



Senate

File No. 541

General Assembly

February Session, 2002

(Reprint of File No. 189)

Substitute Senate Bill No. 78
As Amended by Senate Amendment
Schedule "A" and House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 19, 2002

AN ACT CONCERNING COMPANION ANIMAL HEALTH CERTIFICATES AND CRUELTY TO ANIMALS.

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

1 Section 1. Section 22-354 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 Any dog or cat imported into this state shall be accompanied by a
4 certificate of health issued no earlier than thirty days prior to the date
5 of importation by a licensed, graduate veterinarian stating that such
6 dog or cat is free from symptoms of any infectious, contagious or
7 communicable disease, and that such dog or cat, if three months of age
8 or older, is currently vaccinated for rabies by a licensed veterinarian. A
9 copy of such health certificate shall be forwarded promptly to the
10 commissioner from the livestock sanitary official of the state of origin.
11 Any dog or cat originating from a rabies quarantine area must have
12 permission of the State Veterinarian prior to importation into this state.
13 No person, firm or corporation shall import or export for the purposes
14 of sale or offering for sale any dog or cat under the age of eight weeks

15 unless such dog or cat is transported with its dam and no person, firm
16 or corporation shall sell within the state any dog or cat under the age
17 of eight weeks. Any person, firm or corporation violating the
18 provisions of this section or bringing any dog or cat into this state from
19 an area under quarantine for rabies shall be fined not more than one
20 hundred dollars or imprisoned not more than thirty days or both.

21 Sec. 2. Section 53-247 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2002*):

23 (a) (1) Any person who overdrives, drives when overloaded,
24 overworks, tortures, deprives of necessary sustenance, mutilates or
25 cruelly beats or kills or unjustifiably injures any animal, or who,
26 having impounded or confined any animal, fails to give such animal
27 proper care or neglects to cage or restrain any such animal from doing
28 injury to itself or to another animal or fails to supply any such animal
29 with wholesome air, food and water, or unjustifiably administers any
30 poisonous or noxious drug or substance to any domestic animal or
31 unjustifiably exposes any such drug or substance, with intent that the
32 same shall be taken by an animal, or causes it to be done, or, having
33 charge or custody of any animal, inflicts cruelty upon it or fails to
34 provide it with proper food, proper drink or [protection] proper
35 shelter from the weather or abandons it or carries it or causes it to be
36 carried in a cruel manner, or fights with or baits, harasses or worries
37 any animal for the purpose of making it perform for amusement,
38 diversion or exhibition, shall be fined not more than one thousand
39 dollars or imprisoned not more than one year or both.

40 (2) For the purposes of subdivision (1) of this subsection, "proper
41 shelter" with respect to a dog shall be determined by consideration of
42 all the surrounding circumstances including, but not limited to, (A)
43 weather conditions such as temperature, moisture, wind velocity,
44 wind chill and humidity at the time and place of the alleged violation,
45 (B) the physical condition and special needs of the dog at the time and
46 place of the alleged violation, and (C) whether, at the time of the
47 alleged violation, the dog was outside for a limited period of time for

48 purposes of evacuating or exercising. If circumstances require that an
49 outdoor housing facility be made available for the use of the dog, such
50 facility shall be insulated and impervious to moisture and, if
51 conditions require it to prevent stress, discomfort or danger to the dog,
52 it shall contain dry bedding material. An outdoor housing facility shall
53 be available when the dog is kept outside for more than thirty minutes
54 and the ambient temperature is below forty degrees Fahrenheit unless
55 such dog belongs to a breed of dog generally known to be tolerant of
56 cold weather without obvious stress or discomfort.

57 (b) Any person who maliciously and intentionally maims, mutilates,
58 tortures, wounds or kills an animal shall be fined not more than five
59 thousand dollars or imprisoned not more than five years or both. The
60 provisions of this subsection shall not apply to any licensed
61 veterinarian while following accepted standards of practice of the
62 profession or to any person while following approved methods of
63 slaughter under section 22-272a, while performing medical research as
64 an employee of, student in or person associated with any hospital,
65 educational institution or laboratory, while following generally
66 accepted agricultural practices or while lawfully engaged in the taking
67 of wildlife.

68 (c) Any person who knowingly (1) owns, possesses, keeps or trains
69 an animal engaged in an exhibition of fighting for amusement or gain,
70 (2) possesses, keeps or trains an animal with the intent that it be
71 engaged in an exhibition of fighting for amusement or gain, (3) permits
72 an act described in subdivision (1) or (2) of this subsection to take place
73 on premises under [his] such person's control, (4) acts as judge or
74 spectator at an exhibition of animal fighting for amusement or gain, or
75 (5) bets or wagers on the outcome of an exhibition of animal fighting
76 for amusement or gain, shall be fined not more than five thousand
77 dollars or imprisoned not more than five years or both.

78 (d) Any person who intentionally kills any animal while such
79 animal is in the performance of its duties under the supervision of a
80 peace officer, as defined in section 53a-3, as amended, shall be fined

81 not more than five thousand dollars or imprisoned not more than five
82 years or both.

83 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) (1) Any person who
84 keeps a dog chained or tethered or keeps a dog confined in a pen, cage,
85 container or other indoor or outdoor housing facility for more than
86 fifteen continuous hours or who fails to provide a minimum of two
87 hours during any twenty-four-hour period during which a dog is not
88 tethered and not confined in such a pen, cage, container or other
89 housing facility, shall be given a warning for a first violation and be
90 fined one hundred dollars for any subsequent violation.

91 (2) No person may chain or tether a dog that is housed primarily
92 outside unless such chain or tether (A) weighs not more than one-tenth
93 of such dog's body weight, (B) is at least twelve feet in length or five
94 times the length of the dog measured from the tip of the snout to the
95 end of the tail, whichever is longer, (C) has swivels on both ends, and
96 (D) is attached to a properly fitting collar or harness worn by the dog.
97 If a dog is tethered by means of a cable attached to a pulley or trolley,
98 the cable shall be at least ten feet in length and the pulley or trolley
99 shall be mounted not more than seven feet above the ground. Any
100 person who violates the provisions of this subdivision shall be given a
101 warning for a first violation and be fined one hundred dollars for any
102 subsequent violation.

103 (3) The provisions of subdivision (1) of this subsection shall not
104 apply: (A) If such tethering or confinement is authorized for medical
105 reasons by a veterinarian licensed pursuant to chapter 384 of the
106 general statutes, after examination of such dog, provided such
107 authorization is in writing, includes the medical reasons for such
108 tethering or confinement and is for a period not to exceed thirty days,
109 except that such authorization may be renewed for additional periods
110 not to exceed thirty days; (B) if such tethering or confinement is
111 authorized by an animal control officer for reasons of public safety,
112 provided such animal control officer states such reasons in writing and
113 makes provision for an opportunity for regular exercise for such dog;

114 (C) to a commercial boarding kennel, pet shop, municipal or other
 115 governmental control facility, charitable organization that houses
 116 homeless animals, training facility or grooming facility licensed in
 117 accordance with section 22a-342 of the general statutes; and (D) to a
 118 person or business organization licensed in accordance with chapter
 119 226 of the general statutes to conduct dog racing.

120 (4) In any prosecution for a violation of subdivision (1) of this
 121 subsection, it shall be an affirmative defense that the act or omission
 122 forming the basis of the violation was not the usual and customary
 123 conduct of such person.

124 (b) Any person who fails to keep a dog in estrus in a secured area
 125 that prevents a male dog from having access to such female dog, or
 126 who tethers a dog in estrus in a manner that prevents such female dog
 127 from defending herself from a male dog, except for controlled
 128 breeding purposes authorized by the owner of such female dog, shall
 129 be given a warning for a first violation and be fined one hundred
 130 dollars for any subsequent violation.

131 (c) Nothing in this section shall be construed to preclude a finding
 132 of a violation of subdivision (1) of subsection (a) of section 53-247 of
 133 the general statutes, as amended by this act.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

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:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - Revenue Gain	Judicial Department	Less than \$250	Less than \$250

Note: GF=General Fund

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
Revenue Gain	Various Municipalities	Less than \$250	Less than \$250

Explanation

The bill restricts the tethering and confinement of dogs and provides for a \$100 fine for each subsequent violation. The courts must remit fifty percent of all amounts received to the municipalities in which the violations occur. These new prohibitions are expected to result in a minimal revenue gain (less than \$500 total) to the state and municipalities because: (1) few offenses are anticipated; and (2) it is expected that fines will seldom be assessed. Under current law, 162 adult offenses of CGS Section 53-247(a) occurred in FY 01 resulting in 48 convictions and total revenue of \$1,500.

Provisions of the bill concerning when a certificate of health is issued for dogs or cats imported into the state is not anticipated to have a fiscal impact.

Senate "A" changed the time frame for certificates which had no fiscal impact.

House "A" concerns tethering and confinement of dogs and is

anticipated to result in a minimal revenue gain.

OLR Amended Bill Analysis

sSB 78 (File 189, as amended by Senate "A" and House "A")*

AN ACT CONCERNING COMPANION ANIMAL HEALTH CERTIFICATES**SUMMARY:**

This bill requires a person importing a dog or cat into the state to get a health certificate no earlier than 30 days before importing the animal. Under current law and the bill, the health certificate must be from a licensed, graduate veterinarian stating that the animal (1) is free of any infectious, contagious, or communicable disease and (2) if older than three months, has been vaccinated against rabies by a licensed veterinarian. Violators are subject to a fine of up to \$100, 30 days imprisonment, or both.

The bill expands the animal abuse law by (1) requiring anyone in charge or who has custody of an animal to provide proper shelter for it when it is kept outside and (2) setting outdoor dog care conditions that subject violators to a fine of up to \$1,000, up to a year in prison, or both. The conditions for dogs kept outside include standards for:

1. tethering and chaining,
2. cable and line measurements, and
3. outdoor housing facilities.

The bill also requires owners to keep female dogs in heat away from male dogs (other than for breeding purposes). First offenses draw a warning, with a penalty of \$100 for a second or subsequent violation.

The bill allows someone being prosecuted to claim, as an affirmative defense, that his violation of the tethering or confinement provision was not his usual and customary conduct. The bill specifies that it does not prevent a finding of a violation of current law regarding cruelty to animals, fighting animals, or intentional killing of a police animal.

*Senate Amendment "A" changes the timeline during which a pet

owner must obtain a health certificate for importing a dog or cat into the state from not later than 30 days after importing the animal to no earlier than 30 days before importing it into the state.

*House Amendment "A" adds the provisions concerning standards for keeping dogs chained, tethered, confined, or outdoors and handling female dogs in heat. It also establishes the affirmative defense.

EFFECTIVE DATE: July 1, 2002

EXPANDING THE ANIMAL ABUSE LAW

Current law requires anyone who has charge or custody of an animal to provide it with proper food, drink, or protection. The bill requires "shelter" instead of protection and specifies that proper shelter for a dog depends on all the surrounding physical circumstances, including (1) weather conditions such as temperature and moisture; (2) the dog's physical condition and needs at the time of the alleged violation; and (3) if, when the alleged violation occurred, it was outside for a limited time due to an evacuation or exercise.

Under the bill, when circumstances require an outdoor housing facility for a dog, the facility must be insulated and waterproof. The facility must have dry bedding material if necessary to prevent stress, discomfort, or danger to the dog. The bill requires that a person in charge or having custody of a dog have such a facility if his dog is kept outside for more than a half hour when the temperature is below 40 degrees Fahrenheit, unless the dog is a cold weather breed generally known to be tolerant of cold weather without stress or discomfort. Violators of this section are subject to the current animal abuse penalty of up to a \$1,000 fine, a year's imprisonment, or both.

STANDARDS FOR DOG CARE AND PENALTIES

Under the bill, anyone who keeps a dog tethered, chained, or confined in a pen, cage, container, or other indoor or outdoor housing facility for more than 15 continuous hours is subject to a warning for a first violation and a \$100 fine for subsequent violations. The same penalty applies to a person who fails to provide a minimum of two hours in which the dog is not tethered or confined during a 24-hour period. The bill exempts certain people from this penalty.

For a dog primarily housed outside, the bill specifies that a chain or tether must (1) not weigh more than one-tenth of the dog's body weight; (2) be at least 12 feet long or five times the length of the dog (from snout to tail end), whichever is longer; (3) have swivels at both ends; and (4) be attached to a properly fitting collar or harness. The bill also requires any cable that a dog is kept on with a pulley or trolley to be at least 10 feet long and not be more than seven feet above the ground. Violators are subject to a warning for a first violation and a \$100 fine for subsequent violations.

The bill applies the same penalty to a person who fails to keep a female dog in heat in a secure area away from male dogs or from being able to defend itself from a male dog when tethered, except for controlled breeding purposes.

AFFIRMATIVE DEFENSES

The bill allows someone being prosecuted to claim, as an affirmative defense, that the violation of the tethering or confinement provision was not his usual and customary conduct. (By law, a defendant must prove an affirmative defense by a preponderance of the evidence.)

EXCEPTIONS

Under the bill, the tethering and confinement penalty does not apply when the action is:

1. authorized after an examination by a licensed veterinarian in writing, when the authorization lists the medical reasons and specifies that the tethering or confinement not exceed 30 days;
2. for safety reasons as authorized in writing by an animal control officer, with time for regular exercise specified;
3. by a commercial boarding kennel, pet shop, municipal or government facility, charitable organization that houses homeless animals, or a licensed training or grooming facility; and
4. by a person or business licensed to conduct dog racing.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report

Yea 27 Nay 0