

# 7. Various VT Laws Dealing With Animals

## Overview

In this section, we have included Title 13, which is Vermont's criminal statute relating to the humane and proper treatment of animals. We have also included a section of USDA law that may be relevant when Vermont laws are being violated, as well as some other relevant animal laws outside of Title 13. You should also become familiar with Title 20, Vermont's civil statute relating to animals and public safety issues. Chapters [191,193](#), [194](#), and [199](#) contain provisions related to rabies control, animal control, and the regulation of pet dealers, animal shelters and pet shops.

Note that in charging a person with violations of Title 13, the number of charges you bring depends on the number of animals involved or the number of individual acts of cruelty. Thus, if you have a violation and you find 10 animals in that situation, then you have 10 violations of that section, or if you determine that a dog has been beaten on five different occasions, you could have 5 violations of Section 352. However, the State's Attorney may elect to charge on fewer counts than you present.

The *Animal Welfare Regulations* promulgated by the Agency of Agriculture, Food & Markets under Title 20, Chapter 194, Section 3908 are also included. It should be noted that these regulations apply to pet dealers (dogs and cats), pet shops and animal shelters, and should not be confused with criminal statute referenced in Title 13.

In addition, a law passed in 2007 allows law enforcement officers to issue a civil citation of up to \$500 to a person who violates subdivisions 352(3), (4), or (9) of Title 13. At any time the state's attorney may withdraw the complaint filed with the judicial bureau and file a criminal charge. Fines, forfeitures and penalties are paid to the respective village, town or city, except for a \$12.50 administrative charge retained by the state. (See Title 13, 353 (4)(a) and (b))

You should also become familiar with any local ordinances relating to animals and animal control in your own municipality. In some cases, your local ordinance may be more restrictive (but never less restrictive) than state law, and hold animal owners to a higher standard.

*IMPORTANT NOTE: As we said at the beginning of this manual, in any case where the reader has a question regarding the intent of the laws and/or legal proceeding discussed in this section or any other section of this manual, or their legal rights and duties in the situations described in this section or any other section of this manual, they should consult an attorney for advice BEFORE proceeding.*

Remember that laws may change each year. Thus, to stay current with the animal cruelty laws and animal control laws, check with your local and state legislative bodies. The Vermont Statutes are updated on the Vermont Legislative website at <http://legislature.vermont.gov/>

You may also download updated copies of this manual at <http://www.vermonthumane.org/animal-cruelty/additional-resources/>

# **Title 13: Crimes and Criminal Procedure**

## **Chapter 8: Humane and Proper Treatment of Animals**

### *Subchapter 1: Cruelty to Animals*

#### **§ 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; animal control officer appointed by the legislative body of a municipality; 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 selectboard members or aldermen.
- (7) "Necessary medical attention" shall include 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 cotarnix 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 and that provides protection from the elements. 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 quantity and quality 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) "Adequate shelter" means shelter which protects the animal from injury and environmental hazards. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1997, No. 130 (Adj. Sess.), § 4; 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 120 (Adj. Sess.), § 1; 2009, No. 121 (Adj. Sess.), § 4; 2013, No. 161 (Adj. Sess.), § 72; 2013, No. 162 (Adj. Sess.), § 1.)

(19) "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 animal opening of an animal.

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

(21) "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.

### **§ 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. (Added 1997, No. 130 (Adj. Sess.), § 5.)

### **§ 351b. Scope of subchapter**

This subchapter shall not apply to:

(1) activities regulated by the department of fish and wildlife pursuant to Part 4 of Title 10;

(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 sections 3809 and 3545 of Title 20. (Added 1997, No. 130 (Adj. Sess.), § 6.)

### **§ 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, or 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; or

(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, 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 which 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 Part 4 of Title 10 or the rules adopted thereunder. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1997, No. 130 (Adj. Sess.), § 7; 2003, No. 120 (Adj. Sess.), § 2; 2015, No. 53, § 1.);

(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, 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; or

(F) advertises, offers, or accepts the offer of a 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. (Added 1997, No. 130 (Adj. Sess.), § 8; amended 2003, No. 120 (Adj. Sess.), § 3; 2015, No. 118 (Adj. Sess.), § 6.)

### **§ 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 chapter 87 of Title 6;

(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 chapter 193 or sections 3511 and 3513 of Title 20; 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 chapters 191, 193, 194 and 195 of Title 20 or the provisions of Part 4 of Title 10, or the rules adopted thereunder. (Added 1997, No. 130 (Adj. Sess.), § 9; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 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 beating 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 which 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. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1997, No. 130 (Adj. Sess.), § 10; 2003, No. 120 (Adj. Sess.), § 4; 2007, No. 51, § 20; 2009, No. 154, § 238; 2013, No. 67, § 12.)

#### **§ 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. Law enforcement may consult with the Secretary in person or by electronic means, and the Secretary shall assist law enforcement in determining whether the practice, or animal condition, or both represent acceptable livestock or poultry husbandry practices.

(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 Vermont 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 which may be rebutted by witnesses called by either party. The affidavits shall be delivered to the other party at least five 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 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 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.

(Added 1989, No. 270 (Adj. Sess.), § 2; amended 1997, No. 130 (Adj. Sess.), § 11; 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 120 (Adj. Sess.), § 5; 2009, No. 154, § 238; 2013, No. 201 (Adj. Sess.), § 1; 2015, No. 155 (Adj. Sess.), § 7.)

### **§ 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. (Added 2009, No. 121 (Adj. Sess.), § 1.)

[Section 356 effective July 1, 2017.]§ **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. (Added 2015, No. 155 (Adj. Sess.), § 6, eff. July 1, 2017.)

### *Subchapter 3: General Provisions*

#### **§ 361. Interference with domestic animals**

(a) A person commits the crime of interference with domestic animals if the person confines or secretes a domestic animal owned by another, with the intention of concealing its identity or the identity of its owner. A person also commits the crime of interference with domestic animals if he or she conceals the fact that the animal is licensed by removing the collar, harness or identification, or defaces a tattoo or brand tag from any licensed animal or other domestic animal owned by another.

(b) Interference with domestic animals 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. (Added 1989, No. 270 (Adj. Sess.), § 2.)

#### **§ 362. Exposing poison on the land**

A person who deposits any poison or substance poisonous to animals on his or her premises or on the premise or buildings of another, with the intent that it be taken by an animal, shall be in violation of subdivision 352(2) of this title. This section shall not apply to control of wild pests, protection of crops from insects, mice, and plant diseases, or the department of fish and wildlife and employees and agents of the state forest service in control of destructive wild animals. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 120 (Adj. Sess.), § 6.)

#### **§ 363. Shooting birds for amusement**

Except for the taking of game pursuant to Title 10, any person who keeps or uses any live bird for release to be shot for amusement or as a test of marksmanship or provides buildings, sheds, yards, rooms, fields, or other areas to be used for such shooting purposes, shall be in violation of subdivision 352(1) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 120 (Adj. Sess.), § 7.)

#### **§ 364. Animal fights**

(a) A person who participates in a fighting exhibition of animals shall be in violation of subdivisions 352(5) and (6) of this title.

(b) Notwithstanding any provision of law to the contrary, in addition to seizure of fighting birds or animals involved in a fighting exhibition, a law enforcement officer or humane officer may seize:

(1) any equipment associated with that activity;

(2) any other personal property which is used to engage in a violation or further a violation of subdivisions 352(5) and (6) of this title; and

(3) monies, securities, or other things of value furnished or intended to be furnished by a person to engage in or further a violation of subdivisions 352(5) and (6) of this title.

(c) In addition to the imposition of a penalty under this chapter, conviction under this section shall result in forfeiture of all seized fighting animals, equipment, and other property subject to seizure under this section. The animals may be destroyed humanely or otherwise disposed of as directed by the court.

(d) Property subject to forfeiture under this subsection may be seized upon process issued by the court having jurisdiction over the property. Seizure without process may be made:

(1) incident to a lawful arrest;

(2) pursuant to a search warrant; or

(3) if there is probable cause to believe that the property was used or is intended to be used in violation of this section.

(e) Forfeiture proceedings instituted pursuant to the provisions of this section for property other than animals are subject to the procedures and requirements for forfeiture as set forth in 18 V.S.A. chapter 84, subchapter 2. (Added 1989, No. 270, (Adj. Sess.), § 2; amended 2015, No. 53, § 2.)

### **§ 365. Shelter of animals**

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate shelter to prevent direct exposure to the elements.

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained in an outdoor area shall be provided. The building opening size and height shall, at a minimum, extend one foot above the withers of the largest animal housed and shall be maintained at that level even with manure and litter build-up. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort stall or stanchion ties, or other housing under control of the Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with livestock and poultry

husbandry practices, and are provided sufficient food, water, shelter, and proper ventilation.

(c) Minimum size of living space: dogs and cats.

(1) A dog shall be provided a minimum living space that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have minimum living space if provided with floor space in the greater amount of the following:

(A) If the dog is:

- (i) less than 33 pounds (15 kilograms), floor space of at least eight square feet;
- (ii) 33 or more pounds (15 or more kilograms) up to and including 66 pounds (30 kilograms), floor space of at least 12 square feet; and
- (iii) more than 66 pounds (30 kilograms), floor space of at least 24 square feet.

(B) Floor space in square footage calculated according to the following formula: floor space in square feet = (length of dog in inches + 6) x (length of dog in inches + 6) divided by 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

(2) The specifications required by subdivision (c)(1) of this section shall be required for each dog, regardless of whether the dog is housed individually or with other animals.

(3)(A) A cat over the age of two months shall be provided a minimum living space that is large enough to allow the cat, in a normal manner, to turn about freely, stand, sit, and lie down. A cat shall be presumed to have minimum living space if provided with floor space of at least eight square feet and a primary structure of at least 24 inches in height. Floor space shall be calculated to include any raised resting platforms provided.

(B) The requirements of this subdivision (c)(3) shall apply to each cat regardless of whether the cat is housed individually or with other animals.

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

(B) Each female cat with nursing kittens shall be provided the living space required under subdivision (3) of this subsection (c) plus sufficient additional floor space to allow for a queening box and the litter, based on the size or the age of the kittens. When the kittens discontinue nursing, the living space requirements of subdivision (3) of this subsection shall apply for all cats housed in the same living space.

(5)(A) Females in heat (estrus) shall not be housed in the same primary living space or enclosure with intact males, except for breeding purposes.

(B) A dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately from other dogs or cats.

(6) All dogs or cats shall have access to adequate water and adequate food.

(d) Daily exercise: dogs or cats. A dog or cat confined in a living space shall be permitted outside the living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) Except as provided in subdivision (2) of this subsection, a dog or dogs maintained outdoors in an enclosure shall be provided with one or more shelter structures. A shelter structure shall:

(A) Provide each dog housed in the structure sufficient space to, in a normal manner, turn about freely, stand, sit and lie down.

(B) Be structurally sound and constructed of suitable, durable material.

(C) Be enclosed with sides, a roof, and a ground or floor surface that enables the dog to stay clean and dry.

(D) Have an entrance or portal large enough to allow each dog housed in the shelter unimpeded access to the structure, and the entrance or portal shall be constructed with a windbreak or rainbreak.

(E) Provide adequate protection from cold and heat, including protection from the direct rays of the sun and the direct effect of wind, rain, or snow. Shivering due to cold is evidence of inadequate shelter for any dog.

(2) A shelter structure is not required for a healthy livestock guardian dog that is maintained outdoors in an enclosure.

(3) If multiple dogs are maintained outdoors in an enclosure at one time:

(A) Each dog will be provided with an individual structure, or the structure or structures provided shall be cumulatively large enough to contain all of the dogs at one time.

(B) A shelter structure shall be accessible to each dog in the enclosure.

(4) The following categories of dogs shall not be maintained outdoors in an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

(A) dogs that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(B) dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

(C) sick or infirm dogs or dogs that cannot regulate their own body temperature.

(5) Metal barrels, cars, refrigerators, freezers, and similar objects shall not be used as a shelter structure for a dog maintained in an outdoor enclosure.

(6) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and protect them from the direct rays of the sun.

(f) Tethering of a dog.

(1) Except as provided under subdivision (2) of this subsection, a dog predominantly maintained outdoors on a tether shall be on a tether that allows the dog to walk a distance in any one direction, that is at least four times the length of the dog as measured from the tip of the nose to the base of its tail, and shall allow the dog access to the shelter.

(2)(A) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether that allows the dog to walk a distance in any one direction that is at least two times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether shall be attached to the anchor at a central point, allowing the dog access to a 360 degree area.

(B) If a tethering method involves the use of a trolley and cable and allows the dog to move freely along the length of the cable, the tether shall be long enough to allow the dog to lie down within its shelter without discomfort.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a well fitted collar or harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method.

(i) Violations. Failure to comply with this section shall be a violation of subdivision 352(3) or (4) of this title.

### **§ 366. Prohibited use of animals**

(a) No live animal shall be used as a fund-raising device or award in a contest, lottery, game, or promotion by any person or entity other than at an event recognized by an agricultural or sporting association. An alternative cash prize shall be offered. A person or entity shall not transfer or award an animal without reasonable assurance that the person receiving the animal will provide proper transportation and adequate care.

(b) No live fowl, turtles, or rabbits under eight weeks of age in lots of less than six shall be offered for sale or sold, displayed or given away.

(c) No dog, puppy, cat, or kitten shall be offered for sale, sold, displayed or given away on the side of any highway, as defined in 19 V.S.A. § 1, except by the owner or lessor of the abutting land. It shall be an affirmative defense under this subsection that a transaction involving a sale or giving away of a dog, puppy, cat, or kitten was previously arranged by the parties, and the sale or giving away on the side of the highway was only for the convenient transfer of the animal.

(d) A person who violates this section shall be subject to a fine of not more than \$250.00. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1997, No. 130 (Adj. Sess.), § 13; 2001, No. 98 (Adj. Sess.), § 1, eff. May 8, 2002.)

## ***Subchapter 5: Euthanasia***

### **§ 371. Euthanizing animals**

(a) Registered animal shelters may purchase, possess, and administer approved euthanasia solution to euthanize injured, sick, homeless, or unwanted pets and animals in accordance with the rules established by the secretary of agriculture, food and markets under section 3913 of Title 20.

(b) No person shall euthanize animals for an animal shelter without first completing the certification training program under section 3913 of Title 20, except a Vermont

licensed veterinarian and a person in training under such program. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1993, No. 116 (Adj. Sess.), § 2, eff. March 23, 1994; 2003, No. 42, § 2, eff. May 27, 2003.)

### ***Subchapter 7: Transportation Of Animals***

#### **§ 381. Transportation by railroad; rest and feeding**

(a) A railroad company transporting animals shall not permit them to be confined in cars more than 28 consecutive hours, including the time they have been confined on connecting roads, without unloading them for rest, water and feeding for at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. Animals unloaded shall be properly fed, watered, and sheltered during each rest by the owner, or fed, watered, and sheltered during each rest by the owner or person having custody of the animals. In case of default, the railroad company transporting the animal shall provide feed and watering at the owner's expense. In this case, the company shall have a lien upon the animals for food, care and custody furnished.

(b) Violation of the 28-hour rule of this section is a violation of subdivision 352(4) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 120 (Adj. Sess.), § 9.)

#### **§ 382. Transportation by truck; rest and feeding**

(a) No person shall confine or permit to be confined any animals being transported by truck under his or her orders or control for more than 18 consecutive hours without their removal from the truck for a rest period of not less than four hours. The animals shall be provided with feed and water during this period except when reasonable space, food, and water are provided in the vehicle. Reasonable space for animals and protection from the weather shall be provided in trucks employed commercially in the long distance transportation of animals.

(b) A person who violates a provision of this section shall be in violation of subdivision 352(4) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 120 (Adj. Sess.), § 10.)

#### **§ 383. Shipping of animals**

(a) There shall be separation of livestock species, as defined in section 761 of Title 6, when these animals are transported by either rail or truck.

(b) Failure to provide such separation shall be a violation of subdivisions 352(3) and (4) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1995, No. 39, § 3, eff. April 17, 1995; 2003, No. 120 (Adj. Sess.), § 11.)

### **§ 384. Preference of animals as freight**

Any private or common carrier operating within this state shall yield to vehicles containing cattle, sheep, swine, equine, or other animals to allow continuous passage in preference to other freight. All vehicles and common carriers loaded with animals at any station shall take precedence over all other freight. (Added 1989, No. 270 (Adj. Sess.), § 2.)

### **§ 385. Transportation on the highway without title documents**

(a) No person, except the owner of cattle being transported or a person acting under written authority of the owner, shall transport cattle on any public highway unless the person has in his or her possession a bill of sale or a memorandum signed by the owner of the cattle and containing the owner's address, the number, breed and ear tag number of the cattle, and the name of the place to which the cattle are to be transported. Any person transporting such cattle shall, on demand, exhibit a bill of sale or memorandum to any state investigator, sheriff, deputy sheriff, constable, police officer, or state police officer.

(b) Violation of this section shall be punishable by a sentence of imprisonment of not more than 60 days or a fine of not more than \$1,000.00, or both. (Added 1989, No. 270 (Adj. Sess.), § 2.)

### **§ 386. Confinement of animals in vehicles**

(a) A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.

(b) Any humane officer or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle. The officer so removing an animal shall deliver the animal to a humane society, veterinarian or town or municipal pound. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses, and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section.

(c) Failure to comply with subsection (a) of this section is a violation of subdivision 352(3) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 120 (Adj. Sess.), § 12.)

### **§ 387. Transportation of horses; vehicles**

(a) Every vehicle utilized for the transportation of more than seven horses on the highway shall meet the following requirements:

(1) there shall be at least two doors for loading and unloading, which shall not be on the same side;

(2) loading ramps shall be provided if the vertical distance from the floor of the truck to the ground is greater than 15 inches;

(3) the interior compartment construction shall be of smooth material with no hazardous, sharp protrusions;

(4) there shall be sufficient openings to ensure adequacy of ventilation;

(5) partitions shall be placed in compartments having no stalls;

(6) doorways shall be of sufficient height to allow safe loading and unloading; and

(7) compartment height shall be sufficient to allow clearance of the poll and withers of each horse loaded.

(b) Vehicles under this section shall have no more than one tier in compartments carrying horses.

(c) The secretary shall establish rules for compliance with the provisions of this subchapter.

(d) Failure to comply with this section, or the rules established thereunder, is a violation of subdivision 352(3) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 120 (Adj. Sess.), § 13.)

### ***Subchapter 9: Use Of Drugs In Animals In Livestock Competitions***

#### **§ 391. Definitions**

In addition to those definitions set forth in section 351 of this title, the following words shall have the following definitions:

(1) "Animal pulling contest" means a pulling contest in which weights are pulled by animals for competitive purposes.

(2) "Secretary" means the secretary of agriculture, food and markets or a designee.

(3) "Competitive event" means pulling contests, trail rides, shows and any other competition for premiums or prizes involving animals.

(4) "Drug" means those substances identified under subdivision 4051(5) of Title 18.

(5) "Owner" means any person, partnership or corporation having title to animals in any competitive event.

(6) "Superintendent" means any individual designated to control animals during any livestock competition. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 392. Administration of drugs; violation; rules**

(a) No person shall administer internally or externally a drug that may affect or alter the normal performance of an animal entered in an animal pulling contest or competitive event. Any animal so treated shall be disqualified, and any award, premium or trophy forfeited.

(b) The secretary shall establish rules to implement the provisions of this subchapter. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 393. Statement of ownership**

A signed statement of ownership in the name of the handler, including a description of the animal, shall be submitted to the superintendent before the start of a competitive event or animal pulling contest. (Added 1989, No. 270 (Adj. Sess.), § 2.)

### **§ 394. Testing**

(a) The secretary may take specimens for drug testing of saliva, blood, or urine, or all three, from any animal entered in an animal pulling contest or a competitive event. If a drug is found in a chemical analysis of the saliva, urine, or blood, it shall be prima facie evidence that a drug has been administered. A proper chain of evidence shall be maintained.

(b) The secretary may assess and retain a fee for the taking of a drug test sufficient to recoup the expense of the test procedure.

(c) Failure of an owner or handler to submit an animal for testing on request shall be treated under this chapter as if the presence of a drug were found in a test performed on the animal.

(d) Failure to provide adequate information or assistance in animal restraint for the secretary to obtain an official sample shall be a violation of this section, subject to the penalty provision of section 397 of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 1993, No. 124 (Adj. Sess.), § 1; 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 395. Hearing; finding; order**

Within 14 calendar days from the date test results are received by the secretary, the secretary shall notify the superintendent of the animal pulling contest or competitive event, and the animal's owner, of the results. If the presence of a drug is found in the test, the secretary shall hold a hearing, at which the owner of the animal or a representative of the owner may appear and be heard. On the basis of all evidence presented, the secretary shall issue a finding of whether the provisions of this subchapter have been violated. The secretary shall make an appropriate order of whether the owner, the representative of the owner or the animal shall be eligible to participate in future competitive events or animal pulling contests held in this state. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 396. Appeal**

Any person aggrieved by a finding and order or penalty of the secretary under this subchapter may appeal to the superior court in the county in which the animal pulling contest or competitive event was held. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 397. Administrative penalty**

In addition to the forfeiture of any award, premium or trophy otherwise due, and in addition to other penalties provided by law, a person violating this chapter may be assessed an administrative penalty in an amount not to exceed \$1,000.00 by the secretary. The secretary shall utilize the provisions of 6 V.S.A. §§ 16 and 17 assessing the penalty. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### **§ 398. Loss of eligibility**

Any person fined or convicted of administering an unlawful drug to animals entered in a competitive event or animal pulling contest held in another state shall be ineligible to compete in any animal pulling contest or competitive event in this state for a period not to exceed two years from the date of such fine or court conviction. (Added 1989, No. 270 (Adj. Sess.), § 2.)

### **§ 399. Abuse; disqualification**

(a) Any person found rein-whipping or otherwise whipping a horse in an animal pulling contest under this subchapter shall be automatically disqualified, and be ineligible to receive any award, premium or trophy. The light use of reins applied to the hindquarters may be permitted on entry to the pit and while the team is making its

draw. The use of reins for other than guiding the animals at any other time is prohibited.

(b) Any person found face-whipping cattle in an animal pulling contest shall be automatically disqualified and ineligible to receive any award, premium or trophy. If a goad stick is used in the contest, it must be made of wood, not taped, and not more than 3/4 inches in diameter.

(c) Excessive violation of either subsection (a) or (b) of this section shall be deemed a violation of subdivision 352(2) of this title. (Added 1989, No. 270 (Adj. Sess.), § 2; amended 2003, No. 120 (Adj. Sess.), § 14.)

#### **§ 400. Alcohol breath test; disqualification**

A superintendent may require that contestants or other participants at an animal pulling contest or competitive event pass a breathalyzer test for alcohol. The test shall be conducted by the state police, sheriff or local police before the contest or event occurs. Any person above a 0.10 percent concentration level shall be disqualified and barred from participation in any animal pulling contest or competitive event on the day of the test. (Added 1989, No. 270 (Adj. Sess.), § 2.)

# ANIMAL WELFARE REGULATIONS

## Apply to **Pet Shops, Animal Shelters, Animal Rescue Organizations and Pet Dealers (applicable standards for dogs and cats in Part 3, Subpart A)**

(Promulgated under authority of VSA T20 Chapter 194 Section 3908)

### PART 1 – DEFINITION OF TERMS

#### SECTION 1.1 DEFINITIONS

- (a) **Act.** Refers to the provisions of T20 Chapter 197 “Welfare of Animals and T20 Sections 3681, 3682 and 3683 as relating to provisions for the inspection of kennel premises.
- (b) **Division.** Means the Livestock Division of the Department of Agriculture.
- (c) **Division representative.** Means any inspector or other person employed by the Division who is responsible for the performance of the functions involved.
- (d) **Non-human primate.** Means any non-human member of the highest order of mammals including prosimians, monkeys and apes.
- (e) **Standards.** Means the requirement with respect to the humane handling, care, treatment, and transportation of animals.
- (f) **Non-conditioned.** Means animals which have not been subjected to special care and treatment for sufficient time to stabilize and, where necessary to improve their health to make them suitable for sale.

### PART 2 – REGULATIONS

#### SECTION 2.1 LICENSING AND REGISTRATION.

Licensing period shall be from April 1 to March 31 or part thereof.

Registration period shall be from January 1 to December 31 or part thereof.

#### SECTION 2.2 RECORD KEEPING.

In connection with each dog and cat purchased or otherwise acquired, held, transported, or sold, or otherwise disposed of, a licensee shall keep and maintain the following information in the manner prescribed by the Division.

- (1) The name and address of the person from whom acquired, and the person to whom sold or otherwise disposed of.
- (2) The dates of acquisition and disposition.
- (3) The description and identification of the animals.

## **SECTION 2.3 COMPLIANCE WITH STANDARDS.**

Each licensee shall comply in all respects with the standards set forth for the humane handling, care, treatment and transportation of animals.

## **SECTION 2.4 HOLDING PERIOD.**

All dogs and cats acquired by a licensee shall be held by him, under his supervision and control, for a period of five business days after the acquisition of such animals provided, however, that dogs or cats suffering from disease, emaciation or injury may be destroyed by euthanasia prior to the expiration of the five day holding period only if such euthanasia is carried out under the direct supervision of a licensed veterinarian.

## **SECTION 2.5 INSPECTION OF RECORDS.**

Each licensee upon request shall permit Division representatives to examine records required to be kept by the Act or regulations, and to make copies of such records, and to inspect such property and animals as such representative considers necessary to enforce the provisions of the Act, regulations or standards. The use of a room, or other facilities necessary for the proper examination of such records shall be extended to such authorized representative.

## **SECTION 2.6 INSPECTION FOR MISSING ANIMALS.**

Each licensee upon request shall permit Division representatives; police or law officers of legally constituted law enforcement agencies with general law enforcement authority, to enter his premises to inspect animals and records for the purpose of seeking animals that are missing.

# **PART 3 – STANDARDS**

## **SUBPART A – SPECIFICATIONS FOR HANDLING, CARE, TREATMENT, AND TRANSPORTATION OF DOGS AND CATS.**

### **SECTION 3.1 FACILITIES, GENERAL.**

- (a) **Structural strength.** Housing facilities for dogs or cats shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (b) **Water and electric power.** Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.
- (c) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

- (d) **Waste disposal.** Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (e) **Washrooms and sinks.** Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.
- (f) **Runways.** In facilities where dogs and cats are held for relatively short periods of time, such as, but not limited to, boarding kennels and animal shelters, runways shall be paved to facilitate proper cleaning and disinfection between occupants. In facilities where paving is not required by this subparagraph, runways shall be maintained in a sanitary manner at all times with adequate drainage to prevent standing water.

### **SECTION 3.2 FACILITIES, INDOOR**

- (a) **Heating.** Indoor housing facilities for dogs or cats shall be sufficiently heated when necessary to protect the dogs or cats from cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50° for dogs and cats not acclimated to lower temperatures.
- (b) **Ventilation.** Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85°F or higher.
- (c) **Lighting.** Indoor housing facilities for dogs and cats shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs and cats from excessive illumination.
- (d) **Interior surfaces.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.
- (e) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors there from. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

### **SECTION 3.3 FACILITIES, OUTDOOR.**

- (a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.
- (b) **Shelter from rain or snow.** Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- (c) **Shelter from cold weather.** Shelter shall be provided for all dogs and cats kept outdoors when the atmospheric temperature falls below 50°F. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which a dog or cat is acclimated.
- (d) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water.

### **SECTION 3.4 PRIMARY ENCLOSURES**

All primary enclosures for dogs and cats shall conform to the following requirements:

- (a) General –
  - (1) **Requirements for primary enclosures for dogs and cats.**
    - (i) Primary enclosures shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, and to keep predators out.
    - (ii) Primary enclosures shall be constructed and maintained so as to enable the dogs and cats to remain dry and clean.
    - (iii) Primary enclosures shall be constructed and maintained so that the dogs or cats contained therein have convenient access to clean food and water as required in this subpart.
    - (iv) The floors of the primary enclosures shall be constructed so as to protect the dogs' and cats' feet and legs from injury.
  - (2) **Additional requirements for primary enclosures housing cats.**
    - (i) In all enclosures having a solid floor, sufficient clean litter shall be provided to contain excreta.
    - (ii) Each primary enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the primary enclosure at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(b) **Space requirements** –

(1) **Dogs and cats.** Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit and lie in a comfortable normal position.

(2) **Dogs**

(i) In addition to the provisions of subparagraph (1) of this paragraph, each dog housed in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus 6 inches, expressed in square feet. Not more than 12 adult nonconditioned dogs shall be housed in the same primary enclosure.

This requirement may be computed by using the following equation:

$(\text{length of dog in inches} + 6)^2 / 144 \text{ in}^2 / \text{ft}^2 = \text{required square feet of floor space.}$

(ii) **Dog house with chains.** If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and equipped with snap hooks and shall be attached to the dog by means of a well fitted collar. Such chains shall be at least four times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house.

(3) **Cats.** In addition to the provisions of subchapter (1) of this paragraph each adult cat housed in any primary enclosure shall be provided a minimum of 2 1/2 square feet of floor space. Not more than 12 adult nonconditioned cats shall be housed in the same primary enclosure.

### **SECTION 3.5 ANIMAL HEALTH AND HUSBANDRY STANDARDS**

- (a) Dogs and cats shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.
- (b) Food receptacles shall be accessible to all dogs and cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

### **SECTION 3.6 WATERING**

If potable water is not accessible to the dogs and cats at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than 1 hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean.

### **SECTION 3.7. SANITATION**

- (a) **Cleaning of primary enclosures.** Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure, any dog contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.
  
- (b) **Sanitization of primary enclosures.**
  - (1) Prior to the introduction of nonconditioned dogs or cats into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.
  
  - (2) Primary enclosures for dogs and cats shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: Provided, however, that such enclosures shall be sanitized at least once every week in the manner provided in subparagraph (3) of this paragraph.
  
  - (3) Cages, rooms, and hard-surfaces pens or runs shall be sanitized by washing them with hot water (180°F.) soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam.
  
- (c) **Housekeeping.** Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.
  
- (c) **Pest control.** An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

### **SECTION 3.8 EMPLOYEES**

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

### **SECTION 3.9 CLASSIFICATION AND SEPARATION.**

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (a) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.
- (b) Any dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.
- (c) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams.
- (d) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.
- (e) Dogs and cats under quarantine or treatment for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

### **SECTION 3.10 VETERINARY CARE**

- (a) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame or blind dogs or cats shall be provided with veterinary care or humanely disposed of.

## **TRANSPORTATION STANDARDS**

### **SECTION 3.11 VEHICLES**

- (a) Vehicles used in transporting dogs or cats shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.
- (b) The animal's cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.
- (c) The interior of the animal cargo space shall be kept clean.

### **SECTION 3.12 PRIMARY ENCLOSURES USED TO TRANSPORT DOGS AND CATS.**

- (a) Primary enclosures, such as compartments or transport cages, cartons or crates, used to transport dogs or cats, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal

of the animals and (3) the animals are afforded adequate protection from the elements. The ambient temperature shall not be allowed to exceed 95°F, at any time nor exceed 85°F unless the animals are acclimated to lower temperatures.

- (b) Animals transported in the same primary enclosures shall be of the same species and maintained in compatible groups. Puppies or kittens shall not be transported in the same primary enclosures with adult dogs or cats other than their dams. Any dog or cat exhibiting a vicious disposition shall be transported individually in a primary enclosure. Any female dog or cat in season (estrus) shall not be transported in the same primary enclosure with any male.
- (c) Primary enclosures used to transport dogs or cats shall be large enough to insure that each animal contained therein has sufficient space to turn around freely, to stand erect, and to lie in a natural position.
- (d) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor or a material which prevents animal excreta from entering lower enclosures.
- (e) Primary enclosures used to transport dogs or cats shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

### **SECTION 3.13 FOOD AND WATER REQUIREMENTS**

- (a) If dogs and cats are transported for a period of more than 12 hours:
  - (1) The vehicle shall stop at time potable water shall be continuously provided for the dogs and cats.
  - (2) Each adult dog and cat shall be fed at least once in each 24-hour period. Puppies and kittens shall have food made available to them every 6 hours.
- (d) Dogs shall be removed from the vehicle and given fresh water and an opportunity for exercise if they have been confined in the vehicle for a period of 24 hours.

### **SECTION 3.14 CARE IN TRANSIT**

It shall be the responsibility of the attendant or driver to inspect the animals frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

### **SUBPART B SPECIFICATIONS FOR HANDLING, CARE , TREATMENT, AND TRANSPORTATION OF GUINEA PIGS, HAMSTERS AND OTHER RODENTS.**

## FACILITIES AND OPERATING STANDARDS

### SECTION 3.25 FACILITIES, GENERAL.

- (a) **Structural strength.** Housing facilities for guinea pigs, hamsters and other rodents shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals and to restrict the entrance of other animals.
- (b) **Water and electric power.** Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.
- (c) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against spoilage or deterioration and infestation or contamination by vermin. Food supplies shall be stored in containers with tightly fitting lids or covers or in the original containers as received from the commercial sources of supply. Refrigeration shall be provided for supplies of perishable food.
- (d) **Waste disposal.** Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (e) **Washroom and sinks.** Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

### SECTION 3.26 FACILITIES, INDOOR.

- (a) **Heating.** Indoor housing facilities for guinea pigs, hamsters, and other rodents shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 60°F not to exceed 85°F.
- (b) **Ventilation.** Indoor housing facilities for guinea pigs, hamsters and other rodents shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning , and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to rise above 85°F.
- (c) **Lighting.** Indoor housing facilities for guinea pigs, hamsters and other rodents shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the guinea pigs, hamsters and other rodents from excessive illumination.

- (d) **Interior surfaces.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

### **SECTION 3.27 FACILITIES, OUTDOOR**

- (a) Hamsters shall not be housed in outdoor facilities.
- (b) Guinea pigs and other rodents shall not be housed in outdoor facilities unless such facilities are located in an appropriate climate and prior approval for such outdoor housing is obtained from the Commissioner.

### **SECITON 3.28 PRIMARY ENCLOSURES**

All primary enclosures for guinea pigs, hamsters and other rodents shall conform the following requirements.

(a) **General.**

- (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs, hamsters and other rodents from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.
- (2) Primary enclosures shall be constructed and maintained so that the guinea pigs, hamsters or other rodents contained therein have convenient access to clean food and water as required in this subject.
- (3) Primary enclosures having a solid floor shall be provided with clean bedding material.
- (3) Primary enclosures equipped with mesh or wire floors shall be so constructed as to allow feces to pass through the spaces or the mesh or wire: Provided, however, that such floors shall be constructed so as to protect the animals feet and legs from injury.

(a) **Space requirements**

- (1) **Guinea pigs, hamsters and other rodents.** Primary enclosures shall be constructed and maintained so as to provide sufficient space for each animal contained therein to make normal postural adjustments with adequate freedom of movement.
- (2) **Guinea pigs.** In addition to the provisions of subparagraph (1) of this paragraph, the following space requirements are applicable to primary enclosures for guinea pigs.

- (i) The interior height of any primary enclosure used to confine guinea pigs shall be at least 6 ½ inches.
- (ii) Each guinea pig housed in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table.

Weigh or state of maturity	Minimum space per guinea pig (square inches)
Weaning to 350 grams-----	60
350 grams or more-----	90
Breeders-----	180

(3) **Hamsters.** In addition to the provisions of subparagraph (1) of this paragraph the following space requirements are applicable to primary enclosures for hamsters.

- (i) The interior height of any primary enclosure used to confine hamsters shall be at least 5 ½ inches, except that in the case of dwarf hamsters, such interior height shall be at least 5 inches.
- (ii) A nursing female hamster, together with her litter, shall be housed in a primary enclosure which contains no other hamsters and which provides at least 121 square inches of floor space: Provided however, that in the case of dwarf hamster such floor space shall be at least 25 square inches.
- (iii) The minimum amount of floor space per individual hamster and the maximum number of hamsters allowed in a single primary enclosure, except as provided for nursing females in subdivision (ii) of the subparagraph, shall be in accordance with the following table:

Age	Minimum space per Hamster (square inches)	Maximum Population Per enclosure
	Dwarf	Other
Weaning to 5 weeks	5.0	10.0      20
5 to 10 weeks	7.5	12.5      16
10 weeks or more	9	15.0      13

- (iv) The space requirements for rats shall be those required for guinea pigs. The space requirements for mice shall be those required for hamsters.

## **ANIMAL HEALTH AND HUSBANDRY STANDARDS**

### **SECTION 3.29 FEEDING**

- (a) Guinea pigs, hamsters and other rodents shall be fed each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the guinea pig, hamster or other rodent.
- (b) Food comprising the basic diet shall be at least equivalent in quality and content to pelleted rations produced commercially and commonly available from feed suppliers.
- (c) The basic diet of guinea pigs, hamsters, and other rodents may be supplemented with good quality fruits or vegetables consistent with their individual dietary requirements.
- (d) Food receptacles, if used, shall be accessible to all guinea pigs, hamsters or other rodents in a primary enclosure and shall be located so as to minimize contamination by excreta. All food receptacles shall be kept clean. In self-feeders are used for the feeding of pelleted feed, measures must be taken to prevent molding, deterioration or caking of the feed. Hamsters may be fed pelleted feed on the floor of a primary enclosure.
- (e) Fruit or vegetable food supplements may be placed upon the bedding within the primary enclosure: Provided, however, that the uneaten portion of such supplements and any bedding soiled as a result of such feeding practices shall be removed from the primary enclosure when such uneaten supplements accumulate or such bedding becomes soiled to a degree that might be harmful or uncomfortable to animals therein.

### **SECTION 3.30 WATERING.**

Unless food supplements consumed by guinea pigs, hamsters or other rodents supply them with their normal water requirements, potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care. Open containers used for dispensing water to guinea pigs, hamsters or other rodents shall be so placed in or attached to the primary enclosures as to minimize contamination from excreta. All watering receptacles shall be sanitized when dirty.

### **SECTION 3.31 SANITATION.**

#### **(a) Cleaning and sanitation of primary enclosures.**

- (1) Primary enclosures shall be cleaned and sanitized often enough to prevent an accumulation of excreta or debris. Provided, however, that such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (4) of this paragraph.
- (2) In the event a primary enclosure becomes soiled or wet to a degree that might be harmful or uncomfortable to the animals therein due to leakage of the watering system, discharge from dead or dying animals, spoiled perishable foods, or moisture condensation, the guinea pigs, hamsters or other rodents shall be transferred to clean primary enclosures.
- (3) Prior to the introduction of guinea pigs, hamsters or other rodents into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (4) of this paragraph.
- (4) Primary enclosures for guinea pigs, hamsters, or other rodents shall be sanitized by washing them with hot water (180°) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam.

(b) **Housekeeping.** Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(c) **Pest control.** An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

### **SECTION 3.32 EMPLOYEES**

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

### **SECTION 3.33 CLASSIFICATION AND SEPARATION**

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions.

- (a) Except where harem breeding is practiced, preweanling guinea pigs shall not be housed in the same primary enclosure with adults other than their parents.
- (b) Guinea pigs shall not be housed in the same primary enclosure with hamsters, nor shall guinea pigs or hamsters be housed in the same primary enclosure with any other species of animals.
- (c) Guinea pigs, hamsters or other rodents under quarantine or treatment for a communicable disease shall be separated from other guinea pigs, hamsters or other rodents and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

### **SECTION 3.34 VETERINARY CARE**

- (a) Each guinea pig, hamster and other rodent shall be observed at least every 48 hours by the animal caretaker in charge, or by someone under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame, or blind guinea pigs, hamsters or other rodents shall be provided with veterinary care or humanely disposed of.

## **TRANSPORTATION STANDARDS**

### **SECTION 3.35 VEHICLES**

- (a) Vehicles used in transporting guinea pigs, hamsters or other rodents shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.
- (b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.
- (c) The interior of the animal cargo space shall be kept clean.

### **SECTION 3.36 PRIMARY ENCLOSURES USED TO TRANSPORT GUINEA PIGS, HAMSTERS AND OTHER RODENTS.**

- (a) Primary enclosures, such as cartons, boxes or transport cages, used to transport guinea pigs, hamsters or other rodents shall be well-constructed, well-ventilated and designed to protect the health and insure the safety of the animals. Any such primary enclosures which cannot be readily sanitized shall be constructed of new material and shall be discarded after one usage. Any such primary enclosures which may be readily sanitized may be reused but shall be sanitized prior to the introduction of guinea pigs, hamsters or other rodents for shipment. All primary enclosures used to transport guinea pigs, hamsters or other rodents shall be positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing. The ambient temperature shall not be allowed to exceed 85°F nor fall below 60°F.

- (b) Animals transported in the same primary enclosure shall be of the same species and in compatible groups.
- (c) Primary enclosures used to transport guinea pigs, hamsters or other rodents shall be large enough to insure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.
- (d) Not more than 15 guinea pigs shall be transported in the same primary enclosure. Not more than 25 hamsters shall be transported in the same primary enclosure.
- (e) In addition to the other provisions of this section, the following requirements shall also apply to primary enclosures used to transport guinea pigs, hamsters and other rodents.

(1) **Guinea pigs.**

- (i) The interior height of primary enclosures used to transport guinea pigs shall be at least 8 inches.
- (ii) Each guinea pig transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

---

Weight (grams)	Minimum space per guinea pig (square inches)
Up to 350-----	30
350 to 600-----	45
Over 600-----	55

---

(2) **Hamsters.**

- (i) The interior height of a primary enclosure used to transport hamsters shall be at least 6 inches except that in the case of dwarf hamsters such interior height shall be at least 5 inches.
- (ii) Each hamster transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

---

	Age	Minimum space per hamster (square inches)
	Dwarf	Other
Weaning to 5 weeks	5	7.0
5 to 10 weeks	7.5	11.0
Over 10 weeks	9	15.0

---

## **SECTION 3.37 FEED AND WATER REQUIREMENTS**

If guinea pigs, hamsters or other rodents are transported for a period of more than 6 hours, the animals shall be fed the quantity and quality of fruits or vegetables sufficient to satisfy their food and water needs during transit.

## **SECTION 3.28 CARE IN TRANSIT**

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

## **SUBPART C – SPECIFICATIONS FOR HANDLING, CARE, TREATMENT AND TRANSPORTATION OF RABBITS.**

### **FACILITIES AND OPERATING STANDARDS**

## **SECTION 3.50 FACILITIES, GENERAL**

- (a) **Structural strength.** Housing facilities for rabbits shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (b) **Water and electric power.** Reliable and adequate electric power, if required to comply with other provisions of the subpart, and adequate potable water shall be available.
- (c) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (d) **Waste disposal.** Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (e) **Washrooms and sinks.** Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

## **SECTION 3.51 FACILITIES, INDOOR.**

- (a) **Heating.** Indoor housing facilities for rabbits need not be heated.
- (b) **Ventilation.** Indoor housing facilities for rabbits shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture

condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85°F or higher.

- (c) **Lighting.** Indoor housing facilities for rabbits shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination or sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the rabbits from excessive illumination.
- (d) **Interior surfaces.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

### **SECTION 3.52 FACILITIES, OUTDOOR.**

- (a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all rabbits kept outdoors to protect themselves from the direct rays of the sun. When the atmospheric temperature exceeds 90°F artificial cooling shall be provided by a sprinkler system or other means.
- (b) **Shelter from rain or snow.** Rabbits kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- (c) **Shelter from cold weather.** Shelter shall be provided for all rabbits kept outdoors when the temperature falls below 40°F.
- (d) **Protection from predators.** Outdoor housing facilities for rabbits shall be fenced or otherwise enclosed to minimize the entrance of predators.
- (e) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water.

### **SECTION 3.53 PRIMARY ENCLOSURES**

All primary enclosures for rabbits shall conform to the following requirements:

- (a) **General.**
  - (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the rabbits from injury, to contain the, and to keep predators out.
  - (2) Primary enclosures shall be constructed and maintained so that the rabbits contained therein have convenient access to clean food and water as required in this subpart.
  - (3) Primary enclosures shall be constructed and maintained so that the rabbits contained therein have convenient access to clean food and water as required in this subpart.

(4)The floors of the primary enclosures shall be constructed so as to protect the rabbit's feet and legs from injury. Litter shall be provided in all primary enclosures having solid floors.

(5)A suitable nest box containing clean nesting material shall be provided in each primary enclosure housing a female with a litter less than one month of age.

(b) **Space requirements.** Primary enclosures shall be constructed and maintained so as to provide sufficient space for the animal to make normal postural adjustments with adequate freedom of movement. Each rabbit housed in a primary enclosure shall be provided a minimum amount of floor space, exclusive of the space taken up by food and water receptacles, in accordance with the following table:

Category	Individual weights (pounds)	Minimum space per rabbit (square inches)
Groups	3 through 5	144
	6 through 8	288
	9 or more	432
Individual adults	3 through 5	180
	6 through 8	360
	9 through 11	540
	12 or more	720
Nursing females	3 through 5	576
	6 through 8	720
	9 through 11	864
	12 or more	1080

## ANIMAL HEALTH AND HUSBANDRY STANDARDS

### SECTION 3.54 FEEDING

(a) Rabbits shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the rabbit.

(b) Food receptacles shall be accessible to all rabbits in a primary enclosure and shall be located so as to minimize contamination by excreta. All food receptacles shall be kept clean. If self-feeders are used for the feeding of dry feed, measures must be taken to prevent molding, deterioration or caking of the feed.

### SECTION 3.55 WATERING.

Sufficient potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care. All watering receptacles shall be sanitized when dirty.

## **SECTION 3.56 SANITATION.**

### **(a) Cleaning of primary enclosures.**

- (1) Primary enclosures shall be kept reasonably free of excreta, hair, cobweb and other debris by periodic cleaning. Measures shall be taken to prevent the wetting of rabbits in such enclosures if a washing process is used.
- (2) In primary enclosures equipped with solid floors, soiled litter shall be removed and replaced with clean litter at least once each week.
- (3) If primary enclosures are equipped with wire or mesh floors, the troughs or pans under such enclosures shall be cleaned at least once each week. If worm bins are used under such enclosures they shall be maintained in a sanitary condition.

### **(b) Sanitization of primary enclosures.**

- (1) Primary enclosures for rabbits shall be sanitized at least once every 30 days in the manner provided in subparagraph (3) of this paragraph.
- (2) Prior to the introduction of rabbits into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.
- (3) Primary enclosures for rabbits shall be sanitized by washing them with hot water (180°) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam or flame.

(c) **Housekeeping.** Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) **Pest control.** An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

## **SECTION 3.57 EMPLOYEES**

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

## **SECTION 3.58 CLASSIFICATION AND SEPARATION**

Animals housed in the same primary enclosure shall be maintained in compatible groups with the following additional restrictions:

- (a) Rabbits shall not be housed in the same primary enclosure with any other species of animals unless required for scientific reasons.
- (b) Rabbits under quarantine or treatment for a communicable disease shall be separated from other rabbits and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

### **SECITON 3.59 VETERINARY CARE**

Each rabbit shall be observed at least every 48 hours by the animal care-taker in charge, or by someone working under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame or blind rabbits shall be provided with veterinary care or humanely disposed of.

## **TRANSPORTATION STANDARDS**

### **SECTION 3.60 VEHICLES**

- (a) Vehicles used in transporting rabbits shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.
- (b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.
- (c) The interior of the animal cargo space shall be kept clean.

### **SECTION 3.61 PRIMARY ENCLOSURES USED TO TRANSPORT RABBITS.**

- (a) Primary enclosures, such as compartments or transport cages, cartons, or crates, used to transport rabbits, shall be well-constructed, well-ventilated and designed to protect the health and insure the safety of these animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals, and (3) the animals are afforded adequate protection from the elements. The ambient temperature shall not be allowed to exceed 85° nor fall below that temperature to which the animals are acclimated.
- (b) Rabbits transported in the same primary enclosure shall be in compatible groups and shall not be transported in the same primary enclosures with other species of animals.
- (c) Primary enclosures used to transport rabbits shall be large enough to insure that each rabbit contained therein has sufficient space to turn about freely, and to make normal postural adjustments. Not more than 15 rabbits shall be transported in the same primary enclosure.

- (d) Rabbits shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
- (e) Primary enclosures used to transport rabbits shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

### **SECTION 3.62 FOOD AND WATER REQUIREMENTS**

If rabbits are transported for a period of more than 6 hours, they shall be provided with food and water. This requirement may be met by providing feed-stuff and water, or the quantity and quality of vegetables, sufficient to satisfy their food and water needs during transit.

### **SECTION 3.63 CARE IN TRANSIT**

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

## **SUBPART D- SPECIFICATIONS FOR THE HUMANE HANDLING CARE, TREATMENT, AND TRANSPORTATION NONHUMAN PRIMATES.**

### **FACILITIES AND OPERATING STANDARDS**

#### **SECTION 3.75 FACILITIES, GENERAL**

- (a) **Structural strength.** The housing facilities for nonhuman primates shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (b) **Water and electric power.** Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.
- (c) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies or perishable food.
- (d) **Waste disposal.** Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (e) **Washrooms and sinks.** Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

### **SECTION 3.76 FACILITIES, INDOOR.**

- (a) **Heating.** Indoor housing facilities for nonhuman primates shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50°F.
- (b) **Ventilation.** Indoor housing facilities for nonhuman primates shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85°F or higher.
- (c) **Lighting.** Indoor housing facilities for nonhuman primates shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the nonhuman primates from excessive illumination.
- (d) **Interior surfaces.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.
- (e) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

### **SECTION 3.77 FACILITIES, OUTDOOR.**

- (a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all nonhuman primates kept outdoors to protect themselves from the direct rays of the sun.
- (b) **Shelter from rain or snow.** Nonhuman primates kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- (c) **Shelter from cold weather.** Shelter shall be provided for all nonhuman primates kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and nonhuman primate species concerned.
- (d) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water.

### **SECTION 3.78 PRIMARY ENCLOSURES.**

All primary enclosures for nonhuman primates shall conform to the following requirements.

(a) **General.**

- (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the nonhuman primates from injury, to contain them, and to keep predators out.
- (2) Primary enclosures shall be constructed and maintained so as to enable the nonhuman primates to remain dry and clean.
- (3) Primary enclosures shall be constructed and maintained so that the nonhuman primates contained therein have convenient access to clean food and water as required in this subject.
- (4) The floors of the primary enclosures shall be constructed so as to protect the nonhuman primates from injury.

(b) **Space requirements.**

- (1) Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each nonhuman primate to make normal postural adjustments with adequate freedom of movements.
- (2) Each nonhuman primate housed in a primary enclosure shall be provided with a minimum floor space equal to an area of at least three times the area occupied by such primate when standing on four feet.

**SECTION 3.79 FEEDING**

- (a) Nonhuman primates shall be fed at least once a day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the nonhuman primate.
- (b) Food, and food receptacles if used, shall be accessible to all non-human primates and shall be places so as to minimize contamination by excreta. Food receptacles shall be kept clean. If self-feeders are used, measures shall be taken to prevent molding, deterioration or caking of food.

**SECTION 3.80 WATERING**

If potable water is not accessible to the nonhuman primates at all times, such water shall be offered to them at least twice daily except as might otherwise be required to provide adequate veterinary care. All watering receptacles shall be kept clean.

**SECTION 3.81 SANITATION**

- (a) **Cleaning of primary enclosures.** Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the nonhuman primates contained therein and to reduce disease hazards and odors. When hosing or flushing methods are used for this purpose, measures shall be taken to prevent animals confined in such enclosures from being wetted involuntarily.
- (b) **Sanitization of enclosures.**
- (1) Prior to the introduction of non-human primates into primary enclosures previously occupied by other nonhuman primates, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.
- (2) Primary enclosures for nonhuman primates shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: Provided, however, that such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (3) of this paragraph.
- (3) Cages, rooms and hard surfaced pens or runs shall be sanitized either by washing them with hot water (180°F) and soap or detergent, as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Runs, if provided, shall be paved.
- (c) **Housekeeping.** Premises (buildings and grounds) shall be kept clean and in good repair in odor to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.
- (d) **Pest control.** An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

### **SECTION 3.82 EMPLOYEES**

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of animal caretaker who has a background in animal husbandry or care.

### **SECTION 3.83 CLASSIFICATION AND SEPARATION**

Nonhuman primates housed in the same primary enclosure shall be maintained in compatible groups and shall not be housed in the same primary enclosure with animal species other than nonhuman primates.

### **SECTION 3.84 VETERINARY CARE**

Each nonhuman primate shall be observed daily by the animal caretaker in charge or by someone working under his direct supervision. Sick or diseased, injured, lame or blind nonhuman primates shall be provided with veterinary care or humanely disposed of.

### **SECTION 3.85 VEHICLES**

- (a) Vehicles used in transporting nonhuman primates shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.
- (b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.
- (c) The interior of the animal cargo space shall be kept clean

### **SECTION 3.86 PRIMARY ENCLOSURES USED TO TRANSPORT NONHUMAN PRIMATES**

- (a) Primary enclosures such as compartment, transport cages or crates, used to transport nonhuman primates shall be well-constructed, well-ventilated, and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals and (3) the animals are afforded adequate protection from the elements. The temperature within such enclosures shall not be allowed to exceed the atmospheric temperature. Moreover the ambient temperature shall not be allowed to exceed 85°F for more than 4 hours continuously nor allowed to fall below 45°F.
- (b) Nonhuman primates transported in the same primary enclosure shall be in compatible groups and shall not be transported in the same primary enclosures with other species of animals.
- (c) Primary enclosures used to transport nonhuman primates shall be large enough to insure that each nonhuman primate contained therein has sufficient space to turn about freely and to make normal postural adjustments. Not more than 10 nonhuman primates shall be transported in the same primary enclosures.
- (d) Nonhuman primates shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
- (e) Primary enclosures used to transport nonhuman primates shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

### **SECTION 3.87 FOOD AND WATER REQUIREMENTS**

**If nonhuman primates are transported for a period of more than 12 hours:**

(a) Potable water shall be provided to each nonhuman primate at least once in each 12-hour period.

(b) Each nonhuman primate shall be fed at least once in each 24-hour period.

### **SECTION 3.88 CARE IN TRANSIT**

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

Nonhuman primates include a great diversity of forms, ranging from the marmoset weighing only a few ounces, to the adult gorilla weighing hundreds of pounds. They come from Asia, Africa, and Central and South America, and they live in different habitats. Their nutritional and activity requirements differ as do their social and environmental requirements. As a result, the conditions appropriate for one species do not necessarily apply to another; therefore, discretion must be used in interpreting these standards.

## **OTHER RELEVANT ANIMAL LAWS**

Sec. 24. 26 V.S.A. § 2405:

### **§ 2405. IMMUNITY FROM LIABILITY FOR GOOD SAMARITAN ACTS**

(a) For purposes of this section, an “emergency” shall include a fire, flood, storm or other natural disaster, hazardous chemical or substance incident, vehicular collision with an animal, or other transportation accident where an animal is injured or in need of assistance to protect its health or life.

(b) A veterinarian licensed by the board or any other person who, in good faith, provides care and treatment to an animal during an emergency shall not be held liable for civil damages by the owner of the animal, unless his or her acts constitute gross negligence or unless he or she will receive or expects to receive remuneration.

(c) Nothing contained in this section shall alter existing law with respect to tort liability of a practitioner of veterinary medicine for acts committed in the ordinary course of his or her practice.

*VACRC Notes: This “Good Samaritan Law” is intended to protect both veterinarians and laymen from civil liability when they lend assistance to pets during emergencies or disasters*

---

Sec. 12. 26 V.S.A. § 2404:

### **§ 2404. IMMUNITY FROM LIABILITY FOR REPORTING SUSPECTED 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 sections 352 and 352a of Title 13, to any humane officer or officer as defined in subdivision 351(4) of Title 13 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 section 354 of Title 13, 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 section 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 section 3682 or 3683 of Title 20.

Sec. 4. 15 V.S.A. § 1103:

**§ 1103. REQUESTS FOR RELIEF**

(a) Any family or household member may seek relief from abuse by another family or household member on behalf of him or herself or his or her children by filing a complaint under this chapter. The plaintiff shall submit an affidavit in support of the order.

(c) If the court finds that the defendant has abused the plaintiff and that there is a danger of further abuse, the court shall make such orders as it deems necessary to protect the plaintiff, the children, or both, which may include the following:

\* \* \*

(7) an order concerning the possession, care and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household.

*VACRC Notes: A large percentage of domestic violence victims will delay leaving or not leave an abusive situation for fear of retaliation against their pets. This law allows judges to include pets in protection from abuse orders.*

## USDA LAW AND ANIMAL CRUELTY

The USDA Animal Welfare Act may be relevant when you investigate animal cruelty that involves the following:

- Animal dealers, such as dog breeders, breeders of research animals
- Breeders of hunting dogs, security dogs
- Animal exhibitors, such as zoos (including roadside zoos), carnivals, circuses, animal acts, educational exhibits
- Airport terminal animal holding facilities
- Any business (including pet stores) that deals with wild animals that are not indigenous to Vermont (meaning not native to the state, for example, prairie dogs, pot bellied pigs, etc.)

In general, such enterprises must be licensed by the USDA and operated according to the standards established by the Animal Welfare Act. Document your case and contact the USDA field office for Vermont at (703)-812-6029, or the main office in Maryland at (410) 962-7463, and present them with your findings. If you have a situation you are not sure of, call the USDA to find out.

### **Examples:**

1. You may be investigating a case involving an irresponsible breeder or puppy mill owner who is in violation of Title 13.

If the breeder has more than three breeding bitches and is selling the litters wholesale, he must be licensed under the Animal Welfare Act and must be in compliance with standards specified under the Animal Welfare Act.

2. You may be investigating a case involving a roadside zoo which is violating Title 13.

If the zoo contains animals that are not indigenous to Vermont (meaning they are not native to the state, but have been imported from somewhere else, such as lion cubs, for example) then the zoo must be licensed by the USDA and meet certain mandated standards of care established by the Animal Welfare Act.