. REPORT

18 On or before December 15, 2026, the Director of Animal Welfare shall
19 report to the House Committee on Government Operations and Military
20 Affairs and the Senate Committee on Government Operations on the next steps
21 necessary for the creation of a comprehensive animal welfare program in

1 Vermont. The Director shall consult with stakeholders and registrants for
2 purposes of preparing the report required by this section.

3 Sec. 15. EFFECTIVE DATE

4 This act shall take effect on passage.

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14 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE