Testimony of Debora M. Bresch, Esq.
Senior Director, Government Relations, ASPCA
President, CT Votes for Animals

- **In Support of SB 253 – An Act Concerning Revisions to the Importation Statutes**
- **In Opposition to SB 83 - An Act Authorizing Bow and Arrow Hunting on Sunday Under Certain Circumstances**
- **In Opposition to HB 5323 as Drafted - An Act Concerning Biting Dogs**

Joint Environment Committee
March 7, 2012

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to comment on **Senate Bill 253 (An Act Concerning Revisions to the Importation Statutes), Senate Bill 83 (An Act Authorizing Bow and Arrow Hunting on Sunday Under Certain Circumstances),** and **HB 5323 (An Act Concerning Biting Dogs).** As many of you know, my name is Debora Bresch, and I am an attorney and lobbyist with the Government Relations Department of the American Society for the Prevention of Cruelty to Animals (ASPCA), which counts **almost 22,000 Connecticut residents among its supporters.** I am also President of CT Votes for Animals (CVA).

SB 253: An Act Concerning Revisions to the Importation Statutes - *SUPPORT with Two (2) Additional Amendments Described Below*

Since passage in the 2011 session of Connecticut's Rescue Animal Importation Law, the ASPCA and CVA have worked closely with the Department of Agriculture to explain the law to the public and, in particular, to rescuers

who bring animals into Connecticut for the purpose of finding them new and much-needed homes. In fact, in the fall, the ASPCA and CVA jointly held an educational forum at the Courtyard Marriott in Cromwell at which the department and others offered some clarity regarding the meaning and intent of the law.

Not insignificantly, a benefit of reaching out to the Connecticut rescue community in this way has been to obtain extensive, real-time feedback from animal rescuers on the law's impact on their rescue efforts. Many of these rescuers have submitted testimony to this committee today. In all candor (and certainly, you will see this for yourselves), their poignant comments almost universally express frustration and disappointment with the importation law, specifically, with how its burdensome and costly veterinary examination provisions have prevented Connecticut residents - who prior to the law's passage may have been extremely responsible rescuers, providing veterinary care to their animals and even sterilizing them prior to importation - from now saving the animals they believe could find homes in Connecticut. With the significant time and expense entailed in repeatedly visiting veterinarians (ones who may be more cost-efficient for a rescue organization but perhaps not in close geographical proximity to a foster home), some Connecticut rescuers have had to cease finding homes for needy out-of-state animals altogether. And they are heartbroken at the thought that animals who could have found homes in Connecticut have instead been left in their respective out-of-state shelters, likely often with a poor outcome.

With this perspective in mind, the proposed bill would reduce the number of veterinary visits required upon an animal's entrance into Connecticut from, frankly, a potentially infinite number (i.e., one within the first forty-eight hours, one within fifteen days of adoption, and one every ninety days until adoption with no cut-off) to **one veterinary exam within fifteen (15) days of adoption. However, I would propose that this provision <u>be further amended to require that this examination instead be required within thirty (30) days of adoption</u>** in response to rescuers' reasonable request that the benefit of this exam be longer-lasting. Extending this period to thirty days would mean that if an animal were adopted twenty-one (21) days after the exam, for example, no further exam

would be needed.

In addition to the cost associated with the veterinary exams due to sheer repetition, rescuers have noted the additional charge evidently being levied by most veterinarians for the health certificate required by the law - despite the fact that they're also being paid for all of the repeated examinations, and the blank certificate is provided by the USDA, free of charge. The rescuers cannot afford this. Thus, the proposed bill would also make explicit that **only the veterinary record itself is needed - no costly additional health certificate.**

Since the importation law's passage, the ASPCA and CVA have also worked closely with the Department of Agriculture to reach agreement on certain interpretative questions that have arisen concerning the law. A third proposed amendment to the importation law **would codify the agency and animal welfare community's mutual understanding of the definition of "importer," thereby drawing a needed bright line between the regulated and unregulated communities** - the unregulated community comprising adopters who adopt animals as personal companions when they are still out-of-state (i.e., the Petfinder.com model), and the shelters/rescues/transporters who send/bring these animals to them.

Finally, in **addition to amending the proposed bill to require a single in-state veterinary examination no more than thirty days prior to adoption (as opposed to no more than fifteen days prior to adoption),** the ASPCA and CVA would also propose one more amendment to correct/clarify a provision that is apparently also chilling rescue: the absence of any definition of "public event." The importation law currently requires that an importer give notice of a "sale, adoption or transfer" of a dog or cat in a "venue or location...open to the public or at an outdoor location, including but not limited to, a parking lot or shopping center...not later than ten days prior to such event." Rescue organizations are apparently interpreting this provision to mean that notice is required prior to any transfer of a dog or cat in a public place (e.g., foster family to foster family, foster family to adoptive family), and it is understandably burdensome. **But the Department of Agriculture intended to regulate only large-scale**

adoption events with this provision, and the law should say so. The ASPCA and CVA will propose corrective language to the Environment Committee shortly.

Senate Bill 83: An Act Authorizing Bow and Arrow Hunting on Sunday Under Certain Circumstances - *OPPOSE*

With all due respect, that we are still discussing the introduction of Sunday hunting of deer is dismaying:

- **Your constituents are not hunters. Your constituents want to safely enjoy the outdoors.** Only 1% of Connecticut residents hunt. The rest of your constituents are wildlife watchers, hikers, mountain bikers, dog walkers, and horseback riders who outnumber hunters in Connecticut by 29 to 1 and outspend them by 7 to 1, contributing more than $500 million dollars to the state's economy annually. (Source: The United States Fish and Wildlife Service).

  The overwhelming majority of your constituents do not participate in hunting, and have only one day a week during hunting season - Sunday - when they can use the outdoors safely without the threat of bullets or arrows, which know no boundaries and are a threat to anyone within a large radius of the hunter.

  Farmers can obtain deer depredation permits to kill deer throughout the year. There is no compelling reason to disrupt this longstanding tradition to appease a tiny minority.

- **Hunting deer may increase the incidence of Lyme disease.** The ticks that spread Lyme disease do not need a specific host. If deer are not available to them, they will continue to thrive by feeding on mice and other small animals, and even better, human beings. The **only** way to reduce the number of Lyme disease cases is by reducing the number of disease-carrying ticks, not the number of deer.

- **Hunting will increase, not decrease, the deer population.** As this committee may be aware, the

phenomenon of "compensatory reproduction" - i.e., the reproductive response of a species by which a sudden increase in food resources, due to a sudden decrease in the population, results in a high reproductive rate - will ensure that the deer population will bounce back, even bigger than before.

HB 5323: An Act Concerning Biting Dogs - *OPPOSE AS DRAFTED*

The ASPCA and CVA appreciate that animal control officers may want a bigger "bag of tricks" to address dogs that have bitten. However, we **strongly object to two of the enumerated alternative punishments for biting dogs:**

- **relocation to a rural area**
- **permanent muzzling when the dog is off the owner/keeper's premises.**

Under current law, an animal control officer's discretion to issue an order with respect to a dog's disposition in a dog bite case is already too broad. **The above two proposed provisions would aggravate, not ameliorate, this problem.**

Connecticut's dangerous dog law presently authorizes an animal control officer to issue any order with respect to a biting dog's disposition with no contemplation of the seriousness of the bite, or whether the bite was provoked/justified. The above proposed provisions would allow an animal control officer to order that a dog be permanently relocated to a rural area (it is indeed hard to imagine that many people would be in a position to do this whereby the dog could remain a family member, or in a way that would be humane to the dog), or be muzzled for the rest of his/her life when off the owner/keeper's property - regardless of the nature or circumstances of the bite. **Simply, such discretion on the part of an animal control officer is excessive and does not comport with the requirements of due process.**

The ASPCA and CVA would instead advocate strongly for a revision to the state's dangerous dog law that takes into

account the gravity of an incident, contemplates humane resolutions, and incorporates crucial due process concepts like justification/provocation and the automatic stay of any order pending appeal. We would welcome the opportunity to work with you on this effort.

In Conclusion

Please:

- **Support SB 253 (importation) and the two additional amendments we have proposed above.**
- **Oppose SB 83 (Sunday deer hunting).**
- **Oppose HB 5323 (biting dogs) as drafted.**