

1 H.340

2 Introduced by Representatives Klein of East Montpelier, Cheney of Norwich,
3 Deen of Westminster, Lanpher of Vergennes and Martin of
4 Springfield

5 Referred to Committee on

6 Date:

7 Subject: Crimes; humane and proper treatment of animals

8 Statement of purpose: This bill proposes to prohibit puppy mills by requiring
9 any large-scale dog breeding operation to provide each dog under its care with
10 basic food and water, adequate shelter from the elements, necessary veterinary
11 care, adequate space to turn around and stretch its limbs, and regular exercise.

12 An act relating to prohibiting cruel and inhumane treatment of dogs in
13 puppy mills

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

15 Sec. 1. SHORT TITLE

16 This act may be referred to and cited as the “Puppy Mill Cruelty Prevention
17 Act.”

18 Sec. 2. 13 V.S.A. § 356 is added to read:

19 § 356. PUPPY MILL CRUELTY

20 (a) As used in this section:

1 (1) “Adequate rest between breeding cycles” means ensuring that dogs
2 are not bred to produce more than two litters in any 18-month period.

3 (2) “Covered dog” means any individual of the species of the domestic
4 dog, Canis lupus familiaris, or resultant hybrids, that is over the age of six
5 months and has intact sexual organs.

6 (3) “Necessary veterinary care” means examination by a licensed
7 veterinarian at least once yearly, prompt treatment by a licensed veterinarian of
8 any illness or injury, and, if necessary, humane euthanasia by a licensed
9 veterinarian using those lawful techniques deemed “acceptable” by the
10 American Veterinary Medical Association.

11 (4) “Pet” means any domesticated animal normally maintained in or
12 near the household of its owner.

13 (5) “Regular exercise” means constant and unfettered access to an
14 outdoor exercise area that:

15 (A) is composed of a solid, ground-level surface with adequate
16 drainage;

17 (B) provides some protection against the elements; and

18 (C) provides each dog with at least twice the square footage of the
19 indoor floor space provided to the dog unless otherwise modified or restricted
20 by a licensed veterinarian pursuant to subsection 362(d) of this title.

21 (6) “Retail pet store” means a person or retail establishment which is
22 open to the public and where dogs are bought, sold, exchanged, or offered for

1 retail sale directly to the public for purposes of being kept as a pet. This term
2 shall not include a person or retail establishment which is open to the public
3 that does not engage in any breeding of dogs for the purpose of selling any
4 offspring for use as a pet.

5 (7) “Sufficient food and clean water” means access to appropriate
6 nutritious food at least once a day which is sufficient to maintain good health
7 and continuous access to potable water that is not frozen and is free from
8 debris, feces, algae, and other contaminants.

9 (8) “Sufficient housing, including protection from the elements” means
10 constant and unfettered access to an indoor enclosure which:

11 (A) has a solid floor;

12 (B) is not stacked or otherwise placed on top of or below another
13 animal’s enclosure;

14 (C) is cleaned of waste at least once daily while the dog is outside the
15 enclosure; and

16 (D) maintains a temperature between 45 and 85 degrees Fahrenheit.

17 (9) “Sufficient space to turn and stretch freely, lie down, and fully
18 extend his or her limbs” means having:

19 (A) sufficient indoor space for each dog to turn in a complete circle
20 without any impediments, including a tether;

1 (B) sufficient indoor space for each dog to lie down and fully extend
2 his or her limbs and stretch freely without touching the side of an enclosure or
3 another dog;

4 (C) at least one foot of headroom above the head of the tallest dog in
5 the enclosure; and

6 (D) indoor floor space which is the greater of either:

7 (i) at least 12 square feet for each dog that is up to 25 inches long,
8 at least 20 square feet for each dog that is between 25 and 35 inches long, and
9 at least 30 square feet for each dog that is 35 inches or longer, with the length
10 of the dog measured from the tip of the nose to the base of the tail; or

11 (ii) the amount required by subdivision 365(c)(1) of this title.

12 (b) Notwithstanding any other provision of law, a person having custody or
13 ownership of more than ten female covered dogs for the purpose of breeding
14 the dogs and selling any offspring for use as pets shall provide each covered
15 dog with the following:

16 (1) Sufficient food and clean water;

17 (2) Necessary veterinary care;

18 (3) Sufficient housing, including protection from the elements;

19 (4) Sufficient space to turn and stretch freely, lie down, and fully extend
20 his or her limbs;

21 (5) Regular exercise; and

22 (6) Adequate rest between breeding cycles.

1 (c) Notwithstanding any other provision of law, no person shall have
2 custody of more than 50 covered dogs for the purpose of breeding the dog and
3 selling any offspring for use as a pet.

4 (d) A person who knowingly violates subsection (b) of this section shall:

5 (1) For a first offense, be imprisoned for not more than one year or fined
6 not more than \$2,000.00 or both.

7 (2) For a second or subsequent offense, be imprisoned not more than
8 two years or fined not more than \$5,000.00 or both.

9 (e) Each violation of this section shall constitute a separate offense. If any
10 violation of this section meets the definition of the crime of animal cruelty as
11 described in section 352 of this title, the defendant may be charged and
12 penalized under that section rather than this section.

13 (f) This section shall not be construed to:

14 (1) place any numerical limits on the number of dogs a person may own
15 or control when the dogs are not used for breeding or selling offspring for use
16 as a pet; or

17 (2) limit hunting with dogs or the ability to breed, raise, or sell hunting
18 dogs.

19 (g) This section shall not apply to:

20 (1) a dog during:

21 (A) examination, testing, operation, recuperation, or other individual
22 treatment for veterinary purposes;

1 (B) lawful scientific research;

2 (C) transportation;

3 (D) cleaning of a dog's enclosure;

4 (E) supervised outdoor exercise; or

5 (F) any emergency that places a dog's life in imminent danger;

6 (2) any retail pet store;

7 (3) registered animal shelters;

8 (4) hobby or show breeders who have custody of no more than ten
9 female covered dogs for the purpose of breeding those dogs and selling any
10 offspring for use as a pet; or

11 (5) a dog trainer who does not breed and sell dogs for use as a pet.

12 (h) If any provision of this section or its application to any person or
13 circumstance is held invalid, the invalidity does not affect other provisions or
14 applications of this section which can be given effect without the invalid
15 provision or application, and, to this end, the provisions of this section are
16 severable.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2012.