



General Assembly

**Substitute Bill No. 5673**

*February Session, 2000*

***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 Section 22-331a of the general statutes is repealed and the  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 Section 26-47 of the general statutes is repealed and the  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