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H.254

Introduced by Representatives Bartholomew of Hartland, Bock of Chester, and
O'Brien of Tunbridge

Referred to Committee on

Date:

Subject: Agriculture; crimes; livestock; adequate shelter

Statement of purpose of bill as introduced: This bill proposes to define
adequate natural shelter, adequate constructed shelter, and adequate ventilation
for the management of livestock animals. The bill also would require
livestock animals confined in enclosed areas to be provided adequate exercise.
In addition, the bill would require a livestock animal on a leash, rope, or chain
to be affixed in a manner that prevents the livestock animal from becoming
entangled or injured and permits the livestock animal access to adequate
shelter, adequate food, and adequate water.

An act relating to adequate shelter for livestock

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

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

~~§ 351. DEFINITIONS~~

~~As used in this chapter,~~

1 ~~(1) "Animal" means all living sentient creatures, not human beings.~~

2 (2) "Secretary" means the Secretary of Agriculture, Food and Markets.

3 (3) "Horse" means the entire family of equidae.

4 * * *

5 (7) "Necessary medical attention" shall include medical treatment for
6 illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.

7 (8) "Person" means any individual, firm, partnership, or corporation, or
8 authorized agent or representative of a person, partnership, or corporation.

9 (9) "Sanitation" means the maintenance of clean conditions for indoor
10 and outdoor enclosures to minimize health hazards, including periodic
11 cleanings to remove excretions or other waste materials, dirt, and trash.

12 * * *

13 (11) "Livestock" means cattle, bison, horses, sheep, goats, swine,
14 cervidae, ratites, and camelids.

15 * * *

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

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

1 ~~(B) husbandry practices modified for the species to conform to the~~

2 Vermont environment and terrain; and

3 (C) husbandry practices that minimize pain and suffering.

4 * * *

5 (15) "Living space" means any cage, crate, or other structure used to

6 confine an animal that serves as its principal, primary housing and that

7 provides protection from the elements. Living space does not include a

8 structure, such as a doghouse in which an animal is not confined, or a cage,

9 crate, or other structure in which the animal is temporarily confined.

10 (16) "Adequate food" means food that is not spoiled or contaminated

11 and is of sufficient ~~quantity and quality~~ nutritional content to meet the normal

12 daily requirements for the condition and size of the animal and the

13 environment in which it is kept. An animal shall be fed or have food available

14 at least once each day, unless a licensed veterinarian instructs otherwise, or

15 withholding food is in accordance with accepted veterinary practices or

16 livestock and poultry husbandry practices.

17 (17) "Adequate water" means potable water that is either accessible to

18 the animal at all times or is provided at suitable intervals for the species and in

19 sufficient quantity for the health of the animal. In no event shall the interval

20 ~~when water is not provided exceed 24 hours. Snow or ice is not an adequate~~

1 ~~water source unless provided in accordance with livestock and poultry~~

2 husbandry practices.

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

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

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

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

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

11 (C) acclimated to local weather conditions.

12 (21) “Sexual conduct” means:

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

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

19 (22) “Adequate constructed shelter” means a well-drained and
20 structurally sound building with a waterproof roof that is of sufficient size to

21 ~~provide a windbreak and protection from exposure to prevailing winds, rain,~~

1 ~~hail, sleet, snow, and sun and that provides enough space to accommodate at~~
2 one time all livestock and animals comfortably. The building opening size and
3 height shall, at a minimum, allow six inches of clearance above the largest
4 animal's ears when the animal is standing in a normal position and the
5 clearance shall be maintained at that level even with manure and litter buildup.

6 (23) "Adequate natural shelter" means a natural structure or formation,
7 including a stand of trees that:

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

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

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

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

17 § 365. SHELTER OF ANIMALS

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

1 ~~(b) Shelter for livestock~~

2 ~~(1) Adequate natural shelter, or a three-sided, roofed building with~~
3 ~~exposure out of the prevailing wind and of sufficient size to adequately~~
4 ~~accommodate all livestock maintained in an outdoor area shall be provided.~~
5 ~~The building opening size and height shall, at a minimum, extend one foot~~
6 ~~above the withers of the largest animal housed and shall be maintained at that~~
7 ~~level even with manure and litter build-up. Livestock animals confined in~~
8 ~~enclosed areas shall be provided with adequate ventilation and shall have~~
9 ~~access to adequate exercise. Equines housed within a designated space~~
10 ~~continually, without free access to a paddock, turn out, or other exercise area~~
11 ~~shall be provided the opportunity for periodic exercise, either through free~~
12 ~~choice or through a forced work program, to maintain normal muscle tone and~~
13 ~~mass for the age, size, and condition of the animal or in accordance with~~
14 ~~accepted agricultural or veterinary practices. Nothing in this section shall~~
15 ~~control dairy herd housing facilities, either loose housing, comfort stall, or~~
16 ~~stanchion ties, or other housing under control of the Agency of Agriculture,~~
17 ~~Food and Markets. This section subdivision shall not apply to any accepted~~
18 ~~housing or grazing practices for any livestock industry.~~
19 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
20 livestock may be temporarily confined in a space sufficient for them to stand
21 ~~and turn about freely, provided that they are exercised in accordance with~~

1 ~~stock and poultry husbandry practices, and are provided sufficient food, water,~~
2 ~~shelter, and proper ventilation.~~

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

8 * * *

9 Sec. 3. EFFECTIVE DATE

10 ~~This act shall take effect on July 1, 2019.~~

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

§ 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 Equidae.*

* * *

(7) "Necessary medical attention" shall include medical or surgical treatment for ~~illness~~, injury, disease, excessive parasitism, dehydration, malnutrition, pain, or malformed or overgrown hoof impaired locomotive function.

(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.

* * *

(11) “Livestock” means cattle, bison, horses, sheep, goats, swine, ~~cervidae~~ Cervidae, ratites, and camelids.

* * *

(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 fully accredited 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.

* * *

(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~~ nutritional content to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with accepted veterinary practices or livestock and poultry husbandry practices.

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

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

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

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

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

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

(C) *acclimated to local weather conditions.*

(21) *“Sexual conduct” means:*

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

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

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

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

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

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

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

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

§ 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 natural shelter or adequate constructed 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. Livestock animals confined in enclosed areas shall be provided with adequate ventilation and shall have access to adequate exercise. Equines housed within a designated space continually, without access to a paddock, turn out, or other exercise area shall be provided the opportunity for periodic exercise, either through free choice or through a forced work program, to maintain normal muscle tone and mass for the age, size, and condition of the animal or in accordance with accepted agricultural or veterinary practices. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort tie-stall, or stanchion ties lockups, or other housing under control of the Agency of Agriculture, Food and Markets. This section subdivision 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.~~

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

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Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.