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H.369

Introduced by Representative Rachelson of Burlington

Referred to Committee on

Date:

Subject: Crimes; public safety; animal cruelty; domestic pets; care of animals

Statement of purpose of bill as introduced: This bill proposes to amend

standards relating to the care of domestic pets, including standards for

activities and programs intended to reduce the number of cats without homes,

such as capturing, spaying or neutering, vaccination, and return of unowned

cats.

11 An act relating to standards for the care of domestic pets

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

13 Sec. 1. 13 V.S.A. § 351 is amended to read:

14 § 351. DEFINITIONS

15 As used in this chapter:

16 (1) “Animal” means all living sentient creatures, not human beings.

17 \* \* \*

18 (4) “Humane officer” or “officer” means any law enforcement officer as

19 defined in 23 V.S.A. § 4(11); auxiliary State Police officers; deputy game

20 wardens; humane society officer, employee, or agent; animal control officer

1 appointed by the legislative body of a municipality; local board of health  
2 officer or agent; or any officer authorized to serve criminal process.

3 (5) “Humane society” or “society for prevention of cruelty to animals”  
4 means the Vermont Humane Federation, Inc., or its successor, or any  
5 incorporated humane society that, through its agents, has the lawful authority  
6 to interfere with acts of cruelty to animals.

7 \* \* \*

8 (8) “Person” means any individual, firm, partnership, or corporation, or  
9 authorized agent or representative of a person, partnership, or corporation.

10 \* \* \*

11 (25) “Abandon” means to forsake, desert, or give up absolutely an  
12 animal previously in the custody or possession of a person without making  
13 reasonable arrangement for the proper care, sustenance, and shelter of the  
14 animal by another person. Cats that are part of a population management  
15 effort shall not be considered abandoned.

16 (26) “Domestic pet” has the same meaning as set forth in 20 V.S.A.  
17 § 3541.

18 (27) “Population management effort” means activities and programs  
19 intended to reduce the number of cats without homes, including the activities  
20 of capturing, spaying or neutering, vaccination, and return of unowned cats.

1 Sec. 2. 13 V.S.A. § 352b is amended to read:

2 § 352b. RULES; AFFIRMATIVE DEFENSE

3 (a) An enforcement officer implementing the provisions of section 352 or  
4 352a of this title shall be guided by rules established by the Secretary.

5 (b) Except as provided in subsection (c) of this section, an affirmative  
6 defense to prosecution under section 352 or 352a of this title may be raised  
7 when:

8 (1) except for vivisection or research under subdivision 352(7) of this  
9 title, the defendant was a veterinarian whose conduct conformed to accepted  
10 veterinary practice for the area, or was a scientist whose conduct was a part of  
11 scientific research governed by accepted procedural standards subject to  
12 review by an institutional care and use committee;

13 (2) the defendant's conduct was designed to control or eliminate  
14 rodents, ants, or other common pests on the defendant's own property,  
15 provided that this defense is not available for conduct designed to control  
16 domestic pets;

17 (3) the defendant was a person appropriately licensed to utilize  
18 pesticides under 6 V.S.A. chapter 87;

19 (4) the defendant humanely euthanized any animal as a representative of  
20 a duly organized humane society, animal shelter, or town pound according to

1 rules of this subchapter, or as a veterinarian destroying animals under  
2 20 V.S.A. chapter 193 or 20 V.S.A. §§ 3511 and 3513; or

3 (5) a State agency was implementing a rabies control program.

4 (c) An affirmative defense to a charge of abandonment under section 352  
5 of this title shall not be recognized where a person abandons an animal at or  
6 near an animal shelter or veterinary clinic, farm, or other place of shelter,  
7 without ~~making reasonable arrangements for the care of the animal~~ placing the  
8 animal in the custody of a person willing to take care of the animal.

9 (d) The authority to enforce this chapter shall not be construed in a manner  
10 inconsistent with the animal control or disease control eradication programs in  
11 Title 6; or 20 V.S.A. chapters 191, 193, 194, and 195 or the provisions of  
12 10 V.S.A. Part 4, or the rules adopted thereunder.

13 Sec. 3. 13 V.S.A. § 362 is amended to read:

14 § 362. EXPOSING POISON ON THE LAND

15 A person who deposits any poison or substance poisonous to animals on his  
16 or her premises or on the premise or buildings of another, with the intent that it  
17 be taken by an animal, including a domestic pet, shall be in violation of  
18 subdivision 352(2) of this title. This section shall not apply to control of wild  
19 pests; protection of crops from insects, mice, and plant diseases; or the  
20 Department of Fish and Wildlife and the Department of Forests, Parks and  
21 Recreation in control of destructive wild animals.

1 Sec. 4. 13 V.S.A. § 371 is amended to read:

2 § 371. EUTHANIZING ANIMALS

3 (a) Registered animal shelters may purchase, possess, and administer  
4 approved euthanasia solution to euthanize injured, sick, homeless, or unwanted  
5 pets and animals in accordance with the rules established by the Secretary of  
6 Agriculture, Food and Markets under 20 V.S.A. § 3913.

7 (b) No person shall euthanize animals for an animal shelter without first  
8 completing the certification training program under 20 V.S.A. § 3913, except a  
9 Vermont licensed veterinarian and a person in training under such program.

10 (c) No person shall euthanize an animal for an animal shelter by means  
11 other than injection of euthanasia solutions in accordance with the rules of the  
12 Secretary of Agriculture, Food and Markets adopted under 20 V.S.A. § 3913.

13 Sec. 5. 20 V.S.A. § 3541 is amended to read:

14 § 3541. DEFINITIONS

15 As used in this chapter:

16 \* \* \*

17 (2) “Domestic animal” means those animals defined by 6 V.S.A.

18 § 1151(2).

19 (3) “Domestic pet” or “pet” means any domestic dogs (Canis familiaris),  
20 ~~domestic~~ cats, and ferrets. The term shall ~~also~~ include such other domestic  
21 animals as the Secretary shall establish by rule, provided that the Secretary

1 finds that the animal has the potential to become an imminent danger to public  
2 health or welfare if not subjected to the provisions of this chapter.

3 (4) "Ferret" means only the European ferret (*Mustela putorius furo*).

4 \* \* \*

5 (6) "Owner" means any person who owns a domestic pet or wolf-hybrid  
6 and includes any person who has actual or constructive possession of the pet or  
7 wolf-hybrid. The term also includes those persons who provide feed or shelter  
8 to a domestic pet or wolf-hybrid. "Owner" shall not include a caregiver.

9 \* \* \*

10 (11) "Caregiver" means any person who provides feed or limited shelter  
11 to unowned cats and who engages in population management efforts.

12 (12) "Population management effort" has the same meaning as set forth  
13 in 13 V.S.A. § 351.

14 Sec. 6. 20 V.S.A. § 3806 is amended to read:

15 § 3806. CONFINING OR IMPOUNDING A DOMESTIC PET OR

16 WOLF-HYBRID

17 (a) Any person authorized to enforce ~~state~~ State livestock disease control,  
18 health, wildlife, or criminal laws and any person authorized to enforce local  
19 ordinances may confine, or impound any domestic pet or wolf-hybrid when:

20 (1) It is suspected of having been exposed to rabies.

1           (2) It is believed to have been attacked by another animal ~~which~~ that  
2           may be rabid.

3           (3) It has been attacked by a wild animal.

4           (4) It has been running at large in violation of any of the provisions of  
5           this subchapter.

6           (5) It has an unknown rabies vaccination history.

7           (6) It is found in a property vacated through foreclosure, termination of  
8           tenancy, abandonment, or other removal or exclusion of a tenant from the  
9           premises.

10          (b) In the event that a domestic pet or wolf-hybrid is confined or  
11          impounded under this section, the owner or caregiver, if known, shall be  
12          notified within 24 hours. Notification may be accomplished by in-person  
13          communication, by telephone call, or by written statement sent to the last  
14          known address of the owner. If the owner's address is not known, notification  
15          may be posted in the municipal clerk's office, online websites or forums  
16          commonly used to share information about animals, and other usual places for  
17          public notice for ~~a one-week period~~ three calendar days. Unowned cats  
18          impounded as part of a population management effort, including a trap-neuter-  
19          return program, may be exempted from any holding period that an animal  
20          shelter requires.

1 (c) Any domestic pet or wolf-hybrid ~~which that~~ is considered a rabies  
2 suspect shall be managed in accordance with the rules of the ~~department of~~  
3 ~~health~~ Department of Health. Rules adopted by the ~~department of health~~  
4 Department of Health in accordance with this chapter shall provide for  
5 management of domestic pets or wolf-hybrids for whom there is no approved  
6 rabies vaccine.

7 Sec. 7. 20 V.S.A. § 3813 is amended to read:

8 § 3813. VACCINATION ADMINISTRATION

9 (a) The ~~commissioner~~ Commissioner of Health may purchase rabies  
10 vaccine for distribution at reduced cost to the public through rabies clinics.

11 (b) The ~~commissioner~~ Commissioner of Health shall ensure that ~~reduced~~  
12 ~~cost~~ reduced-cost rabies clinics take place in all geographic areas of the ~~state~~  
13 State and shall cooperate with the veterinary profession to make certain that all  
14 owners and caregivers of domestic pets and wolf-hybrids have access to  
15 reasonably priced rabies vaccines.

16 (c) Veterinarians shall provide an owner or a caregiver of a domestic pet or  
17 wolf-hybrid with a completed rabies vaccination form and tag for each animal  
18 ~~which that~~ has been inoculated against rabies.

19 Sec. 8. 20 V.S.A. § 3511 is amended to read:

20 § 3511. ABANDONED ANIMALS, DEFINITION

1           An animal shall be deemed to be abandoned when it is placed in the custody  
2           of a veterinarian, veterinary hospital, boarding kennel, stable, or other person  
3           or establishment for treatment, board, or care and:

4           (1) ~~Having~~ having been placed in custody for a specific period of time,  
5           the animal is not removed at the end of the specific period and a notice to  
6           remove the animal within ~~ten~~ three calendar days thereafter has been given to  
7           the person placing the animal in custody by means of ~~registered mail addressed~~  
8           ~~to the last known address of the person~~ in-person communication, telephone, or  
9           written statement sent to the last known address of the owner; or;

10           (2) ~~Having~~ having been placed in custody for an unspecified period of  
11           time, the animal is not removed within ~~ten~~ three calendar days after notice to  
12           remove the animal has been given to the person placing the animal in custody  
13           by means of ~~registered mail addressed to the last known address of the person~~  
14           in-person communication, telephone, or written statement sent to the last  
15           known address of the owner.

16           Sec. 9. EFFECTIVE DATE

17           This act shall take effect on July 1, 2021.