



# House of Representatives

General Assembly

**File No. 337**

February Session, 2000

Substitute House Bill No. 5673

*House of Representatives, March 30, 2000*

The Committee on Environment reported through REP. STRATTON of the 17<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***An Act Concerning Domestic Animals, Licensure For The Control Of Nuisance Wildlife And Animals In Agricultural Events.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-331a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 Any two or more contiguous towns (1) each of which has a  
4 population of less than twenty-five thousand, or (2) all of which when  
5 taken in the aggregate have a population of less than seventy  
6 thousand, and which have or will provide a dog pound facility within  
7 their region, by action of their legislative bodies, may agree to be  
8 served by a regional animal control officer. Upon certification of such  
9 agreement to the commissioner with assurances from the towns so  
10 certifying that they will provide and continue to provide adequate  
11 facilities and compensation for such officer, the commissioner may,  
12 after giving due regard to the regional aspects of the proposed facilities

13 and whether the proposed region would be in the best interests of the  
14 towns so certifying, establish such region. Each person so appointed  
15 shall have the same powers and duties within the region to which [he  
16 is] assigned as a municipal animal control officer in each town therein.  
17 All costs of maintaining and operating such pounds and administering  
18 and enforcing the laws relating to dogs within such regions shall be  
19 paid in accordance with the provisions of the agreement certified to  
20 the commissioner under this section.

21 Sec. 2. Section 26-47 of the general statutes is repealed and the  
22 following is substituted in lieu thereof:

23 (a) When it is shown to the satisfaction of the commissioner that  
24 wildlife is causing unreasonable damage to agricultural crops during  
25 the night and it is found by the commissioner that control of such  
26 damage by wildlife is impracticable during the daylight hours, the  
27 commissioner may issue permits for the taking of such wildlife as [he]  
28 the commissioner deems necessary to control such damage by such  
29 method as [he] the commissioner determines, including the use of  
30 lights, during the period between sunset and sunrise, upon written  
31 application of the owner or lessee of record of the land on which such  
32 crops are grown. Such permits may be issued to any qualified person  
33 designated by such landowner or lessee. The person to whom such  
34 permit is issued shall be held responsible for complying with the  
35 conditions under which such permit is issued. The provisions of this  
36 section shall not apply to deer.

37 (b) (1) No person shall engage in the business of controlling  
38 nuisance wildlife, other than rats or mice, without obtaining a license  
39 from the commissioner. Such license shall [expire on the last day of  
40 December next succeeding its issuance] be valid for a period of two  
41 years and may be renewed in accordance with a schedule established  
42 by the commissioner. The fee for such license shall be [fifty] one  
43 hundred dollars. The controlling of nuisance wildlife at the direction of

44 the commissioner shall not constitute engaging in the business of  
45 controlling nuisance wildlife for the purposes of this section. No  
46 person shall be licensed under this subsection unless [he provides] the  
47 person: (A) Provides evidence, satisfactory to the commissioner, that  
48 [he] the person has completed training which included instruction in  
49 site evaluation, methods of nonlethal and approved lethal resolution of  
50 common nuisance wildlife problems, techniques to prevent  
51 reoccurrence of such problems and humane capture, handling and  
52 euthanasia of nuisance wildlife and instruction in methods of  
53 nonlethal resolution of common nuisance wildlife problems, including,  
54 but not limited to, training regarding frightening devices, repellants,  
55 one-way door exclusion and other exclusion methods, habitat  
56 modification and live-trapping and releasing and other methods as the  
57 commissioner may deem appropriate; and (B) is a resident of this state  
58 or of a state that does not prohibit residents of this state from being  
59 licensed as nuisance wildlife control operators because of lack of  
60 residency.

61 (2) The licensure requirements of this subsection shall apply to  
62 municipal employees who engage in the control or handling of  
63 animals, including, but not limited to, animal control officers, except  
64 that no license shall be required of such employees for the emergency  
65 control of rabies. Notwithstanding the requirements of this subsection,  
66 the commissioner shall waive the licensure fee for such employees. The  
67 commissioner shall provide to such municipal employees, without  
68 charge, the training required for licensure under this subsection.

69 (3) The commissioner shall adopt regulations in accordance with the  
70 provisions of chapter 54 which (A) define the scope and methods for  
71 controlling nuisance wildlife provided such regulations shall  
72 incorporate the recommendations of the 1993 report of the American  
73 Veterinary Medical Association panel on euthanasia and further  
74 provided such regulations may provide for the use of specific  
75 alternatives to such recommendations only in specified circumstances

76 where use of a method of killing approved by such association would  
77 involve an imminent threat to human health or safety and only if such  
78 alternatives are designed to kill the animal as quickly and painlessly as  
79 practicable while protecting human health and safety, and (B) establish  
80 criteria and procedures for issuance and renewal of a license.

81 [(2)] (4) Except as otherwise provided in regulations adopted under  
82 this section, no person licensed under this subsection may kill any  
83 animal by any method which does not conform to the  
84 recommendations of the 1993 report of the American Veterinary  
85 Medical Association panel on euthanasia. No person may advertise  
86 any services relating to humane capture or relocation of wildlife unless  
87 all methods employed in such services conform to such regulations.

88 [(3)] (5) Any person licensed under this subsection shall provide all  
89 clients with a written statement approved by the commissioner  
90 regarding approved lethal and nonlethal options, as provided in this  
91 subsection, which are available to the client for resolution of common  
92 nuisance problems. If a written statement cannot be delivered to the  
93 client prior to services being rendered, the licensee shall leave the  
94 statement at the job site or other location arranged with the client.

95 [(4) On or before February first of each year, each]

96 (6) Each person licensed under this subsection shall submit [a] an  
97 annual report to the commissioner, [which] on such date as the  
98 commissioner may determine, that specifies the means utilized in each  
99 case of nuisance wildlife control service provided in the preceding  
100 calendar year including any method used in those cases where an  
101 animal was killed. Any information included in such report which  
102 identifies a client of such person or the client's street address may be  
103 released by the commissioner only pursuant to an investigation related  
104 to enforcement of this section.

105 (c) Any person who violates any provision of this section, or any

106 condition under which a permit or license is issued, shall be fined not  
107 less than twenty-five dollars nor more than two hundred dollars or be  
108 imprisoned not more than sixty days or be both fined and imprisoned;  
109 and any permit or license issued to such person, and all other such  
110 permits or licenses issued to any other person for such property, shall  
111 be revoked by the commissioner and the right to obtain such permit or  
112 license shall remain suspended for such period of time as the  
113 commissioner determines.

114 (d) Any permit or license issued under this section shall not  
115 authorize the taking of deer.

116 Sec. 3. Section 22-126a of the general statutes is repealed and the  
117 following is substituted in lieu thereof:

118 The Commissioner of Agriculture, at the request and expense of the  
119 authority in charge of any animal drawing contest, shall provide for  
120 the administration of a program to test, immediately before or after a  
121 drawing contest, for the presence of drugs in any animals participating  
122 in such contest. The authority may charge the owner of the animal  
123 being tested for the cost of such test. The commissioner may, within  
124 available appropriations, on [his] the commissioner's own initiative  
125 and at state expense, test animals participating in such contest on a  
126 random basis for the presence of drugs. The authority in charge of  
127 such contest shall provide well-lighted facilities, removed from the  
128 public, for the administration of such test. The owner or trainer of any  
129 animal being so tested shall provide assistance and proper restraint for  
130 confining such animal for and during the administration of such test. If  
131 the animal continues to resist the test after restraint is applied and the  
132 person administering the test determines a danger exists to the animal  
133 or persons present at the test, an alternative test shall be administered.  
134 No prize money shall be paid until the result of the test is known. If  
135 any such test reveals the presence of a drug in any such animal, such  
136 animal shall be disqualified to participate in such contest, shall be

137 ineligible to receive any prize money awarded in such contest and  
138 such animal shall be barred from participating in any such contest held  
139 in this state for a period of one year from the date of receipt by the  
140 commissioner of the results of the test. The owner or trainer or both the  
141 owner and trainer of any such animal shall be barred from entering  
142 any other animal in any such contest held in this state for a period of  
143 not less than one year nor more than two years, at the commissioner's  
144 discretion, from the date of receipt by the commissioner of the results  
145 of the test for the first finding of the presence of a drug and for a  
146 period of not less than two years nor more than three years, at the  
147 commissioner's discretion, for a second such finding. The owner of any  
148 such animal shall reimburse the authority in charge of such animal  
149 drawing contest or the state, as the case may be, for the expense of  
150 such test. The owner may appeal, in accordance with the provisions of  
151 chapter 54, any action by the commissioner authorized by this section.  
152 As used in this section: [ , "drug"] (1) "Drug" means any medication,  
153 stimulant, depressant, hypnotic or narcotic used in the diagnosis, cure,  
154 mitigation, treatment or prevention of disease in [man] humans or  
155 other animals; and (2) "trainer" means any person responsible for the  
156 care, training, custody or performance of an animal including, but not  
157 limited to, a person who signs an entry form for participation in a  
158 drawing contest or who has control of the animal during a drawing  
159 contest.

160 Sec. 4. This act shall take effect from its passage, except that sections  
161 1 and 2 shall take effect October 1, 2000.

**ENV Committee Vote:** Yea 23 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

- State Impact:** Cost, Minimal Revenue Change
- Affected Agencies:** Departments of Environmental Protection and Agriculture
- Municipal Impact:** Potential Cost Savings and Cost (STATE MANDATE)

**Explanation**

**State Impact:**

Requiring all animal control officers and other municipal employees who handle animals to have a nuisance wildlife control (NWC) license and have the Department of Environmental Protection (DEP) to waive their fee and provide free training will increase costs to DEP. It is anticipated that DEP will need a wildlife biologist and funds for supplies and other administrative expenses of approximately \$55,000 a year.

Extending the NWC license from one year to two years and increasing the fee to compensate (\$50 to \$100) will result in a minimal revenue impact to the General Fund. Since the fee payment date and schedule is to be determined by DEP, it is unclear when the change will take place. Total fees collected are \$8,000.

Lastly, subjecting an animal's trainer to the same potential penalties as its owners if the animal tests positive for drugs after an animal

drawing contest, will close a loophole in the current law and is not anticipated to have a fiscal impact.

***Municipal Impact:***

Expanding the eligibility criteria for towns that want to be served by a regional animal control officer could result in a cost savings to participating towns.

Requiring all animal control officers and other municipal employees that control or handle animals to be trained will increase costs to municipalities. The costs to municipalities will vary depending upon the salaries, number or status (80 communities use full-time; 89 communities use part-time animal control officers, other employees to be trained are not known) of their employees. It is anticipated that they will be paid while they are in training and/or additional personnel will need to perform their duties. The exact impact is not known.

**OLR Bill Analysis**

sHB 5673

**AN ACT CONCERNING DOMESTIC ANIMALS, LICENSURE FOR THE CONTROL OF NUISANCE WILDLIFE AND ANIMALS IN AGRICULTURAL EVENTS.****SUMMARY:**

This bill expands the eligibility criteria for towns that want the services of a regional animal control officer.

It makes several changes to the laws regarding nuisance wildlife control (NWC) licenses, including (1) requiring all animal control officers and other municipal employees who handle animals to have a NWC license and requiring the Department of Environmental Protection (DEP) to waive its fee and provide training, (2) extending license validity from one to two years and increasing the fee accordingly, (3) allowing the commissioner to determine when licenses must be renewed and when license holders must report their activities each year, and (4) prohibiting nonresidents from holding a license if their state of residency does not allow Connecticut residents to hold a NWC license in that state.

The bill subjects an animal's trainers to the same potential penalties as owners when the animal tests positive for drugs after an animal drawing contest (i.e., a pulling contest).

**EFFECTIVE DATE:** October 1, 2000, except for the provisions regarding animal trainers, is effective upon passage.

**REGIONAL ANIMAL CONTROL SERVICES**

By law, contiguous towns that each have a population less than 25,000 and that have or plan to have a regional dog pound facility may agree to be served by a regional animal control officer (ACO). The bill allows towns to do this if their combined population is less than

70,000. The town legislative bodies and the Department of Agriculture must approve the agreement.

It appears that these towns may still have to employ a municipal ACO if their individual population exceed 25,000.

## **NUISANCE WILDLIFE CONTROL LICENSES**

### ***Animal Control Officers must be Licensed***

The bill requires all ACOs and other municipal employees that control or handle animals, other than for the emergency control of rabies, to have a nuisance wildlife control license. DEP must waive the license fee for ACOs and such employees and provide them with required training without charge.

By law, license holders must provide clients written statements of options regarding nuisance problems and annually report their NWC activities to DEP.

### ***Nuisance Wildlife Control License Fee and Renewal***

The bill makes NWC licenses valid for two years rather than one and increases the fee from \$50 to \$100. It requires the licenses to be renewed on a DEP schedule rather than each December.

### ***Nuisance Wildlife Control Activities Reports***

The bill requires NWC license holders to submit a report on their activities to DEP on a date the commissioner sets rather than by February 1.

### ***License Requirement for Nonresidents***

Under the bill, a nonresident may not hold a license unless his state of residency “does not prohibit” Connecticut residents from holding a NWC license in that state. (It is unclear whether residents from a state with a requirement similar to this one or no license at all would be eligible.)

**TRAINERS SUBJECT TO PENALTIES FOR FAILED ANIMAL DRUG TESTS**

By law, owners of animals that fail drug tests after drawing contests are barred from entering animals in such contests for at least one year and up to two at the discretion of the agriculture commissioner. For second offenses, they are barred for at least two years and up to three. (There is no penalty specified for subsequent offenses.) Under the bill, the animal’s trainers may be subject to the same penalties. The bill makes a corresponding change requiring trainers or owners to provide appropriate assistance during drug tests. By law, animals that fail drug tests are barred from contests for one year.

The bill defines a “trainer” as any person responsible for the care, training, custody, or performance of an animal, including the person signing the contest entry form or who controls the animal during the contest.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 23      Nay 0