



Senate

General Assembly

File No. 461

February Session, 2014

Substitute Senate Bill No. 445

Senate, April 9, 2014

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE TASK FORCE ON THE SALE OF CATS AND DOGS FROM INHUMANE ORIGINS AT CONNECTICUT PET SHOPS.

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

1 Section 1. Section 22-344c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) If a town requires the licensure of persons keeping ten or more
4 unneutered or unspayed dogs capable of breeding, such persons shall
5 apply to the clerk of the town in which such dogs are located for a
6 license. Such town clerk, if the zoning enforcement official has certified
7 that the location where such dogs shall be kept conforms to the zoning
8 regulations of the municipality, shall issue to such applicant a license,
9 for a reasonable fee to be determined by the town, on a form
10 prescribed by the town for a period, from the date of such application
11 until the thirtieth day of the ensuing June which license shall specify
12 the name and number of the dogs, the name of the owner and, if
13 applicable, the name of a keeper. Each such license may be renewed

14 from year to year by the town clerk upon application of such owner or
15 keeper.

16 (b) The Commissioner of Agriculture, the Chief Animal Control
17 Officer or any animal control officer may at any time inspect or cause
18 to be inspected any location, required by a town to be licensed,
19 keeping ten or more unneutered or unspayed dogs capable of
20 breeding, by a registered veterinarian appointed by the commissioner
21 and if, in the judgment of the commissioner: [, such] (1) Such location
22 is not being maintained in a sanitary and humane manner, (2) the
23 owner or keeper of such location does not comply with the standard of
24 care applicable to breeders, as described in subsection (e) of this
25 section, or (3) if [he] the commissioner finds that communicable or
26 infectious disease or other unsatisfactory conditions exist, [he] the
27 commissioner may issue such orders as [he] the commissioner deems
28 necessary for the correction of such conditions and may quarantine the
29 premises and animals. If the owner or keeper of such location fails to
30 comply with such orders, the commissioner may recommend the
31 revocation or suspension of such license to the town which issued such
32 license.

33 (c) Any person aggrieved by any order issued under the provisions
34 of this section may appeal to the Superior Court in accordance with the
35 provisions of section 4-183.

36 (d) Any person keeping ten or more unneutered or unspayed dogs
37 capable of breeding, in a location required to be licensed, after such
38 license has been revoked or suspended as herein provided shall be
39 fined not less than fifty dollars or more than one hundred dollars.

40 (e) Not later than December 31, 2014, the Commissioner of
41 Agriculture shall prescribe the standard of care to be provided to dogs
42 or cats, as applicable, by any person who: (1) Keeps ten or more
43 unneutered or unspayed dogs capable of breeding, or (2) owns or
44 operates a breeding cattery. Such standard of care shall be consistent
45 with the standard of care to be provided by an animal importer, as
46 prescribed pursuant to subdivision (6) of subsection (e) of section 22-

47 344.

48 Sec. 2. Section 22-344b of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2014*):

50 (a) A pet shop licensee shall, prior to offering a dog or cat for sale
51 and thereafter at intervals of fifteen days until such dog or cat is sold,
52 provide for examination of such dog or cat by a veterinarian licensed
53 under chapter 384. Such licensee shall maintain a record of the
54 veterinary services rendered for each dog or cat offered for sale.

55 (b) (1) If, (A) within twenty days of sale, any such dog or cat
56 becomes ill or dies of any illness which existed in such dog or cat at the
57 time of the sale, or (B) within six months of sale, any such dog or cat is
58 diagnosed with a congenital defect that adversely affects or will
59 adversely affect the health of such dog or cat, such licensee shall: (i)
60 Reimburse such consumer not [more] less than five hundred dollars
61 and not more than the purchase price of such dog or cat for services
62 and medications provided to such dog or cat by any veterinarian
63 licensed pursuant to chapter 384 for the treatment of such illness or
64 congenital defect upon the presentation by such consumer to such
65 licensee of a certificate from such veterinarian that such dog or cat
66 suffers or suffered from such illness or congenital defect. No licensee
67 may require the consumer to return such dog or cat to such licensee to
68 receive such reimbursement, or (ii) at the option of such consumer,
69 replace the dog or cat or refund in full the purchase price of such dog
70 or cat: (I) In the case of illness or such congenital defect, upon return of
71 the dog or cat to the pet shop and the receipt of a certificate from a
72 veterinarian licensed under chapter 384 and selected by the consumer,
73 stating that the dog or cat is ill from a condition which existed at the
74 time of sale, or suffers from such congenital defect, and (II) in the case
75 of death, the receipt of a certificate from a veterinarian licensed under
76 chapter 384 and selected by the consumer, stating that the dog or cat
77 died from an illness or a congenital defect which existed at the time of
78 sale. The presentation of such certificate shall be sufficient proof to
79 claim reimbursement or replacement and the return of such deceased

80 dog or cat to the pet shop shall not be required. No such refund or
81 replacement shall be made if such illness or death resulted from
82 maltreatment or neglect by a person other than the licensee or such
83 licensee's agent or employee. A licensee shall not be subject to the
84 obligations imposed by this subsection for the sale of a cat where such
85 cat has been spayed or neutered prior to its sale.

86 (2) Each pet shop licensee who sells dogs or cats shall post a
87 statement of customer rights pursuant to this section in a location that
88 is readily visible to the public and also provide a copy of such
89 statement to any purchaser of a dog or cat at the time of purchase. The
90 commissioner shall prescribe the content of such statement. Any
91 statement of customer rights posted pursuant to this section shall be
92 printed in black lettering of not less than twenty point size upon a
93 white background.

94 [(c) A licensee who violates any provision of this section shall forfeit
95 to the state a sum not to exceed five hundred dollars for each animal
96 which is the subject of the violation. The Attorney General, upon
97 complaint of the commissioner, may institute a civil action in the
98 superior court for the judicial district of Hartford to recover the
99 forfeiture specified in this section.]

100 (c) Any licensee who violates any provision of this section shall be
101 fined not more than five hundred dollars.

102 Sec. 3. Section 22-344d of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2014*):

104 (a) A sign measuring not less than three inches in height and not
105 less than five inches in width shall be posted on the cage of each dog
106 offered for sale in a pet shop. The sign shall contain information
107 printed in black lettering on a white background listing the breed of
108 such dog, the locality and state in which such dog was born, and any
109 individual identification number of such dog as listed on the official
110 certificate of veterinary inspection from the state of origin.

111 (b) A sign shall be posted stating the following "THE FOLLOWING
112 INFORMATION IS ALWAYS AVAILABLE ON ALL OUR PUPPIES:
113 DATE OF BIRTH, THE STATE OF BIRTH, BREED, SEX AND COLOR,
114 THE DATE THE PET SHOP RECEIVED THE PUPPY, THE NAMES
115 AND REGISTRATION NUMBERS OF THE PARENTS (FOR AKC
116 REGISTERABLE PUPPIES), RECORD OF INOCULATIONS AND
117 WORMING TREATMENTS AND ANY RECORD OF ANY
118 VETERINARY TREATMENT OR MEDICATIONS RECEIVED TO
119 DATE." Such sign shall include a telephone number at the Department
120 of Agriculture through which information may be obtained regarding
121 complaints about diseased or disabled animals offered for sale. Such
122 sign shall be posted in a place readily visible to the consumer where
123 dogs are offered for sale and printed in black lettering not less than
124 thirty-eight point size upon a white background.

125 (c) Each licensee shall post the United States Department of
126 Agriculture inspection reports for the breeder of any dog offered for
127 sale in a pet shop. Such inspection reports shall be posted on or next to
128 the cage of each dog that was purchased from the breeder that is the
129 subject of such inspection reports.

130 [(c) A licensee who violates any provision of this section shall be
131 liable for a civil penalty not to exceed five hundred dollars. The
132 Attorney General, upon complaint of the Commissioner of
133 Agriculture, may institute a civil action in the superior court for the
134 judicial district of Hartford to recover the penalty specified in this
135 section.]

136 (d) Any licensee who violates any provision of this section shall be
137 fined not more than five hundred dollars.

138 Sec. 4. Section 22-354 of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective October 1, 2014*):

140 (a) Any dog or cat imported into this state shall be accompanied by
141 a certificate of health issued no earlier than thirty days prior to the date
142 of importation by a licensed, graduate veterinarian stating that such

143 dog or cat is free from symptoms of any infectious, contagious or
144 communicable disease, and that such dog or cat, if three months of age
145 or older, is currently vaccinated for rabies by a licensed veterinarian. A
146 copy of such health certificate shall be forwarded promptly to the
147 commissioner from the livestock sanitary official of the state of origin.
148 Any dog or cat originating from a rabies quarantine area shall have
149 permission of the State Veterinarian prior to importation into this state.
150 No person, firm or corporation shall import or export for the purposes
151 of sale, adoption or transfer or offering for sale, adoption or transfer
152 any dog or cat under the age of eight weeks unless such dog or cat is
153 transported with its dam and no person, firm or corporation shall sell
154 or offer for adoption or transfer within the state any dog or cat under
155 the age of eight weeks. Any person, firm or corporation violating the
156 provisions of this subsection or bringing any dog or cat into this state
157 from an area under quarantine for rabies shall be fined not more than
158 five hundred dollars or imprisoned not more than thirty days, or both.

159 (b) Any dog sold or offered for sale by a pet shop licensee in this
160 state shall be accompanied by a certificate of origin identifying the
161 name and address of the person, firm or corporation that bred such
162 dog and of any person, firm or corporation that sold such dog to such
163 pet shop licensee. Such certificate shall be in a form as prescribed by
164 the Commissioner of Agriculture. Such information contained in the
165 certificate of origin shall be posted on the sign described in section 22-
166 344d, as amended by this act, and such information shall be visible to
167 customers. A copy of such certificate shall be provided to the
168 purchaser of such dog at the time of sale and shall be filed by such
169 licensee with the Department of Agriculture not later than seven days
170 after such sale. No pet shop licensee shall purchase a dog or cat for
171 resale from: [a breeder or] (1) Any breeder that (A) is not in possession
172 of a current license issued by the United States Department of
173 Agriculture and any applicable state agency, (B) committed a direct
174 violation of breeder-related regulations of the United States
175 Department of Agriculture during the two-year period prior to such
176 purchase, or (C) committed three or more indirect violations of
177 breeder-related regulations of the United States Department of

178 Agriculture provided such violations pertained to the health or welfare
 179 of an animal and were not administrative in nature; or (2) any other
 180 person, firm or corporation located outside of this state that is not in
 181 possession of a current license issued by the United States Department
 182 of Agriculture and any applicable state agency. Any pet shop licensee
 183 violating the provisions of this subsection shall be fined not more than
 184 [one] five hundred dollars or imprisoned not more than thirty days, or
 185 both, for each violation. Each day a pet shop licensee is in violation of
 186 this subsection shall constitute a separate offense.

187 Sec. 5. (*Effective October 1, 2014*) Not later than January 1, 2015, the
 188 Commissioner of Agriculture shall submit a report, in accordance with
 189 section 11-4a of the general statutes, to the joint standing committee of
 190 the General Assembly having cognizance of matters relating to the
 191 environment. Such report shall include, but not be limited to, any
 192 legislative recommendations concerning the licensure of pet shops and
 193 the enforcement of any statute or regulation that is applicable to pet
 194 shops.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	22-344c
Sec. 2	<i>October 1, 2014</i>	22-344b
Sec. 3	<i>October 1, 2014</i>	22-344d
Sec. 4	<i>October 1, 2014</i>	22-354
Sec. 5	<i>October 1, 2014</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Judicial Dept. ¹	GF - Potential Revenue Gain	Less than 2,500	Less than 2,500

Municipal Impact: None

Explanation

The bill (1) requires the Department of Agriculture (DoAg) to develop a standard of care applicable to in-state dog and cat breeders, (2) alters current laws for pet shop licensees, and (3) increases the fine, from up to \$100 to up to \$500, for violations by pet shop licensees.

Increasing the fine may result in a minimal revenue gain to the state anticipated to be less than \$2,500 annually. In FY 13, there was no revenue collected from violations of pet shop licensees.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations that occur.

¹ Statutory violations are subject to Infractions Bureau procedures which allow the accused to pay the fine by mail without making a court appearance.

OLR Bill Analysis**sSB 445*****AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE TASK FORCE ON THE SALE OF CATS AND DOGS FROM INHUMANE ORIGINS AT CONNECTICUT PET SHOPS.*****SUMMARY:**

This bill makes various changes to the pet shop licensee statutes. It:

1. requires the Department of Agriculture (DoAg) commissioner to develop a standard of care applicable to in-state dog and cat breeders (§ 1);
2. prohibits pet shop licensees from purchasing dogs or cats from breeders who have violated USDA animal welfare regulations and increases the fine for violating related requirements (§ 4);
3. increases the amount of money a pet shop licensee must reimburse a customer for veterinarian expenses incurred to treat a dog or cat that becomes ill shortly after purchase from the shop (§ 2);
4. requires a pet shop licensee to post U.S. Department of Agriculture (USDA) inspection reports for breeders of any dog offered for sale (§ 3); and
5. eliminates the attorney general's role in collecting civil penalties from pet shop licensees violating state law, allowing the DoAg commissioner to fine the licensees directly (§§ 2 & 3).

The bill also requires the DoAg commissioner to report to the Environment Committee, by January 1, 2015, any legislative recommendations for (1) pet shop licensure and (2) enforcement of pet shop laws and regulations (§ 5).

EFFECTIVE DATE: October 1, 2014

§ 1 — STANDARD OF CARE FOR BREEDERS

The bill requires the DoAg commissioner, by December 31, 2014, to prescribe the standard of care that breeders must provide to dogs and cats. The standards apply to anyone who (1) keeps 10 or more unneutered or unspayed dogs capable of breeding or (2) owns or operates a breeding cattery. The standards must be consistent with the standard of care animal importers must provide for imported animals, which the commissioner prescribes.

By law, a town may require a dog breeder (i.e., a person who keeps 10 or more unneutered or unspayed dogs capable of breeding) to apply to the town clerk for a license. Under the bill, the DoAg commissioner or an animal control officer (ACO) may inspect such a breeding facility to determine if it is complying with the standard of care applicable to breeders. By law, the commissioner or ACO may already inspect the facilities to determine if (1) they are being maintained in a sanitary and humane manner or (2) a communicable disease or other unsatisfactory condition exists.

By law, if the commissioner determines that a breeding facility is noncompliant, he may (1) issue orders requiring the conditions to be corrected and (2) quarantine the premises and animals. If the facility's owner or keeper does not comply with the commissioner's orders, the commissioner may recommend that the town revoke or suspend the facility's license. The bill extends these provisions to the standard of care requirements.

By law, anyone operating a breeding facility after a town license has been revoked or suspended is subject to a fine of between \$50 and \$100.

§ 4 — PET SHOP LIMITATION ON BREEDERS

The bill limits the breeders from whom a Connecticut pet shop can purchase dogs or cats for resale by prohibiting them from purchasing dogs or cats from breeders who have violated USDA animal welfare

regulations.

Under current law, a pet shop licensee must purchase dogs or cats from breeders who possess a current license from the USDA and any applicable state agency. The bill additionally requires that they purchase dogs or cats from a licensed breeder who has not committed (1) a direct violation of USDA breeder regulations during the two years before the purchase or (2) three or more indirect USDA violations relating to the health or welfare of an animal (see BACKGROUND).

By law, a licensee may also purchase a dog or cat for resale from an entity other than a breeder (e.g., a person, firm, or corporation located outside of Connecticut) if the entity possesses a current license from the USDA and any applicable state agency.

The bill increases, from up to \$100 to up to \$500, the fine associated with violating (1) the breeder or other entity requirements or (2) a requirement that pet shop licensees have, for each dog sold or offered for sale, a certificate of origin identifying the breeder's name and address. Thus, under the bill, a violator is subject to a fine of up to \$500, 30 days in prison, or both. By law, each day of a continuing violation is a separate offense.

§ 2 — PET LEMON LAW

Reimbursement of Veterinarian Expenses

The bill increases, from up to \$500 to between \$500 and the purchase price of a dog or cat, the amount of money a pet shop licensee must reimburse to a customer for veterinarian services and medications spent to treat an ill animal. However, it is unclear what reimbursement amount applies when the animal's purchase price is less than \$500.

By law, pet shop licensees must reimburse a customer for veterinarian expenses incurred for a dog or cat that (1) within 20 days after sale, becomes ill or dies of an illness that existed at the time of sale or (2) within six months after sale, is diagnosed with a congenital

defect that adversely affects its health. At the customer's option, the pet shop licensee must instead replace the animal or refund the animal's purchase price.

Penalty

The bill allows the DoAg commissioner to fine a pet shop licensee who violates the pet lemon law or a related requirement up to \$500. It eliminates the need for the commissioner to ask the attorney general to sue such a pet shop licensee in order to recover a forfeiture of up to \$500 per affected animal.

By law, the sanction applies to any violation of the (1) pet lemon law or (2) requirement that a pet shop licensee, (a) before offering a dog or cat for sale, and every 15 days until the animal is sold, have the animal examined by a Connecticut-licensed veterinarian and (b) maintain a record of the veterinary services provided each dog and cat offered for sale.

§ 3 — POSTING INFORMATION

USDA Inspection Reports

The bill requires a pet shop licensee to post the USDA inspection reports for the breeder of any dog offered for sale. The reports must be posted on or next to dog's cage. Under the bill, a violator is subject to a fine of up to \$500.

Required Signage Penalty

The law requires pet shop licensees to post a sign on the cage of each dog offered for sale indicating the dog's breed, where the dog was born, and any identification number on the official veterinary inspection certificate from the state of origin. Pet shop licensees must also post a sign that (1) includes DoAg's telephone number for receiving complaints about diseased or disabled animals and (2) states

The following information is always available on all our puppies: date of birth, the state of birth, breed, sex and color, the date the pet shop received the puppy, the

names and registration numbers of the parents (for AKC registerable puppies), record of inoculations and worming treatments and any record of any veterinary treatment or medications received to date.

The bill allows the DoAg commissioner to fine a pet shop licensee who violates these signage requirements up to \$500. It eliminates the need for the commissioner to ask the attorney general to sue such a pet shop licensee in order to recover a forfeiture of up to \$500.

BACKGROUND

USDA Violations

USDA-licensed breeders must comply with standards of care outlined in federal regulations under the Animal Welfare Act. These standards set minimum requirements for humane handling, shelter, space requirements, feeding, watering, sanitation, and veterinary care, among other things. To ensure breeders comply with the requirements, USDA inspectors perform compliance inspections. The USDA classifies regulatory violations into two categories: direct violations and indirect violations. Direct violations generally involve serious deviations from the applicable standards of care, resulting in unhealthy or ill animals. Indirect violations cover a wider range of indiscretions, including violations that (1) affect an animal's health or welfare and (2) administrative deficiencies that do not affect an animal's health or welfare.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2014)