

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 11-111—sHB 6303**

*Planning and Development Committee*

*Environment Committee*

*Judiciary Committee*

**AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS**

**SUMMARY:** This act authorizes any regional or municipal dog pound to contract with a public or private nonprofit animal rescue organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The act (1) details what a contract must contain and (2) requires each pound to maintain a list of any nonprofit animal rescue organization that expresses an interest in entering into such a contract. The act specifies that the contract and its terms do not affect any protection provided any animal under state law and regulations or municipal ordinances.

Under the act, any person who observes or reasonably believes that a municipal or regional animal control officer (ACO) has failed to provide any animal under the ACO's custody with proper care, including veterinary care, may file a complaint with the Department of Agriculture's State Animal Control Division. The act requires the division, no later than 24 hours after receiving a complaint, to act as it deems necessary to secure proper care for the animal. However, if the division receives the complaint on a Saturday or Sunday, it must act on the next business day.

The act waives from civil liability actions a municipal pound, municipality, ACO, public or private nonprofit animal rescue organization, or veterinarian takes under the act's contract provisions, with exceptions.

The act also expands and changes how ACOs advertise impoundment of certain animals.

EFFECTIVE DATE: October 1, 2011

**CONTRACT**

Under the act, the contract must establish that:

1. the municipality will not become responsible for treatment costs incurred under it;
2. the public or private nonprofit animal rescue organization responsible for payment selects the veterinarian who treats an animal;
3. a regional or municipal ACO who has custody of the animal determines whether it is injured, sick, or diseased and needs veterinary treatment, but if any pound employee or volunteer notifies the ACO that an animal is injured, sick, or diseased and needs treatment, the ACO must contact the organization to arrange treatment; and

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4. the nonprofit animal rescue organization must, within 24 hours of a facility's request for treatment, select a licensed veterinarian and take custody or control of an animal, if necessary, to have the veterinarian treat the animal immediately.

### LIABILITY

Under the act, a regional or municipal dog pound, municipality, municipal or regional ACO, or public or private nonprofit animal rescue organization is not civilly liable for actions taken to have a licensed veterinarian treat an injured, sick, or diseased animal under a contract the act authorizes. The act does not protect these entities if they act in a wanton, reckless, or malicious manner.

The act also exempts from civil liability treatment that a licensed veterinarian provides free or at a reduced fee to an injured, sick, or diseased animal as a result of such a contract, unless the veterinarian treats the animal in a willful, wanton, or reckless manner.

### ADVERTISING IMPOUNDED ANIMALS

Under existing law, an ACO must post a description of an impounded animal whose owner is unknown once in a local newspaper. The act (1) also allows publication in a newspaper that has a statewide circulation and (2) requires posting on a national pet adoption website or one that the ACO maintains or uses. The site must post a photograph or description of the animal and the date on which it is no longer legally required to be impounded (i.e., the date it can be adopted or mercifully killed).

The act does not require website posting if:

1. the animal is held pending the resolution of civil or criminal litigation that involves it,
2. the ACO has a good-faith belief that the animal will be adopted by or transferred to a public or private nonprofit rescue organization for adoption without the posting,
3. the animal's safety will be placed at risk, or
4. the ACO determines that the animal is feral and not adoptable.

Under the act, if an ACO does not have the technological resources to post the information on the web, the officer may contact a public or private animal rescue organization and ask it to post the information on a publicly accessible website at the organization's expense. To the extent practicable, an ACO's or organization's posting must remain up for the duration of an animal's impoundment in the municipal or regional dog pound.

### BACKGROUND

#### *Pounds*

By law, each municipality, other than those participating in a regional dog pound, must:

1. provide and maintain a suitable building as a pound, which must be

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comfortable for the detention and care of dogs and kept in a sanitary condition or

2. provide, through written agreement, for the detention and care of impounded dogs by a licensed veterinarian, veterinary hospital, or commercial kennel; dog pound maintained by another city; or other suitable facility approved by the agriculture commissioner.

Any municipality may use the pound or facility to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public (CGS § 22-336).

OLR Tracking: JRH:SP:PF:ts