



**Senate Bill No. 870**

**Public Act No. 15-103**

**AN ACT CONCERNING THE DUTIES OF ANIMAL CONTROL OFFICERS.**

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

Section 1. Subsection (b) of section 22-331 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(b) Except as provided in section 22-331a, the chief or superintendent of police in each other city or town having a police department and the selectmen or chief executive officer in each town which has no police department, or such other appointing authority as the charter of such town may designate, in their respective jurisdictions, shall appoint a municipal animal control officer and such assistants as are deemed necessary to administer and enforce the laws relating to dogs and other domestic animals. Such officer and assistants shall have such qualifications as the commissioner may prescribe and shall serve for a term of at least one year.

Sec. 2. Section 22-332 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The Chief Animal Control Officer, any animal control officer or any municipal animal control officer shall be responsible for the

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enforcement of this chapter and shall make diligent search and inquiry for any violation of any of its provisions. Any such officer may take into custody (1) any dog found roaming in violation of the provisions of section 22-364, (2) any dog not having a tag or plate on a collar about its neck or on a harness on its body as provided by law or which is not confined or controlled in accordance with the provisions of any order or regulation relating to rabies issued by the commissioner in accordance with the provisions of this chapter, or (3) any dog or other domestic animal found injured on any highway, neglected, abandoned or cruelly treated. The officer shall impound such dog or other domestic animal at the pound serving the town where the dog or other domestic animal is taken unless, in the opinion of a licensed veterinarian, the dog or other domestic animal is so injured or diseased that it should be destroyed immediately, in which case the municipal animal control officer of such town may cause the dog or other domestic animal to be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct. The municipal animal control officer shall immediately notify the owner or keeper of any dog or other domestic animal so taken, if known, of its impoundment. Such officer shall immediately notify the owner or keeper of any other domestic animal which is taken into custody, if such owner or keeper is known. If the owner or keeper of any such dog or other domestic animal is unknown, the officer shall immediately tag or employ such other suitable means of identification of the dog or other domestic animal as may be approved by the Chief Animal Control Officer and shall promptly cause (A) a description of such dog or other domestic animal to be published once in the lost and found column of a newspaper having a circulation in such town or that has a state-wide circulation, and (B) a photograph or description of such dog or other domestic animal and the date on which such dog or other domestic animal is no longer legally required to be impounded to be posted on a national pet adoption Internet web site or an Internet web site that is maintained or accessed by the animal control officer and that is

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accessible to the public through an Internet search, except such posting shall not be required if: (i) The dog or other domestic animal is held pending the resolution of civil or criminal litigation involving such dog or other domestic animal, (ii) the officer has a good faith belief that the dog or other domestic animal would be adopted by or transferred to a public or private nonprofit rescue organization for the purpose of placing such dog or other domestic animal in an adoptive home even in the absence of such posting, (iii) the dog or other domestic animal's safety will be placed at risk, or (iv) such animal control officer determines that such dog or other domestic animal is feral and not adoptable. If any animal control officer does not have the technological resources to post such information on an Internet web site as required by subparagraph (B) of this subdivision, such officer may contact a public or private animal rescue organization and request that such organization post such information, at such organization's expense, on [a] an Internet web site that is accessible to the public through an Internet search. To the extent practicable, any such posting by an animal control officer or a public or private animal rescue organization shall remain posted for the duration of such dog or other domestic animal's impoundment in the municipal or regional dog pound.

(b) If such dog or other domestic animal is not claimed by and released to the owner within seven days after the date of publication, the municipal animal control officer, upon finding such dog or other domestic animal to be in satisfactory health, may have a licensed veterinarian spay or neuter such dog and sell such dog or other domestic animal to any person who satisfies such officer that [he] such person is purchasing [it] such dog or other domestic animal as a pet and that [he] such person can give it a good home and proper care. The municipal animal control officer may retain possession of such dog or other domestic animal for such additional period of time as [he] such animal control officer may deem advisable in order to place such dog or other domestic animal as a pet and may have a licensed veterinarian

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spay or neuter such dog. If, within such period, any dog or other domestic animal is not claimed by and released to the owner or keeper or purchased as a pet, the officer shall cause such dog or other domestic animal to be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct. Any veterinarian who so destroys a dog shall be paid from the dog fund account. No person who so destroys a dog or other domestic animal shall be held criminally or civilly liable therefor nor shall any licensed veterinarian who spays or neuters a dog pursuant to this section be held civilly liable, including, but not limited to, liability for reconstructive neotical implantation surgery.

(c) The town treasurer or other fiscal officer shall pay from the dog fund account the advertising expense incurred under the provisions of this section upon receipt of an itemized statement together with a copy of the advertisement as published. Any person who purchases a dog as a pet shall pay a fee of five dollars and procure a license and tag for such dog from the town clerk, in accordance with the provisions of section 22-338. In addition to the five-dollar fee, any person who purchases a dog as a pet may be charged the cost the municipality incurred, if any, to spay or neuter and vaccinate the dog, provided such charge shall not exceed one hundred fifty dollars.

(d) No regional or municipal dog pound facility, municipality, regional or municipal animal control officer or public or private nonprofit animal rescue organization that arranges for the provision of treatment by a licensed veterinarian to an injured, sick or diseased animal pursuant to a contract described in section 22-332e shall be held civilly liable for such actions unless such actions are performed in a wanton, reckless or malicious manner. No licensed veterinarian who provides treatment free of charge or for a reduced fee, to an injured, sick or diseased animal as a direct result of a contract described in section 22-332e shall be held civilly liable for the provision of such

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treatment unless such actions are performed in a wilful, wanton or reckless manner.

Sec. 3. Section 22-335 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Any municipal animal control officer may be removed by the authority [which appointed him] that appointed such animal control officer or by the commissioner, and a successor may be appointed by such authority or commissioner. Any owner of a dog, [or] cat or other domestic animal aggrieved by the taking of such dog, [or] cat or other domestic animal by a municipal animal control officer may make complaint to the appointing authority of such municipal animal control officer or to the commissioner; and if, upon investigation of the complaint, the authority or the commissioner finds that the municipal animal control officer took the dog, [or] cat or other domestic animal otherwise than in accordance with the provisions of this chapter, or abused or cruelly treated the dog, [or] cat or other domestic animal, the authority or the commissioner may remove the officer and appoint [his] a successor.

Sec. 4. Section 22-336 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Each city or town, other than towns participating in a regional dog pound, shall (1) provide and maintain for use as a dog pound a suitable building, which shall be made comfortable for the detention and care of dogs and other domestic animals and kept in a sanitary condition, or (2) provide, through written agreement, for the detention and care of impounded dogs or other domestic animals by a licensed veterinarian, or in a licensed veterinary hospital, licensed commercial kennel, a dog pound maintained by another city or town, or other suitable facility approved by the commissioner. Any city or town may provide for the use of such building or facility to shelter other

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domestic animals [which] that are found injured, mistreated or roaming in a manner [which] that endangers the domestic animal or the public. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, concerning the construction and maintenance of dog pounds or other facilities where impounded dogs or other domestic animals are kept, and the care, handling and transportation of dogs or other domestic animals by municipal animal control officers. The commissioner may inspect any dog pound or other facility where impounded dogs or other domestic animals are kept and may issue such orders as [he] the commissioner deems necessary to correct any improper conditions found to exist. If such orders are not complied with, the commissioner may request the Attorney General to bring an action for their enforcement, including suit for an injunction in the judicial district in which the dog pound or facility is located.

Sec. 5. Section 22-380e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

As used in sections 22-380e to 22-380m, inclusive:

- (1) "Commissioner" means the Commissioner of Agriculture;
- (2) "Program" means the animal population control program;
- (3) "Account" means the animal population control account;
- (4) "Participating veterinarian" means any veterinarian who has been certified to participate in the program by the commissioner;
- (5) "Pound" means any state or municipal facility where impounded, quarantined or stray dogs, [and] cats or other domestic animals are kept or any veterinary hospital or commercial kennel where such dogs, [or] cats or other domestic animals are kept by order of a municipality;

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(6) "Eligible owner" means a person who has purchased or adopted a dog or cat from a pound and who is a resident of this state;

(7) "Medically unfit" means (A) unsuitable for a surgical procedure due to any medical condition that may place a dog or cat at life-threatening risk if a surgical procedure is performed on such animal, as determined by a participating veterinarian, or (B) unsuitable for sterilization due to insufficiency in age, as determined by a participating veterinarian, of a dog or cat under the age of six months;

(8) "Neuter" means the surgical procedure of castration on a male dog or cat;

(9) "Spay" means the surgical procedure of ovariectomy on a female dog or cat;

(10) "Voucher" means a nontransferable document provided by the commissioner and issued by a pound to an eligible owner authorizing payment of a predetermined amount from the animal population control account to a participating veterinarian;

(11) "Feral cat" means a cat of the species *Felis catus* that is unowned, that exists in a wild or untamed state or has returned to an untamed state from domestication and whose behavior is suggestive of a wild animal; and

(12) "Low-income person" means a recipient of or a person eligible for one of the following public assistance programs:

(A) The supplemental nutrition assistance program authorized by Title XIII of the federal Food and Agriculture Act of 1977, 7 USC 2011 et seq.;

(B) The federal Temporary Assistance for Needy Families Act authorized by 42 USC 601 et seq.;

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(C) The Medicaid program authorized by Title XIX of the federal Social Security Act;

(D) The HUSKY Plan Part A;

(E) The state-administered general assistance program;

(F) The state supplement program; or

(G) Any other public assistance program that the commissioner determines to qualify a person as a low-income person.

Approved June 22, 2015