

States' Animal Cruelty Statutes: Vermont

Current through Acts 1-180 (End), M-1-M-12 (End) of the Adjourned Session of the 2019-2020 Vermont General Assembly (2020).

§ 351. Definitions

As used in this chapter:

- (1) "Animal" means all living sentient creatures, not human beings.
- (2) "Secretary" means the secretary of agriculture, food and markets.
- (3) "Horse" means the entire family of equidae.
- (4) "Humane officer" or "officer" means any law enforcement officer as defined in 23 V.S.A. § 4(11), auxiliary state police officers, deputy game wardens, humane society officer, employee or agent, local board of health officer or agent, or any officer authorized to serve criminal process.
- (5) "Humane society" or "society for prevention of cruelty to animals" means the Vermont Humane Federation, Inc., or its successor, or any incorporated humane society which, through its agents has the lawful authority to interfere with acts of cruelty to animals.
- (6) "Local board of health" means the town or city health officer and the boards of selectmen or aldermen.
- (7) "Necessary medical attention" shall include but not be limited to medical treatment for illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.
- (8) "Person" means any individual, firm, partnership or corporation, or authorized agent or representative of a person, partnership or corporation.
- (9) "Sanitation" means the maintenance of clean conditions for indoor and outdoor enclosures to minimize health hazards, including periodic cleanings to remove excretions or other waste materials, dirt and trash.
- (10) "Torture" or "torment" means omission, neglect, or an act by an animal owner or other person, whereby physical pain, suffering or death is caused or permitted to be caused to an animal.
- (11) "Livestock" means cattle, bison, horses, sheep, goats, swine, Cervidae, ratites and camelids.
- (12) "Poultry" means meat and egg producing chickens, exhibition (fancy) chickens, turkeys, domestic ducks, geese, pheasants, chicken partridge and coturnix quail.

(13) "Livestock and poultry husbandry practices" means the raising, management and using of animals to provide humans with food, fiber or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

(14) "Agricultural or sporting association" means an organization or association determined by the secretary.

(15) "Living space" means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing. Living space does not include a structure, such as a doghouse, in which an animal is not confined, or a cage, crate, or other structure in which the animal is temporarily confined.

(16) "Adequate food" means food that is not spoiled or contaminated and is of sufficient nutritional content to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise or withholding food is in accordance with accepted veterinary practices or livestock and poultry husbandry practices.

(17) "Adequate water" means potable water that is either accessible to the animal at all times or is provided at suitable intervals for the species and in sufficient quantity for the health of the animal. In no event shall the interval when water is not provided exceed 24 hours. Snow or ice is not an adequate water source unless provided in accordance with livestock and poultry husbandry practices.

(18) Repealed by 2019, Adj. Sess., No. 116, § 1, eff. July 1, 2020.

(19) "Enclosure" means any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space.

(20) "Livestock guardian dog" means a purpose-bred dog that is:

(A) specifically trained to live with livestock without causing them harm while repelling predators;

(B) being used to live with and guard livestock; and

(C) acclimated to local weather conditions.

(21) "Sexual conduct" means:

(A) any act between a person and animal that involves contact between the mouth, sex organ, or anus of a person and the mouth, sex organ, or anus of an animal; or

(B) without a bona fide veterinary or animal husbandry purpose, the insertion, however slight, of any part of a person's body or of any instrument, apparatus, or other object into the vaginal or anal opening of an animal.

(22) "Adequate constructed shelter" means a well-drained and structurally sound building with a waterproof roof that is of sufficient size to provide a windbreak and protection from exposure to prevailing winds, rain, hail, sleet, snow, and sun and that provides enough space to accommodate at one time all livestock and animals comfortably. The building opening size and height shall, at a minimum, allow six inches of clearance above the largest animal's ears when the animal is standing in a normal position and the clearance shall be maintained at that level even with manure and litter buildup.

(23) "Adequate natural shelter" means a natural structure or formation, which may include a stand of trees that:

(A) is a well-drained area of sufficient size to provide a windbreak and protection from exposure to prevailing winds, rain, hail, sleet, sun, and snow; and

(B) provides enough space to accommodate at one time all livestock or animals maintained out-of-doors in the area.

(24) "Adequate ventilation" means that ventilation in an enclosed or confined area shall be sufficient to control excessive ambient temperatures and humidity and to prevent the accumulation of toxic gases, such as ammonia.

§ 351a. Purpose of subchapter

The purpose of this subchapter is to prevent cruelty to animals. In implementing this subchapter, enforcement officers are encouraged to educate the public on requirements of the subchapter and, when appropriate, to seek voluntary resolution of violations.

§ 351b. Scope of subchapter

This subchapter shall not apply to:

(1) activities regulated by the Department of Fish and Wildlife pursuant to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance with 10 V.S.A. § 4709(f);

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

(3) livestock and poultry husbandry practices for raising, management, and use of animals;

(4) veterinary medical or surgical procedures; and

(5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

§ 352. Cruelty to animals

A person commits the crime of cruelty to animals if the person:

- (1) intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner;
- (2) overworks, overloads, tortures, torments, abandons, administers poison to, cruelly beats or mutilates an animal, or exposes a poison with intent that it be taken by an animal;
- (3) ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted;
- (4) deprives an animal which a person owns, possesses or acts as an agent for, of adequate food, water, shelter, rest, sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;
- (5)(A) Owns, possesses, keeps, or trains an animal engaged in an exhibition of fighting; possesses, keeps, or trains any animal with intent that it be engaged in an exhibition of fighting; or permits any such act to be done on premises under his or her charge or control.
 - (B) Owns, possesses, ships, transports, delivers, or keeps a device, equipment, or implement for the purpose of training or conditioning an animal for participation in animal fighting or enhancing an animal's fighting capability.
- (6) Acts as judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight.
- (7) As poundkeeper, officer, or agent of a humane society or as an owner or employee of an establishment for treatment, board, or care of an animal, knowingly receives, sells, transfers, or otherwise conveys an animal in his or her care for the purpose of research or vivisection.
- (8) Intentionally torments or harasses an animal owned or engaged by a police department or public agency of the State or its political subdivisions or interferes with the lawful performance of a police animal.
- (9) Knowingly sells, offers for sale, barter, or displays living baby chicks, ducklings, or other fowl that have been dyed, colored, or otherwise treated so as to impart to them an artificial color or fails to provide poultry with proper brooder facilities.
- (10) Uses a live animal as bait or lure in a race, game, or contest or in training animals in a manner inconsistent with 10 V.S.A. Part 4 or the rules adopted thereunder.
- (11)(A) Engages in sexual conduct with an animal.

(B) Possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that it be used for sexual conduct.

(C) Organizes, promotes, conducts, aids, abets, or participates in as an observer an act involving any sexual conduct with an animal.

(D) Causes, aids, or abets another person to engage in sexual conduct with an animal.

(E) Permits sexual conduct with an animal to be conducted on premises under his or her charge or control.

(F) Advertises, offers, or accepts the offer of an animal with the intent that it be subject to sexual conduct in this State.

§ 352a. Aggravated cruelty to animals

A person commits the crime of aggravated cruelty to animals if the person:

(1) kills an animal by intentionally causing the animal undue pain or suffering;

(2) intentionally, maliciously, and without just cause tortures, mutilates, or cruelly beats an animal; or

(3) intentionally injures or kills an animal that is in the performance of official duties while under the supervision of a law enforcement officer.

§ 352b. Rules; affirmative defense

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

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

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

(2) the defendant's conduct was designed to control or eliminate rodents, ants, or other common pests on the defendant's own property;

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

(4) the defendant humanely euthanized any animal as a representative of a duly organized humane society, animal shelter, or town pound according to rules of this subchapter, or as a veterinarian destroying animals under 20 V.S.A. chapter 193 or 20 V.S.A. §§ 3511 and 3513; or

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

(c) An affirmative defense to a charge of abandonment under section 352 of this title shall not be recognized where a person abandons an animal at or near an animal shelter or veterinary clinic, farm, or other place of shelter, without making reasonable arrangements for the care of the animal.

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

§ 353. Degree of offense; sentencing upon conviction

(a) Penalties.

(1) Except as provided in subdivision (3), (4), or (5) of this subsection, cruelty to animals under section 352 of this title shall be punishable by a sentence of imprisonment of not more than one year or a fine of not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(2) Aggravated cruelty under section 352a of this title shall be punishable by a sentence of imprisonment of not more than five years or a fine of not more than \$5,000.00, or both. Second and subsequent offenses shall be punishable by a sentence of imprisonment of not more than ten years or a fine of not more than \$7,500.00, or both.

(3) An offense committed under subdivision 352(5) or (6) of this title shall be punishable by a sentence of imprisonment of not more than five years or a fine of not more than \$5,000.00, or both.

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

(B) In lieu of a criminal citation or arrest, a law enforcement officer may issue a civil citation to a person who violates subdivision 352(3), (4), or (9) of this title if the person has not been previously adjudicated in violation of this chapter. A person adjudicated in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a civil penalty of not more than \$500.00. At any time prior to the person admitting the violation and paying the assessed penalty, the State's Attorney may withdraw the complaint filed with the Judicial Bureau and file an information charging a violation of subdivision 352(3), (4), or (9) of this title in the Criminal Division of the Superior Court.

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

(5) A person who violates subdivision 352(1) of this title by intentionally killing or attempting to kill an animal belonging to another or subdivision 352(2) of this title by torturing, administering poison to, or cruelly harming or mutilating an animal shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

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

(1) Forfeit any rights to the animal subjected to cruelty, and to any other animal, except livestock or poultry owned, possessed, or in the custody of the defendant.

(2) Repay the reasonable costs incurred by any person, municipality or agency for providing care for the animal prior to judgment. If the court does not order a defendant to pay all the applicable costs incurred or orders only partial payment, it shall state on the record the reasons for that action.

(3) Forfeit any future right to own, possess, or care for any animal for a period that the court deems appropriate.

(4) Participate in available animal cruelty prevention programs or educational programs, or both, or obtain psychiatric or psychological counseling, within a reasonable distance from the defendant's residence. If a juvenile is adjudicated delinquent under section 352 or 352a of this title, the court may order the juvenile to undergo a psychiatric or psychological evaluation and to participate in treatment that the court determines to be appropriate after due consideration of the evaluation. The court may impose the costs of such programs or counseling upon the defendant when appropriate.

(5) Permit periodic unannounced visits for a period up to one year by a humane officer to inspect the care and condition of any animal permitted by the court to remain in the care, custody, or possession of the defendant. Such period may be extended by the court upon motion made by the State.

(c) Upon an order of forfeiture of an animal under this section or section 354 of this title, the court shall order custody of the animal remanded to a humane society or other individual deemed appropriate by the court, for further disposition in accordance with accepted practices for humane treatment of animals. A transfer of rights under this section constitutes a transfer of ownership and shall not constitute or authorize any limitation

upon the right of the humane society, individual, or other entity, to whom rights are granted to dispose of the animal.

§ 354. Enforcement; possession of abused animal; searches and seizures; forfeiture

(a) The secretary of agriculture, food and markets shall be consulted prior to any enforcement action brought pursuant to this chapter which involves livestock and poultry.

(b) Any humane officer as defined in section 351 of this title may enforce this chapter. As part of an enforcement action, a humane officer may seize an animal being cruelly treated in violation of this chapter.

(1) Voluntary surrender. A humane officer may accept animals voluntarily surrendered by the owner anytime during the cruelty investigation. The humane officer shall have a surrendered animal examined and assessed within 72 hours by a veterinarian licensed to practice in the state of Vermont.

(2) Search and seizure using a search warrant. A humane officer having probable cause to believe an animal is being subjected to cruel treatment in violation of this subchapter may apply for a search warrant pursuant to the Rules of Criminal Procedure to authorize the officer to enter the premises where the animal is kept and seize the animal. The application and affidavit for the search warrant shall be reviewed and authorized by an attorney for the state when sought by an officer other than an enforcement officer defined in 23 V.S.A. § 4(11). A veterinarian licensed to practice in Vermont must accompany the humane officer during the execution of the search warrant.

(3) Seizure without a search warrant. If the humane officer witnesses a situation in which the humane officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the officer may seize the animal without a warrant. The humane officer shall immediately take an animal seized under this subdivision to a licensed veterinarian for medical attention to stabilize the animal's condition and to assess the health of the animal.

(c) A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian. A humane officer may arrange for euthanasia of an animal seized under this section when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal not destroyed by euthanasia shall be kept in custodial care and provided with necessary medical care until final disposition of the criminal charges except as provided in subsections (d) through (h) of this section. The custodial caregiver shall be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals.

(d) If an animal is seized under this section, the State may institute a civil proceeding for forfeiture of the animal in the territorial unit of the Criminal Division of the Superior Court where the offense is alleged to have occurred. The proceeding shall be instituted by a motion for forfeiture if a criminal charge has been filed or a petition for forfeiture if no criminal charge has been filed, which shall be filed with the court and served upon the animal's owner. The civil forfeiture proceeding is intended to run independently from any criminal prosecution and shall not be delayed pending disposition of any criminal proceeding.

(e)(1) A preliminary hearing shall be held within 21 days of institution of the civil forfeiture proceeding. If the defendant requests a hearing on the merits, the court shall schedule a final hearing on the merits to be held within 21 days of the date of the preliminary hearing. Time limits under this subsection shall not be construed as jurisdictional.

(2) If the defendant fails to respond to the notice for preliminary hearing, the court shall enter a default judgment ordering the immediate forfeiture of the animal in accordance with the provisions of subsection 353(c) of this title. A motion to reopen a default judgment shall be filed in writing with the court no later than 30 days after entry of a default judgment. A default judgment shall not be reopened unless good cause is shown.

(f)(1) At the hearing on the motion for forfeiture, the State shall have the burden of establishing by clear and convincing evidence that the animal was subjected to cruelty, neglect, or abandonment in violation of section 352 or 352a of this title. The court shall make findings of fact and conclusions of law and shall issue a final order. If the State meets its burden of proof, the court shall order the immediate forfeiture of the animal in accordance with the provisions of subsection 353(c) of this title.

(2) Affidavits of law enforcement officers, humane officers, animal control officers, veterinarians, or expert witnesses of either party shall be admissible evidence that may be rebutted by witnesses called by either party. The affidavits shall be delivered to the other party at least five business days prior to the hearing. Upon request of the other party or the court, the party offering an affidavit shall make the affiant available by telephone at the hearing. The court may allow any witness to testify by telephone in lieu of a personal appearance and shall adopt rules with respect to such testimony.

(3) No testimony or other information presented by the defendant in connection with a forfeiture proceeding under this section or any information directly or indirectly derived from such testimony or other information may be used for any purpose, including impeachment and cross-examination, against the defendant in any criminal case, except a prosecution for perjury or giving a false statement.

(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses. The Restitution Unit within the Center for Crime Victim Services is authorized to collect the funds owed by the defendant or owner on behalf of the custodial caregiver or a governmental agency that has contracted or paid for custodial care in the same manner as restitution is collected pursuant to section

7043 of this title. The restitution order shall include the information required under subdivision 7043(e)(2)(A) of this title. The court shall make findings with respect to the total amount of all costs incurred by the custodial caregiver.

(2)(A) If the defendant is acquitted of criminal charges under this chapter and a civil forfeiture proceeding under this section is not pending, an animal that has been taken into custodial care shall be returned to the defendant unless the State institutes a civil forfeiture proceeding under this section within seven business days of the acquittal.

(B) If the court rules in favor of the owner in a civil forfeiture proceeding under this section and criminal charges against the owner under this chapter are not pending, an animal that has been taken into custodial care shall be returned to the owner unless the State files criminal charges under this section within seven business days after the entry of final judgment.

(C) If an animal is returned to a defendant or owner under this subdivision, the defendant or owner shall not be responsible for the costs of caring for the animal.

(h) A forfeiture order issued under this section may be appealed as a matter of right to the Supreme Court. The order shall not be stayed pending appeal.

(i) The provisions of this section are in addition to and not in lieu of the provisions of section 353 of this title.

(j) It is unlawful for a person to interfere with a humane officer or the Secretary of Agriculture, Food and Markets engaged in official duties under this chapter. A person who violates this subsection shall be prosecuted under section 3001 of this title.

§ 355. Interference with or cruelty to a guide dog

(a) As used in this section:

(1) "Custody" means the care, control, and maintenance of a dog.

(2) "Guide dog" means a dog, whose status is reasonably identifiable, individually trained to do work or perform tasks for the benefit of an individual with a disability for purposes of guiding an individual with impaired vision, alerting an individual with impaired hearing to the presence of people or sounds, assisting an individual during a seizure, pulling a wheelchair, retrieving items, providing physical support and assistance with balance and stability, and assisting with navigation.

(3) "Notice" means:

(A) a verbal or otherwise communicated warning regarding the behavior of another person and a request that the person stop the behavior; and

(B) a written confirmation submitted to the local law enforcement agency, either by the owner of the guide dog or another person on his or her behalf, which shall include a statement that the warning and request was given and the person's telephone number.

(b) No person shall recklessly injure or cause the death of a guide dog, or recklessly permit a dog he or she owns or has custody of to injure or cause the death of a guide dog. A person who violates this subsection shall be imprisoned not more than two years or fined not more than \$3,000.00, or both.

(c) No person who has received notice or has knowledge that his or her behavior, or the behavior of a dog he or she owns or has custody of, is interfering with the use of a guide dog shall recklessly continue to interfere with the use of a guide dog, or recklessly allow the dog he or she owns or has custody of to continue to interfere with the use of a guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog user or his or her guide dog. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(d) No person shall recklessly interfere with the use of a guide dog, or recklessly permit a dog he or she owns or has custody of to interfere with a guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog user or his or her guide dog. A person who violates this subsection commits a civil offense and shall be:

(1) for a first offense, fined not more than \$100.00;

(2) for a second or subsequent offense, fined not more than \$250.00.

(e) A violation of subsection (d) of this section shall constitute notice as defined in subdivision (a)(3) of this section.

(f) As provided in section 7043 of this title, restitution shall be considered by the court in any sentencing under this section if the victim has suffered any material loss. Material loss for purposes of this section means uninsured:

(1) veterinary medical expenses;

(2) costs of temporary replacement assistance services, whether provided by a person or guide dog;

(3) replacement value of an equally trained guide dog without any differentiation for the age or experience of the dog;

(4) loss of wages; and

(5) costs and expenses incurred by the person as a result of the injury to the guide dog.

§ 356. Humane officer required training

All humane officers as defined in subdivision 351(4) of this title shall complete a certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board.

§ 792. Establishment of Livestock Care Standards Advisory Council

(a) There is established the Livestock Care Standards Advisory Council for the purposes of evaluating the laws of the State and of providing policy recommendations regarding the care, handling, and well-being of livestock in the State. The Livestock Care

Standards Advisory Council shall be composed of the following members, all of whom shall be residents of Vermont:

- (1) The Secretary, who shall serve as the Chair of the Council.
- (2) The State Veterinarian.
- (3) The following six members appointed by the Governor:
 - (A) A person with knowledge of food safety and food safety regulation in the State.
 - (B) A person from a statewide organization that represents the beef industry.
 - (C) A Vermont licensed livestock or poultry veterinarian.
 - (D) A representative of an agricultural department of a Vermont college or university.
 - (E) A representative of the Vermont slaughter industry.
 - (F) A representative of the Vermont livestock dealer, hauler, or auction industry.
- (4) The following three members appointed by the Committee on Committees:
 - (A) A producer of species other than bovidae.
 - (B) An operator of a medium farm or large farm permitted by the Agency.
 - (C) A professional in the care and management of equines and equine facilities.
- (5) The following three members appointed by the Speaker of the House:
 - (A) An operator of a small Vermont dairy farm.
 - (B) A representative of a local humane society from Vermont and organized under State law.
 - (C) A person with experience investigating charges of animal cruelty involving livestock, provided that no such person who has received or is receiving compensation from a national humane society or organization may be appointed under this subdivision.

(b) Members of the Council shall be appointed for staggered terms of three years. Except for the Chair, the State Veterinarian, and the representative of the agricultural department of a Vermont college or university, no member of the Council may serve for more than two consecutive full terms. Eight members of the Council shall constitute a quorum. If a vacancy on the Council occurs, a new member shall be appointed, in the same manner that his or her predecessor was appointed, to fill the unexpired term.

(c) With the concurrence of the Chair, the Council may use the services and staff of the Agency in the performance of its duties.

§ 793. Powers and duties of Livestock Care Standards Advisory Council

(a) The Council shall:

(1) Review and evaluate the laws and rules of the State applicable to the care and handling of livestock. In conducting the evaluation required by this section, the Council shall consider the following:

(A) the overall health and welfare of livestock species;

(B) agricultural best management practices;

(C) biosecurity and disease prevention;

(D) animal morbidity and mortality data;

(E) food safety practices;

(F) the protection of local and affordable food supplies for consumers;
and

(G) humane transport and slaughter practices.

(2) Submit policy recommendations to the Secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the Secretary shall be provided to the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture. Recommendations may be in the form of proposed legislation. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(3) Meet at least annually and at such other times as the Chair determines to be necessary.

(4) Submit minutes of the Council annually, on or before January 15, to the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(b) The Council may engage in education and outreach activities related to the laws and regulations for the care and handling of livestock. The Council may accept funds from public or private sources in compliance with 32 V.S.A. § 5.

§ 1943. Animal Cruelty Investigation Advisory Board

(a) Board. An Animal Cruelty Investigation Advisory Board is created within the Department of Public Safety to advise the Governor, the General Assembly, and the Commissioner of Public Safety on issues involving the cooperation and coordination of all agencies that exercise animal welfare responsibilities.

(b) Membership.

(1) The Advisory Board shall be composed of the following members:

- (A) the Commissioner of Public Safety or designee;
- (B) the Executive Director of State's Attorneys and Sheriffs or designee;
- (C) the Secretary of Agriculture, Food and Markets or designee;
- (D) the Commissioner of Fish and Wildlife or designee;
- (E) a member appointed by the Governor to represent the interests of the Vermont League of Cities and Towns;
- (F) two members appointed by the Governor to represent the interests of organizations dedicated to promoting the welfare of animals;
- (G) a member appointed by the Governor to represent the interests of the Vermont Police Association;
- (H) a member appointed by the Governor to represent the interests of dog breeders and associated groups;
- (I) a member appointed by the Governor to represent the interests of veterinarians; and
- (J) a member to represent the interests of the Criminal Justice Training Council.

(2) The Board shall elect a chair and a vice chair, which shall rotate among the various member representatives. Each member shall serve a term of two years. The Board shall meet at the call of the Chair. A quorum shall consist of six members, and decisions of the Board shall require the approval of a majority of those members present and voting.

(c) Duties. The Board shall exercise oversight over Vermont's system for investigating and responding to animal cruelty complaints and develop a systematic, collaborative approach to providing the best services to Vermont's animals statewide, given monies available. In carrying out its responsibilities under this subsection, the Board shall:

- (1) identify and monitor the extent and scope of any deficiencies in Vermont's system of investigating and responding to animal cruelty complaints;
- (2) work with the Department of Public Safety to study the feasibility of designating one law enforcement agency to receive, dispatch, and document the outcome of animal cruelty complaints and, with the assistance of the Vermont Sheriffs' Association, develop a uniform response protocol for assigning complaints to the appropriate local law enforcement agencies;
- (3) ensure that investigations of serious animal cruelty complaints are systematic and documented, and develop written standard operating procedures and checklists to support the objective investigation of cruelty complaints that include objective measures of both environmental and clinical evidence of cruelty;

- (4) ensure that requests for voluntary compliance are made in writing, with clear requests and timelines, and include a timeline for the investigator to perform a follow-up visit to confirm actions taken;
- (5) develop a guide for animal cruelty prosecution, including a review of current sentencing recommendations for State's Attorneys;
- (6) research the feasibility of developing and implementing an animal cruelty prevention and education program for offenders to be used as a part of offenders' sentencing;
- (7) explore potential private and public sources of funding for animal cruelty investigations, including animal care expenses;
- (8) develop trainings, protocols, procedures, and guidance documents for agencies engaging in animal welfare responsibilities;
- (9) develop and identify funding sources for an animal cruelty investigation certification program for humane officers in accordance with 13 V.S.A. § 356, and develop a standard by which a person who has been actively engaged in this State as a humane officer conducting animal cruelty investigations for at least five years preceding July 1, 2017 may become certified without completion of the certification program requirements;
- (10) identify funding sources for the training requirement under 20 V.S.A. § 2365b;
- (11) develop recommendations for providing liability protection and reducing uncompensated costs to animal shelters and animal welfare groups that assist law enforcement authorities in animal cruelty investigations;
- (12) explore changing the annual deadline for dog licensure under 20 V.S.A. § 3582 better to align with the time of year dogs require annual veterinary care; and
- (13) determine what should appropriately constitute an enforcement action triggering the obligation of the Agency of Agriculture, Food and Markets to assist law enforcement pursuant to 13 V.S.A. § 354(a).

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

(e) Meetings and report. The Board shall meet no fewer than six times a year to undertake its duties as outlined in subsection (c) of this section. The Board shall report on its findings and specific recommendations in brief summary to the House and Senate Committees on Judiciary, House Committee on Agriculture and Forest Products, and Senate Committee on Agriculture annually on or before January 15.

§ 2365b. Animal cruelty response training

As part of basic training in order to become certified as a Level II and Level III law enforcement officer, a person shall receive a two-hour training module on animal cruelty investigations as approved by the Vermont Criminal Justice Training Council and the Animal Cruelty Investigation Advisory Board.

§ 2404. Immunity from liability; cases of animal cruelty

(a) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, a veterinarian licensed to practice in this State who, in good faith and in the normal course of practice, reports suspected cases of cruelty to animals, as defined in 13 V.S.A. §§ 352 and 352a, to any humane officer or officer as defined in 13 V.S.A. § 351(4) or local board of health officer or agent.

(b) There shall be no monetary liability on the part of, and no cause of action for damages against, a veterinarian licensed to practice in this State who accompanies a humane officer during the execution of a warrant pursuant to 13 V.S.A. § 354, or evaluates the health of and provides medical attention to, including a decision for euthanasia, an animal brought to that veterinarian for health assessment or necessary medical care, pursuant to 13 V.S.A. § 354.

(c) There shall be no monetary liability on the part of, and no cause of action for damages against, a veterinarian licensed to practice in this State who inspects premises or orders a quarantine pursuant to 20 V.S.A. § 3682 or 3683.

§ 3903. Animal shelters and rescue organizations

(a) Repealed by 2015, Adj. Sess., No. 149, § 28, eff. July 1, 2016.

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

(c) Nonprofit status. A rescue organization under this chapter shall be recognized and approved as a nonprofit organization under 26 U.S.C. § 501(c)(3).

(d) Immunity from liability. Notwithstanding section 3901a of this title, any animal shelter or rescue organization assisting law enforcement in an animal cruelty investigation or seizure that, in good faith, provides care and treatment to an animal involved in the investigation or seizure shall not be held liable for civil damages by the owner of the animal unless the actions of the shelter or organization constitute gross negligence.

§ 3909. Sale of animals by humane society

The board of directors of an incorporated humane society shall determine the method of disposition of animals released by it. Any proceeds derived from the sale of animals by the society shall be paid to the clerk or treasurer of the humane society, and no part of the proceeds shall accrue to any individual. Proceeds from the sale of animals by any

person authorized by a municipality to dispose of such animals shall revert to the treasury of the municipality.

§ 3911. Penalties

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

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

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

§ 3912. Commitment of animals to Agency of Agriculture, Food and Markets

The Secretary or any officer of the Agency designated by the Secretary may file with the court in which a person was convicted of violating section 3911 of this chapter a petition for custody of animals in the possession of the person convicted. If the court, on due notice to that person and to any other person owning or having any interest in the animals, finds that the welfare of any of the animals so requires, the court shall order the animals committed to the Agency of Agriculture, Food and Markets. Animals committed to the Agency of Agriculture, Food and Markets may be sold or euthanized or kept in the custody of the Agency, as the Secretary determines.

§ 3913. Euthanasia certification

(a) The Secretary of Agriculture, Food and Markets shall establish rules for a euthanasia training program and certification process for persons completing the program.

(b) The Secretary of Agriculture, Food and Markets shall establish rules for the possession and use of euthanasia solutions by registered animal shelters that utilize certified euthanasia technicians. The rules shall identify euthanasia solutions that may be used, techniques for the proper handling and storage of solutions and requirements for recordkeeping, and address any other matter deemed necessary by the Secretary.

(c) The Secretary of Agriculture, Food and Markets may revoke or suspend certification upon violation of the rules adopted under this section.

(d) The rules shall comply with all applicable federal drug enforcement standards.

(e) The Secretary of Agriculture, Food and Markets has no responsibility to enforce any other statute relating to the abuse of narcotics or other regulated substance unless specifically authorized by such statute.