

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House
3 Bill No. 254 entitled “An act relating to adequate shelter for livestock”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 § 351. DEFINITIONS

9 As used in this chapter:

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

11 (2) “Secretary” means the Secretary of Agriculture, Food and Markets.

12 (3) “Horse” means the entire family of ~~equidae~~ Equidae.

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14 (7) “Necessary medical attention” shall include medical or surgical
15 treatment for illness, injury, disease, excessive parasitism, dehydration,
16 malnutrition, pain, or malformed or overgrown hoof impaired locomotive
17 function.

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

1 structure, such as a doghouse, in which an animal is not confined, or a cage,
2 crate, or other structure in which the animal is temporarily confined.

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

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

16 (18) ~~“Adequate shelter” means shelter which protects the animal from~~
17 ~~injury and environmental hazards. [Repealed.]~~

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

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

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

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

4 (C) acclimated to local weather conditions.

5 (21) “Sexual conduct” means:

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

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

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

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

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

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

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

9 Sec. 2. 13 V.S.A. § 365 is amended to read:

10 § 365. SHELTER OF ANIMALS

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

14 (b) Shelter for livestock.

15 ~~(1) Adequate natural shelter, or a three-sided, roofed building with~~
16 ~~exposure out of the prevailing wind and of sufficient size to adequately~~
17 ~~accommodate all livestock maintained in an outdoor area shall be provided.~~
18 ~~The building opening size and height shall, at a minimum, extend one foot~~
19 ~~above the withers of the largest animal housed and shall be maintained at that~~
20 ~~level even with manure and litter build-up. Livestock animals confined in~~
21 ~~enclosed areas shall be provided with adequate ventilation and shall have~~

1 access to adequate exercise. Equines housed within a designated space
2 continually, without access to a paddock, turn out, or other exercise area shall
3 be provided the opportunity for periodic exercise, either through free choice or
4 through a forced work program, to maintain normal muscle tone and mass for
5 the age, size, and condition of the animal or in accordance with accepted
6 agricultural or veterinary practices. Nothing in this section shall control dairy
7 herd housing facilities, either loose housing, comfort tie-stall, or stanchion ~~ties~~
8 lockups, or other housing under control of the Agency of Agriculture, Food
9 and Markets. This ~~section~~ subdivision shall not apply to any accepted housing
10 or grazing practices for any livestock industry.

11 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
12 livestock may be temporarily confined in a space sufficient for them to stand
13 and turn about freely, provided that they are exercised in accordance with
14 livestock and poultry husbandry practices, and are provided sufficient food,
15 water, shelter, and proper ventilation.

16 (3) A leash, rope, or chain used to restrict a livestock animal shall be
17 affixed in a manner that prevents the livestock animal from becoming
18 entangled or injured and shall permit the livestock animal access to adequate
19 shelter, adequate food, and adequate water. This subdivision shall not apply to
20 a livestock animal that is in transit or in the immediate control of a person.

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1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2020.

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9 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE