



General Assembly

January Session, 2011

**Committee Bill No. 5368**

LCO No. 2757

\*02757HB05368ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT EXTENDING CERTAIN PET SHOP LICENSEE  
REQUIREMENTS TO PERSONS AND ORGANIZATIONS THAT  
IMPORT ANIMALS FOR ADOPTION.**

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

1 Section 1. Section 22-344 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No person shall maintain a commercial kennel until he has  
4 obtained from the commissioner a license to maintain such kennel  
5 under such regulations as the commissioner provides as to sanitation,  
6 disease and humane treatment of dogs or cats and the protection of the  
7 public safety. Upon written application and the payment of a fee of  
8 two hundred dollars, the commissioner shall issue such license to be  
9 effective until the ensuing December thirty-first provided the  
10 commissioner finds (1) that such regulations have been complied with,  
11 and (2) in the case of each initial application for such license, that the  
12 zoning enforcement official of the municipality wherein such kennel is  
13 to be maintained has certified that the kennel conforms to the  
14 municipal zoning regulations. Such license shall be renewed annually,  
15 not later than December thirty-first, in accordance with the provisions

16 of this section, and may be transferred by the licensee to another  
17 premises upon approval of the commissioner.

18 (b) No person shall maintain a pet shop until he has obtained from  
19 the commissioner a license to maintain such pet shop under such  
20 regulations as the commissioner provides as to sanitation, disease and  
21 humane treatment of animals and the protection of the public safety.  
22 Upon written application and the payment of a fee of two hundred  
23 dollars, the commissioner shall issue such license to be effective until  
24 the ensuing December thirty-first provided the commissioner finds (1)  
25 that such regulations have been complied with, and (2) in the case of  
26 each initial application for such license, that the zoning enforcement  
27 official of the municipality wherein such pet shop is to be maintained  
28 has certified that the pet shop conforms to the municipal zoning  
29 regulations. Such pet shop license may be transferred by the licensee to  
30 another premises upon the approval of the commissioner. The  
31 commissioner, after consultation with the Commissioners of Public  
32 Health and Environmental Protection, shall establish and maintain,  
33 pursuant to regulations adopted in accordance with chapter 54, a list of  
34 animals which are deemed to be injurious to the health and safety of  
35 the public or whose maintenance in captivity is detrimental to the  
36 health and safety of the animal. The sale or offer of sale of any animal  
37 which is on said list is prohibited and any person who violates this  
38 provision shall be fined not more than five hundred dollars.

39 (c) No person shall engage in the business of grooming or  
40 maintaining a grooming facility until such person has obtained from  
41 the commissioner a license to maintain such facility under such  
42 regulations as the commissioner provides as to sanitation, disease and  
43 humane treatment of such animals and the protection of the public  
44 safety. Upon written application and the payment of a fee of one  
45 hundred dollars, the commissioner shall issue such license to be  
46 effective until the ensuing December thirty-first provided the  
47 commissioner finds (1) that such regulations have been complied with,  
48 and (2) in the case of each initial application for such license, that the

49 zoning enforcement official of the municipality wherein such  
50 grooming is to be maintained has certified that the facility conforms to  
51 the municipal zoning regulations. Such license shall be renewed  
52 annually, not later than December thirty-first, in accordance with the  
53 provisions of this section, and may be transferred by the licensee to  
54 other premises upon approval of the commissioner.

55 (d) No person shall maintain a training facility until such person has  
56 obtained from the commissioner a license to maintain such facility  
57 under such regulations as the commissioner provides as to sanitation,  
58 disease and humane treatment of such animals and the protection of  
59 public safety. Upon written application and the payment of a fee of  
60 one hundred dollars, the commissioner shall issue such license to be  
61 effective until the ensuing December thirty-first provided the  
62 commissioner finds (1) that such regulations have been complied with,  
63 and (2) in the case of each initial application for such license, that the  
64 zoning enforcement official of the municipality wherein such training  
65 facility is to be maintained has certified that the facility conforms to the  
66 municipal zoning regulations. Such license shall be renewed annually  
67 upon the terms required for the original license and may be transferred  
68 by the licensee to another premises upon approval of the  
69 commissioner.

70 (e) No person shall engage in the business of importing any dog or  
71 cat into this state until such person has obtained from the  
72 commissioner a license to import such animal under such regulations  
73 as the commissioner provides as to sanitation, disease and humane  
74 treatment of such animals and the protection of the public safety. Upon  
75 written application and the payment of a fee of one hundred dollars,  
76 the commissioner shall issue such license to be effective until the  
77 ensuing December thirty-first provided the commissioner finds that (1)  
78 such regulations have been complied with, and (2) the person who  
79 engages in the business of importing any dog or cat into this state is  
80 willing and able to provide notice to the Department of Agriculture  
81 and the municipal zoning enforcement official of the town where any

82 such importing will occur not later than ten days prior to such  
83 importation. Such notice shall state the date for such importation, the  
84 exact location for such importation and the anticipated number of  
85 animals for sale or adoption at such importation location. For the  
86 purpose of this section and section 22-344b, as amended by this act,  
87 "engage in the business of importing any dog or cat into this state" and  
88 "importation business" means bringing any dog or cat into this state  
89 from another state for the purpose of offering such dog or cat to any  
90 person for adoption or providing such dog or cat to any person in  
91 exchange for any fee, sale, voluntary contribution, service or any other  
92 consideration. "Engage in the business of importing any dog or cat into  
93 this state" and "importation business" includes any commercial or  
94 nonprofit animal rescue or adoption organization that is not otherwise  
95 required to be licensed under the provisions of this chapter.

96 [(e)] (f) The commissioner may, at any time, inspect or cause to be  
97 inspected by the commissioner's agents any such commercial kennel,  
98 pet shop, grooming facility, [or] training facility or importation  
99 location, and if, (1) in the commissioner's judgment such kennel, pet  
100 shop, grooming facility, [or] training facility or importation location is  
101 not being maintained in a sanitary and humane manner or in a manner  
102 that protects the public safety, (2) the commissioner finds that  
103 contagious, infectious or communicable disease or other unsatisfactory  
104 conditions exist, or (3) in the case of a pet shop, the commissioner finds  
105 any violation of the provisions of section 22a-381d, the commissioner  
106 may issue such orders as the commissioner deems necessary for the  
107 correction of such conditions and may quarantine the premises and  
108 animals. If the owner or keeper of such kennel, pet shop, grooming  
109 facility, [or] training facility or, in the case of an importation location,  
110 the importation business fails to comply with the regulations or orders  
111 of the commissioner, or fails to comply with any provision of the  
112 statutes or regulations relating to dogs or other animals, the  
113 commissioner may revoke or suspend such license. Any person  
114 aggrieved by any order issued under the provisions of this section may  
115 appeal therefrom in accordance with the provisions of section 4-183.

116 Any person maintaining any commercial kennel, pet shop, grooming  
117 facility, [or] training facility or importation business without having  
118 obtained a license for the same or after any such license has been  
119 revoked or suspended as provided herein shall be fined not more than  
120 two hundred dollars. The provisions of this section shall not apply to  
121 veterinary hospitals, except those boarding or grooming dogs for  
122 nonmedical purposes, and other establishments where all the dogs or  
123 animals were born and raised on the premises where they are kept for  
124 sale.

125 [(f)] (g) The provisions of subsections (a) to (d), inclusive, of this  
126 section requiring certification by the zoning enforcement official that  
127 every commercial kennel, pet shop, grooming facility and training  
128 facility conforms to the zoning regulations of the municipality wherein  
129 such kennel, pet shop, grooming facility or training facility is  
130 maintained shall not apply to any person who is licensed under said  
131 subsections and maintained any such kennel, pet shop or grooming  
132 facility prior to October 1, 1977, provided such person does not  
133 relocate such kennel, pet shop, grooming facility or training facility in  
134 a zone in which such kennel, pet shop, grooming facility or training  
135 facility is not a permitted use. In addition, the provisions of said  
136 subsections requiring certification by the zoning enforcement official  
137 that every commercial kennel, pet shop, grooming facility and training  
138 facility conforms to the zoning regulations of the municipality wherein  
139 such kennel, pet shop, grooming facility or training facility is  
140 maintained shall not apply when a zone in which such kennel, pet  
141 shop, grooming facility or training facility is maintained is changed to  
142 a use which does not permit such kennel, pet shop, grooming facility  
143 or training facility in such zone.

144 Sec. 2. Section 22-344b of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective October 1, 2011*):

146 (a) A pet shop licensee shall, prior to offering a dog or cat for sale  
147 and thereafter at intervals of fifteen days until such dog or cat is sold,

148 provide for examination of such dog or cat by a veterinarian licensed  
149 under chapter 384. Such licensee shall maintain a record of the  
150 veterinary services rendered for each dog or cat offered for sale. On  
151 and after October 1, 2011, the requirements of this subsection shall  
152 apply to the offering of a dog or cat for sale or adoption by any person  
153 who engages in the business of importing any dog or cat into this state.

154 (b) If, (1) within twenty days of sale, any such dog or cat becomes ill  
155 or dies of any illness which existed in such dog or cat at the time of the  
156 sale, or (2) within six months of sale, any such dog or cat is diagnosed  
157 with a congenital defect that adversely affects or will adversely affect  
158 the health of such dog or cat, such pet shop licensee shall, at the option  
159 of the consumer, replace the dog or cat or refund in full the purchase  
160 price of such dog or cat: (A) In the case of illness or such congenital  
161 defect, upon return of the dog or cat to the pet shop and the receipt of  
162 a certificate from a veterinarian licensed under chapter 384 and  
163 selected by the consumer, stating that the dog or cat is ill from a  
164 condition which existed at the time of sale, or suffers from such  
165 congenital defect, and (B) in the case of death, the receipt of a  
166 certificate from a veterinarian licensed under chapter 384 and selected  
167 by the consumer, stating that the dog or cat died from an illness or a  
168 congenital defect which existed at the time of sale. Any costs for  
169 services and medications provided by a licensed veterinarian incurred  
170 by the consumer for such illness or such congenital defect shall be  
171 reimbursed to the consumer by such licensee in an amount not to  
172 exceed five hundred dollars. The presentation of such certificate shall  
173 be sufficient proof to claim reimbursement or replacement and the  
174 return of such deceased dog or cat to the pet shop shall not be  
175 required. No such refund or replacement shall be made if such illness  
176 or death resulted from maltreatment or neglect by a person other than  
177 the pet shop licensee or such pet shop licensee's agent or employee. A  
178 pet shop licensee shall not be subject to the obligations imposed by this  
179 subsection for the sale of a cat where such cat has been spayed or  
180 neutered prior to its sale.

181 (c) A pet shop licensee who violates any provision of subsection (a)  
182 or (b) of this section and a person who engages in the business of  
183 importing any dog or cat into this state who violates any provision of  
184 subsection (a) of this section shall forfeit to the state a sum not to  
185 exceed five hundred dollars for each animal which is the subject of the  
186 violation. The Attorney General, upon complaint of the commissioner,  
187 may institute a civil action in the superior court for the judicial district  
188 of Hartford to recover the forfeiture specified in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	22-344
Sec. 2	October 1, 2011	22-344b

**Statement of Purpose:**

To establish licensure requirements for persons who engage in the business of importing dogs and cats into this state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. HURLBURT, 53rd Dist.

H.B. 5368