



House of Representatives

General Assembly

File No. 317

January Session, 2005

Substitute House Bill No. 5010

House of Representatives, April 13, 2005

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ANIMALS.

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

1 Section 1. (*Effective from passage*) Not later than January 1, 2006, the
2 Commissioner of Agriculture shall report, in accordance with section
3 11-4a of the general statutes, to the joint standing committee of the
4 General Assembly having cognizance of matters relating to agriculture
5 regarding the Department of Agriculture's enforcement of current
6 statutes and regulations regarding the sale of dogs under the age of
7 one year.

8 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) For purposes of this
9 section "traveling exhibition" means a display, including, but not
10 limited to, an exhibit, act, circus, public show, trade show,
11 photographic opportunity, carnival, parade, petting zoo or zoo, that
12 has no permanent legal residence or sites in this state or remains
13 continuously at one location within this state for a period of less than
14 sixty days.

15 (b) There is established an elephant inspection account, which shall
16 be a separate, nonlapsing account within the General Fund and which

17 shall be financed by fees pursuant to subsection (c) of this section.

18 (c) Not later than thirty days prior to entering the state, a person
19 bringing an elephant into the state as part of a traveling exhibition
20 shall notify the Commissioner of Agriculture by filing an itinerary for
21 the traveling exhibition, which itinerary shall be accompanied by a fee
22 of seventy-five dollars. Such person shall provide a copy of such
23 itinerary to each municipality that will host the subject traveling
24 exhibition. Such person shall notify the commissioner if there are
25 necessary updates to such itinerary. Persons who fail to file or update
26 an itinerary shall be fined not more than one thousand dollars.

27 (d) A state or municipal animal control officer, a veterinarian
28 employed by the state, or a licensed veterinarian, at the direction of the
29 Commissioner of Agriculture, may, at a reasonable time, enter an area
30 where an elephant is kept with a traveling exhibition and inspect for
31 compliance with this section and regulations adopted pursuant to this
32 section. A person employed by the traveling exhibition who is
33 responsible for the care of the elephant shall assist the person
34 performing the inspection pursuant to this section as needed.

35 (e) The Commissioner of Agriculture shall adopt regulations, in
36 accordance with the provisions of chapter 54 of the general statutes, to
37 prevent the abuse and mistreatment of elephants in traveling
38 exhibitions.

39 (f) Nothing in this section shall preclude an action pursuant to
40 section 53-247 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section

ENV *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Agriculture	GF - Cost/Revenue	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	Cost	Potential	Potential

Explanation

It is anticipated that the study concerning enforcement of laws regarding the sale of dogs less than one year old will increase the workload of the Department of Agriculture (DOAG). It is anticipated that a supervisory animal control officer and a clerical will be diverted from their current duties for one-half to one week to review the information and write the study. In addition, since the municipalities play a major role in the enforcement of the dog laws, each of the 169 towns will need to be involved in supplying information to the DOAG. The workload increase per town would depend upon the enforcement activity in the town and the number of animal control officers and would vary from town to town.

The bill also requires the DOAG to adopt regulations for the prevention of mistreatment and abuse of elephants in traveling exhibitions. It is anticipated that the DOAG would need an outside consultant, at an estimated cost of \$5,000, to provide expertise in this area. The bill creates a separate nonlapsing account in the General Fund called the elephant inspection account. The account is for the \$75 fee that must be paid by anyone bringing an elephant into the state as part of a traveling exhibition. Based on past history, it is anticipated

there are approximately ten such circuses or exhibits held in Connecticut each year. This results in a revenue gain of \$750. It is anticipated that the elephant inspection authorized in the bill will take approximately one-half day for each inspection, diverting DOAG resources from current duties. The associated paperwork due to the filing of itineraries would be minimal.

There is a potential minimal revenue gain associated with the fine for failure to update an itinerary.

It is anticipated that any increase in a municipal animal control officer's workload would be minimal due to discretionary inspections and the filings required in the bill.

OLR Bill Analysis

sHB 5010

AN ACT CONCERNING ANIMALS**SUMMARY:**

This bill requires the agriculture commissioner to adopt regulations to prevent mistreatment and abuse of elephants in traveling exhibitions, and authorizes him to order the inspection of such elephants for compliance with those regulations. It requires anyone bringing an elephant into the state as part of a traveling exhibition to file an itinerary with the commissioner and to notify him of any changes.

The bill also requires the commissioner to report by January 1, 2006 to the Environment Committee on the department's enforcement of laws regarding the sale of dogs less than one year old.

EFFECTIVE DATE: October 1, 2005, except for the provision regarding reporting on enforcement of laws and regulations concerning dogs less than one year old, which takes effect upon passage.

ELEPHANT REGULATION AND INSPECTION

The bill requires anyone bringing an elephant into the state as part of a traveling exhibition to file an itinerary with the commissioner, together with a \$75 fee. The commissioner must deposit the fee in an elephant inspection account, a separate, nonlapsing account within the General Fund that the bill creates.

The person submitting the itinerary must (1) provide a copy to each town hosting the traveling exhibition and (2) notify the commissioner if the itinerary needs to be updated. The bill makes failure to file or update an itinerary punishable by a fine of up to \$1,000.

The bill authorizes a municipal animal control officer, state veterinarian, or licensed veterinarian to enter areas where elephants are kept and inspect them for compliance with the regulations the commissioner adopts. It requires whoever is responsible for the care of the traveling exhibition's elephants to assist the inspector as needed.

The bill does not preclude anyone from bringing an action under state animal cruelty laws.

Under the bill, a traveling exhibition is a display that (1) has no permanent legal residence or sites in the state, or (2) remains continuously at one location within the state for less than 60 days. Such a display includes an exhibit, act, circus, public show, trade show, photographic opportunity, carnival, parade, petting zoo, or zoo.

BACKGROUND

Animal Cruelty

State law imposes a fine up to \$1,000 and up to one year's imprisonment on anyone convicted of cruelty to animals. Cruelty includes overworking an animal; depriving it of necessary sustenance; cruelly beating or unjustifiably injuring it; failing to give it proper care or provide it with proper food, drink, or protection from the weather; or harassing or worrying it to make it perform for amusement, diversion, or exhibition.

Pet Shop Laws and Regulations

State law and regulations require that pet shops be licensed and treat dogs humanely. They require their enclosures to be clean, dry, comfortable and free of parasites and vermin, and that the premises be kept well-lighted, well-ventilated, and at temperatures no lower than 65 degrees and no higher than 78 degrees. The animals must be provided with wholesome, palatable, nutritious food in sufficient amounts to maintain them in good health. Puppies must be fed at least twice daily and provided with water at all times. The law prohibits anyone from selling puppies younger than eight weeks old.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 6