



# House of Representatives

## File No. 605

General Assembly

January Session, 2001

**(Reprint of File No. 337)**

Substitute House Bill No. 6554  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 3, 2001

### **AN ACT CONCERNING THE DRUG TESTING OF ANIMALS IN DRAWING CONTESTS.**

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

1 Section 1. Section 22-126a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) The Commissioner of Agriculture, at the request and expense of  
4 the authority in charge of any animal drawing contest, shall provide  
5 for the administration of a program to test, immediately before or after  
6 a drawing contest, for the presence of drugs in any animals  
7 participating in such contest. The authority may charge the owner of  
8 the animal being tested for the cost of such test. The commissioner  
9 may, within available appropriations, on [his] the commissioner's own  
10 initiative and at state expense test animals participating in such contest  
11 on a random basis for the presence of drugs. The authority in charge of  
12 such contest shall provide well-lighted facilities, removed from the  
13 public, for the administration of such test. The owner or trainer or both  
14 the owner and trainer of any animal [being so] to be tested shall  
15 submit such animal for testing and shall provide assistance and proper

16 restraint for confining such animal for and during the administration  
17 of such test. If the animal continues to resist the test after restraint is  
18 applied and the person administering the test determines a danger  
19 exists to the animal or persons present at the test, an alternative test  
20 shall be administered. No prize money shall be paid until the result of  
21 the test is known. If any such test reveals the presence of a drug in any  
22 such animal, such animal shall be disqualified to participate in such  
23 contest, shall be ineligible to receive any prize money awarded in such  
24 contest and [such animal] shall be barred from participating in any  
25 such contest held in this state for a period of one year from the date of  
26 receipt by the commissioner of the results of the test. The owner or  
27 trainer or both the owner and trainer of any such animal shall be  
28 barred from entering any other animal in any such contest held in this  
29 state for a period of not less than one year nor more than two years at  
30 the commissioner's discretion from the date of receipt by the  
31 commissioner of the results of the test for the first finding of the  
32 presence of a drug and for a period of not less than two years nor more  
33 than three years at the commissioner's discretion for a second such  
34 finding. The owner of any such animal shall reimburse the authority in  
35 charge of such animal drawing contest or the state, as the case may be,  
36 for the expense of such test. The owner may appeal, in accordance with  
37 the provisions of chapter 54, any action by the commissioner  
38 authorized by this section. As used in this section: [,"drug"] (1) "Drug"  
39 means any medication, stimulant, depressant, hypnotic or narcotic  
40 used in the diagnosis, cure, mitigation, treatment or prevention of  
41 disease in [man] humans or other animals; and (2) "trainer" means any  
42 person responsible for the care, training, custody or performance of an  
43 animal including, but not limited to, a person who signs an entry form  
44 for participation in a drawing contest or who has control of the animal  
45 during a drawing contest.

46 (b) Any owner or trainer or both the owner and trainer who: (1)  
47 Fails to submit an animal for drug testing, as provided in subsection  
48 (a) of this section; (2) fails to assist in the drug testing of an animal, as  
49 provided in subsection (a) of this section; (3) does not provide proper

50 restraint for confining such animal for and during the administration  
51 of such drug test; or (4) interferes in the restraint or drug testing of  
52 such animal shall: (A) Be disqualified from participating in such  
53 contest and such animal shall be barred from participating in any such  
54 contest held in this state for a period of one year from the date of the  
55 contest; (B) be ineligible to receive any prize money awarded in such  
56 contest; and (C) be barred from entering any other animal in any such  
57 contest held in this state for a period of not less than one year nor more  
58 than two years, at the commissioner's discretion, from the date of such  
59 contest.

60 (c) Any owner or trainer or both the owner and trainer who violates  
61 subsection (a) or (b) of this section shall be subject to administrative  
62 civil penalties, as provided in section 22-7.

63 (d) Any owner or trainer or both the owner and trainer of any  
64 animal that tests positive for the presence of drugs in any other state  
65 shall be prohibited from entering any animal in a drawing contest in  
66 this state for a period of not less than one year or more than two years  
67 at the commissioner's discretion from the date of any such drug test.

68 Sec. 2. This act shall take effect July 1, 2001.

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:** Potential Minimal Revenue Gain and Potential Minimal Cost

**Affected Agencies:** Department of Agriculture

**Municipal Impact:** None

**Explanation**

**State Impact:**

To the extent that provisions in the bill as amended make additional offenses subject to administrative civil penalties, there could be a workload increase to the Department of Agriculture and a minimal General Fund revenue gain. Based on past history, no more than 2 offenses are estimated to be committed a year.

House "A" and House "B" do not change the fiscal impact of the underlying bill.

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**OLR Bill Analysis**

sHB 6554 (as amended by House "A" and "B")\*

**AN ACT CONCERNING THE DRUG TESTING OF ANIMALS IN DRAWING CONTESTS.****SUMMARY:**

This bill authorizes the agriculture commissioner to bar animal trainers who enter drugged animals in drawing contests from participating in the contests, claiming prize money, and participating in future drawing contests. He can already penalize the animal's owner. The bill adds to the actions for which owners and trainers, or both, may be temporarily barred from participating in drawing contests, and it subjects those who violate certain of its provisions to a fixed civil penalty of up to \$2,500 per violation, plus \$250 for each day the violation continues after the penalty is imposed.

\*House Amendment "A" specifies that both trainers and owners are subject to the bill's requirements and punishments.

\*House Amendment "B" (1) makes animal owners and trainers responsible for submitting their animals for testing; (2) makes more actions punishable and adds to the list of possible punishments; and (3) changes, from the testing date to the contest date, the starting time for any penalties the commissioner imposes on owners or trainers who fail to help or interfere with testing.

EFFECTIVE DATE: July 1, 2001

**OFFENSES AND PENALTIES**

Under current law, if the commissioner finds an animal has been drugged, he must bar the animal's owner from entering any other animal in any drawing contest in the state for between one and two years for a first offense, and for between two and three years for a second offense. In addition, the owner cannot claim prize money from the contest, and the animal is disqualified from the contest and barred from taking part in any such contest for one year. The prohibitions

begin when the commissioner receives the test results.

The bill extends these prohibitions to animal trainers. It also applies the prohibitions to animal owners, trainers, or both, who:

1. fail to submit an animal for drug testing;
2. fail to assist in the drug testing;
3. fail to provide proper restraint to confine an animal for testing; or
4. interfere with the animal's restraint or drug test,

The only difference is when the period of prohibition begins. As stated above, the prohibitions for entering a drugged animal begins from the date the commissioner receives the test results. The prohibitions resulting from the testing or inability to test begin on the contest date.

The bill also subjects any owner or trainer who violates any of the above provisions to a maximum, fixed civil penalty of \$2,500 per violation, plus \$250 for each day the violation continues after the penalty is imposed.

Lastly, the bill requires the commissioner to bar any owner, trainer, or both, from entering an animal in a drawing contest in the state for between one and two years if he finds that the person owned or trained an animal that tested positive for drugs in another state.

**TRAINER**

A trainer is any person responsible for the care, training, custody or performance of an animal, including a person who signs an entry form for participation in a drawing contest, or who has control of the animal during such a contest.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28      Nay 0

