

CVR 20-022-017

CODE OF VERMONT RULES
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AGENCY 20. DEPARTMENT OF AGRICULTURE, FOOD AND MARKETS
SUB-AGENCY 022. LIVESTOCK DIVISION
CHAPTER 017. RULES GOVERNING THE HUMANE TREATMENT OF ANIMALS

CVR 20-022-017 (2015)

20 022 017. Rules Governing the Humane Treatment of Animals

I. RULES GOVERNING THE ADMINISTRATION OF CERTAIN SUBSTANCES TO ANIMALS ENTERED IN PULLING CONTESTS AND COMPETITIVE EVENTS

1. Statutory Authority

These rules are promulgated pursuant to 13 V.S.A. Chapter 8, section 392.

2. Definitions

In addition to those definitions set forth in 13 V.S.A. sections 351 and 391, the following words shall have the following definitions:

A. Drug- (1) Articles recognized in the official United States Pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; (4) articles intended for use as a component of any article specified in clauses (1), (2) or (3) but does not include devices or their components, parts or accessories. This definition includes, but is not limited to, the following articles as defined:

a) Anabolic Steroid- Testosterone, or a steroid hormone resembling testosterone or, any one of a large family of chemical substances comprising many hormones, vitamins, body constituents and drugs each containing the tetracyclic cyclopenta (a)phenanthrene skeleton, which stimulates the build up of the body substance through the process of assimilation of nutritive matter and its conversion into living substance.

b) Analgesic- A compound, such as aspirin, that relieves pain by altering perception of nociceptive stimuli without producing anesthesia or loss of consciousness.

c) Anti-inflammatory- An agent that relieves local swelling, redness and pain caused by an injury or illness by acting on body mechanisms, without directly antagonizing the causative agent. This includes, but is not limited to, non-steroidal anti-inflammatory drugs, steroids, DMSO, antihistamines and glucocorticoids.

d) Antipyretic- An agent that reduces fever.

e) Depressant- An agent that depresses the circulatory, respiratory and/ or central nervous

system, lowering the vital tone or reducing the functional tone or activity; a sedative.

f) Local Anesthetic- A compound that, when applied directly to mucous membranes or when injected about nerves, reversibly produces loss of sensation by inhibiting nerve excitation or conduction in a limited part of the body; not general or systemic.

g) Sedative- An agent that produces a calming effect and reduces nervous excitement, including tranquilizers.

h) Stimulant- An agent that stimulates the circulatory, respiratory, and/or central nervous system or an agent that arouses organic activity, strengthens the action of the heart, increases vitality, and/or promotes a sense of well-being.

B. Normal Performance:

The extent to which the particular animal entered in the competitive event or pulling competition is capable of performing if no drug is administered.

C. Specimen:

Blood, urine or saliva of an animal that is extracted for testing purposes.

D. Therapeutic Substance:

Medications approved by a veterinarian which are necessary for the treatment of an existing acute illness or injury which do not affect or alter the normal performance of the animal. Antibiotics and antiseptics are considered to be therapeutic substances.

3. Drugs Prohibited

a) No person shall administer internally or externally a drug to any animal entered in an animal pulling contest or competitive event that may affect or alter the normal performance of that animal. The drugs prohibited by this rule include, but are not limited to, anabolic steroids, analgesics, anti-inflammatories, antipyretics, depressants, local anesthetics, sedatives and stimulants.

b) This rule prohibits a person from administering a drug that may affect or alter the normal performance of an animal entered in competition, regardless of whether the amount administered actually affects or alters the normal performance of the animal.

4. Masking Drugs Prohibited

No person shall administer internally or externally to any animal entered in a pulling contest or competitive event any drug that has a potential to interfere with drug detection procedures, including such products as furosemide, sulfa drugs, dipyrone, and benzimidazole anthelmintics.

5. Security of Animals Entered in Competition

Owners and handlers of animals entered in pulling contests or competitive events shall be responsible for ensuring that their animals are free from any prohibited drug prior to entering the contest or event.

6. Use of Therapeutic Substances

An animal that has received a therapeutic substance may compete if all of the following conditions exist:

- a) The therapeutic substance has no potential to interfere with laboratory tests for prohibited drugs.
- b) The therapeutic substance is given by or under the direction of a licensed veterinarian; a veterinary/client relationship as described by the American Veterinary Medical Association must exist.
- c) Accurate veterinary records detailing the name of the substance, dosage used, dates and times of administration are kept by the animal's owner.
- d) Pulling contest or competitive event officials are notified in writing that a therapeutic substance has been given as soon as possible after treatment and prior to any event the person has entered. The contest or event officials may prohibit from competition any animal treated with a therapeutic substance if such prohibition is in the best interest of the contest or event.
- e) At least 48 hours have elapsed between the last administration of the therapeutic substance and entering a pulling contest or competitive event.

7. 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.

8. Testing Procedures

- a) The Commissioner of Agriculture, at his or her discretion, or upon request from a person or sponsor of a pulling contest or competitive event (sponsor), may take specimens for laboratory testing from any animal entered in a pulling contest or competitive event.
- b) The specimen shall be drawn by a veterinarian authorized by the by the Department of Agriculture to draw such specimens. The specimen shall be drawn no later than six hours from the completion of the contest or event.
- c) A person or sponsor requesting a test shall make the request to the Commissioner in writing prior to the start of the pulling contest or competitive event.
- d) The person or sponsor requesting the test shall pay the Commissioner a fee at the completion of sampling to cover the testing costs. The veterinarian shall collect the fee for the Commissioner after the last sample is drawn. The testing fee includes materials used, laboratory fee and veterinary services.
- e) The owner or handler of the animal being tested and a representative of the sponsor may observe the testing and identification of the specimen and may sign required documents to affirm that those persons observed the taking, identification, and security of that specimen.

9. Penalties for Failing to Comply with Testing Procedures

Failure of an owner or handler to submit an animal for testing on request, or to provide adequate information, or to assist in restraining the animal so that the specimen can be taken, is a violation of 13 V.S.A. section 394, subject to the penalty provision in 13 V.S.A. section 397.

10. Notification of Test Results and Hearing

- a) The Commissioner shall notify the animal's owner and the superintendent of the contest or event of any positive test results within 14 calendar days from the date the Commissioner receives the results.
- b) The presence of a prohibited drug in the chemical analysis of the specimen shall be prima facie evidence that a drug has been administered. If the laboratory test indicates the presence of a prohibited drug, the Commissioner shall hold a hearing at which the animal's owner or a representative of the owner may appear and be heard.
- c) Based on all the evidence, the Commissioner shall issue a finding of whether the provisions of 13 V.S.A., Chapter 8, subchapter 9 and this rule have been violated.

11. Penalties for Statutory and Rules Violations

Upon finding that a violation has occurred:

- a) The animal administered the prohibited drug shall be disqualified from the competition, and any award, premium, or trophy shall be forfeited; and
- b) The Commissioner may prohibit the person responsible for the violation from participating in any capacity in any pulling contest or competitive event.
- c) The Commissioner may bar any animal found to have been drugged from entering any pulling contest or competitive event regardless of ownership.
- d) The Commissioner may assess the violator an administrative penalty in an amount not to exceed \$ 1,000,00 per violation. The Commissioner shall utilize the provisions of 6 V.S.A. sections 16 and 17 in assessing the penalty.

12. Appeal

Any person aggrieved by the Commissioner's finding and order or penalty may appeal to the superior court in the county in which the animal pulling contest or competitive event was held.

13. Loss of Eligibility for Out-of-State Violations

Any person fined or convicted of administering an unlawful drug to animals entered in a competitive event or 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.

14. Abuse of Animals in Pulling Contests Prohibited

- a) Any person found rein-whipping or otherwise whipping a horse in an animal pulling contest shall be automatically disqualified, and shall 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 at any other time for purposes other than guiding the animals 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.
- c) Any goad stick used with cattle in an animal pulling contest shall be made of wood, shall not be taped, and shall not be more than 3/4 inches in diameter.

Excessive violation of this rule is a violation of 13 V.S.A. section 352 (a) (2).

15. 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 held on the day of the test.

II. RULES GOVERNING THE TRANSPORTATION OF ANIMALS

1. Statutory Authority

These rules are promulgated pursuant to 13 V.S.A., Chapter 8, section 387.

2. Transporting Animals by Railroad

a) A railroad company transporting animals shall not permit the animals 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.

b) Animals unloaded shall be fed, watered, and sheltered by the owner or person having custody of the animals during each resting period, consistent with the provisions of these rules.

c) In the event the owner or person having custody defaults on their feeding, watering, or sheltering responsibilities, the railroad company transporting the animals shall provide feed and water at the owner's expense. In this case, the railroad company shall have a lien upon the animals for food, care and custody furnished.

d) Failure to comply with the provisions of this rule is a violation of 13 V.S.A. section 352 (a) (4).

3. Transporting Animals by Truck

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.

b) The animals shall be provided with feed and water during this rest period except when reasonable space, food and water are provided in the vehicle.

c) Consistent with section 6 of these rules, reasonable space and protection from the weather shall be provided to animals in trucks employed commercially in the long distance transportation of animals.

d) Any person who violates a provision of this rule is in violation of 13 V.S.A. section 352 (a) (4).

4. Vehicles Used to Transport Horses

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

a) There shall be at least two doors for loading and unloading, which shall not be on the same side;

- b) Loading ramps shall be provided if the vertical distance from the floor of the truck to the ground is greater than 15 inches;
- c) The interior compartment construction shall be of smooth material with no hazardous, sharp protrusions;
- d) There shall be sufficient openings to ensure adequacy of ventilation;
- e) Partitions shall be placed in compartments having no stalls;
- f) Doorways shall be of sufficient height to allow safe loading and unloading; and
- g) Compartment height shall be sufficient to allow clearance of the poll and withers of each horse loaded.
- h) Vehicles under this rule shall have no more than one tier in compartments carrying horses.

Failure to comply with the provisions of this rule is a violation of 13 V.S.A. section 352 (a) (3).

5. Separation of Species

- a) There shall be separation of species when animals are transported by either rail or truck.
- b) Failure to provide such separation is a violation of 13 V.S.A. sections 352 (a) (3) and (4).

6. Conditions of Transportation

- a) Railroad cars and trucks employed commercially for transporting animals shall be sufficiently covered or boarded on the sides and ends to afford proper protection to animals in case of storms or severe cold weather.
- b) All railroad cars and commercial trucks transporting animals shall be properly ventilated.
- c) A greater number of animals shall not be loaded into any railroad car or commercial truck than can stand comfortably within the car or truck.
- d) No person shall transport any animal in a railroad car or commercial truck, or by any other mode of transportation, in a cruel or inhumane manner.

7. Feeding Animals in Transport

- a) All animals being fed during resting periods required by this rule shall be fed the type and amount of feed as is normal for that species of animal.
- b) When emergency conditions arise, such as severe weather changes, or in the case of transportation delays, the animals shall receive amounts of feed and water sufficient to sustain the animals until they arrive at the next feeding station or destination.

8. Watering Animals in Transport

- a) All animals shall be furnished an ample supply of potable water during required resting periods.
- b) Water treated with chemicals for industrial or boiler use, or taken from streams or ponds containing sewage, mud, or other objectionable matter shall not be used. In cold weather, the water shall be free from ice.

c) Troughs and other receptacles shall be clean.

9. Conditions of Feeding Pens

Stock pens and other enclosures used for feeding, watering, and resting animals in transit shall have:

- a) Sufficient space for all of the animals to lie down at the same time;
- b) Properly designed facilities for feeding and watering the animals;
- c) Reasonably well drained, clean, and safe floors of concrete, gravel, hardpacked earth, or other suitable material; and
- d) Suitable protection from severe weather conditions.

10. Preference of Animals as Freight

- a) 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.
- b) All vehicles and common carriers loaded with animals at any station shall take precedence over all other freight.

11. Transporting Cattle 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. Any such memorandum shall also contain: 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.
- b) 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.
- c) Any person violating the provisions of this rule is in violation of 13 V.S.A. section 385, and is subject to the penalties pertaining thereto.

12. Confinement of Animals in Vehicles

- a) No person shall leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal. Factors to consider include air temperature; direct sunlight; evidence of animal distress such as shivering, rapid breathing; presence or absence of food, water, ventilation; and length of time the animal has been left in the vehicle.
- 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.

- c) An officer may not be held liable for criminal or civil liability for any damage resulting from actions taken pursuant to this rule.
- d) Failure to comply with subsection (a) of this rule is a violation of 13 V.S.A. section 352 (a) (3).

III. RULES GOVERNING THE SALE OF DOGS AND CATS

1. Statutory Authority

These rules are promulgated pursuant to 20 V.S.A., Chapter 199, section 4302.

2. Definitions

As used in this rule:

A. Animal- means a dog or cat.

B. Consumer- means an individual who purchases an animal from any licensee or registrant under 20 V.S.A. chapter 194. A licensee or registrant under this rule is not a consumer.

C. Pet Dealer- means any person, firm, partnership or corporation, or a representative or agent, who engages in the sale of more than one litter of animals per year or two or more animals over six months of age to consumers for monetary consideration. Breeders of animals who sell animals to the public are included in this definition; except that duly incorporated humane societies or animal shelters which make animals available for adoption are exempt. Pet Dealers licensed under the Animal Welfare Act are included in this definition.

D. Litter - All the puppies or kittens born to a female dog or cat at one birth. For the purpose of this rule the sale of one puppy or kitten from a litter constitutes the sale of a litter.

3. Pet Dealer Required to Provide Information

Any pet dealer who sells an animal shall provide the consumer with the following forms and laws.

A. Consumer Right-to-Know Form containing:

- 1) A description of the animal, including the breed, if known.
- 2) The medical history of the animal, if known, including any vaccinations administered to the animal and the results of any fecal exams;
- 3) The date of purchase;
- 4) The purchase price;
- 5) The name, address and telephone number of both the pet dealer and the consumer;
- 6) The pet dealer's signature certifying the contents of the document.
- 7) The purchasers signature certifying receipt of the document.

B. Dog or Cat Request for Restitution Form including:

1. Description of animal, including the breed, if known:

2. Owner:
 3. Address:
 4. Date Purchased: Name of pet dealer and address:
 5. Date and signature of the owner certifying that the information in 1, 2, 3 and 4 above is accurate to the best of their knowledge.
 6. Date of Examination: Name and address of examining veterinarian.
 7. Diagnosis:
 8. Treatment:
 9. Estimated Cost:
 10. Signature of the veterinarian certifying that the information in 6, 7, 8 and 9 is accurate to the best of his/her knowledge.
- C. Copy of 20 V.S.A. Chapter 199 Section 4302 (a), (e) and Sections 4303 must be attached to Dog or Cat Request for Restitution Form.
- D. Copy of applicable state rabies and licensing laws. These copies must be attached to Consumer Right-to-Know Reporting Form. Statutory Authority: 13 V.S.A. Chapter 8 § 392.
- Effective Date: July 1, 1991 (Secretary of State Rule Log # 91-30)