



# Senate

General Assembly

**File No. 127**

February Session, 2016

Substitute Senate Bill No. 146

*Senate, March 22, 2016*

The Committee on Environment reported through SEN. KENNEDY 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 REQUIREMENTS OF COMMISSION SALES STABLES.**

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

1 Section 1. Section 22-277 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) As used in this section, "livestock animal" means any camelid or  
4 hooved animal raised for domestic or commercial use. The  
5 Commissioner of Agriculture shall supervise commission sales stables  
6 where livestock animals are sold at public auctions. Any person, firm  
7 or corporation engaged in the business of selling livestock animals at  
8 such auctions or sales shall [annually] obtain approval from the United  
9 States Department of Agriculture's Animal Plant Health Inspection  
10 Service, remain in good standing to operate as a livestock marketing  
11 facility and biennially apply to said commissioner for a license upon a  
12 form to be prescribed by the commissioner. The fee for each such  
13 license shall be [one hundred ninety] three hundred eighty dollars,  
14 payable to said commissioner. Each such license shall be issued for the

15 period of [one year] two years from July first and may be revoked for  
16 cause. If, in the judgment of the commissioner, any provision of this  
17 section has been violated, the commissioner shall send notice by  
18 registered or certified mail to the licensee, who shall be given a  
19 hearing, and, if violation is proven, the license shall be revoked. If a  
20 license to deal in livestock, issued to any person, firm or corporation  
21 by another state, has been suspended or revoked by such state within  
22 five years next preceding the date of issuance or renewal of a license to  
23 such person, firm or corporation under the provisions of this section,  
24 such suspension or revocation shall constitute just cause for revocation  
25 under this section. All dairy and breeding animals originating from  
26 this state to be sold at such auction shall be segregated from [beef]  
27 slaughter animals prior to such sales. The sale of dairy and breeding  
28 animals shall precede the sale of those assigned for slaughter. [All  
29 bovines more than three hundred pounds in weight, except dairy and  
30 breeding animals, that are delivered to a sale shall be branded with the  
31 letter "S" in a conspicuous place or identified] All animals designated  
32 for slaughter shall be conspicuously identified in a manner acceptable  
33 to the commissioner or the commissioner's designee by the operator of  
34 the sale or the operator's representative. All dairy and breeding  
35 animals from within the state arriving at a sale shall be from a herd  
36 that: (1) Is under state supervision for the control of brucellosis and  
37 tuberculosis and that has been tested for brucellosis and tuberculosis  
38 less than fourteen months before the sale, (2) has been tested for  
39 tuberculosis less than fourteen months before the sale and is regularly  
40 tested under the brucellosis ring test program of the Department of  
41 Agriculture, or (3) is certified to be brucellosis-free under the program  
42 established pursuant to section 22-299a. All dairy and breeding  
43 animals arriving at a sale from outside the state shall comply with  
44 section 22-304 and be accompanied by a health certificate issued by the  
45 livestock official of the state of their origin and by a permit from the  
46 commissioner. All animals offered for dairy or breeding purposes  
47 [over six months of age] shall be identified by an official ear tag [, a  
48 tattoo or registration papers] or an official animal identification device  
49 approved by the commissioner or the commissioner's designated

50 agent. [All female dairy or breeding animals over six months of age  
51 shall have been calfhooed vaccinated against brucellosis.] Animals  
52 consigned for slaughter shall be sold only to owners or agents of  
53 slaughtering establishments and moved directly to such slaughtering  
54 establishments for [immediate] slaughter not later than three days after  
55 the date of sale. All stables and sales rings shall be kept clean and shall  
56 be suitably disinfected prior to each sale. The provisions of this section  
57 shall not apply to the sale of an individual herd at an auction  
58 conducted by the owner thereof. Any person, or any officer or agent of  
59 any corporation, who violates any provision of this section or who  
60 obstructs or attempts to obstruct the Commissioner of Agriculture or  
61 the commissioner's deputy or assistants in the performance of their  
62 duty, shall be guilty of a class D misdemeanor.

63 (b) Any person, firm or corporation licensed pursuant to subsection  
64 (a) of this section shall make, execute and thereafter maintain on file  
65 with the Commissioner of Agriculture a bond to the state, satisfactory  
66 to the commissioner, to secure the performance of obligations incurred  
67 in this state or in lieu thereof, and a bond filed with the United States  
68 Department of Agriculture in the amount as required herein, pursuant  
69 to the provisions of the Packers and Stockyards Act (7 USC 181 et seq.).  
70 The amount of each such bond shall be based on the amount of one  
71 average sale of such person, firm or corporation. One average sale shall  
72 be computed by dividing the total yearly gross receipts from the sale of  
73 all livestock during the preceding twelve months by the number of  
74 sales during such time, provided the number of sales used to compute  
75 one average sale shall not be greater than one hundred thirty. If the  
76 amount of one average sale is ten thousand dollars or less the amount  
77 of the bond shall be ten thousand dollars. If the amount of one average  
78 sale is more than ten thousand dollars but not more than twenty-six  
79 thousand dollars, the amount of the bond shall be not less than the  
80 next multiple of two thousand dollars above such amount. If the  
81 amount of one average sale is more than twenty-six thousand dollars  
82 but not more than thirty thousand dollars, the amount of such bond  
83 shall be thirty thousand dollars. If the amount of one average sale is  
84 more than thirty thousand dollars, the amount of the bond shall be not

85 less than the next multiple of five thousand dollars above such  
86 amount.

87 (c) The sale of wild animals, captive cervidae, pets and companion  
88 animals, including pet birds and all psittacine birds, by a commission  
89 sales stable licensed pursuant to this section is prohibited. The sale of  
90 equines shall comply with chapter 438a including, but not limited to,  
91 obtaining any required licenses. The sale of poultry shall comply with  
92 chapter 434 including, but not limited to, obtaining any required  
93 licenses.

94 (d) Each commission sales stable shall retain a veterinarian who is  
95 licensed in this state and who maintains state and federal accreditation  
96 to practice veterinary medicine. Such veterinarian shall verify  
97 compliance with livestock importation requirements, examine and  
98 issue certificates of veterinary inspection for animals traveling  
99 interstate. Such veterinarian shall be present whenever livestock are  
100 offered for sale.

101 (e) The Commissioner of Agriculture may adopt regulations, in  
102 accordance with the provisions of chapter 54, to carry out the  
103 provisions of this section. Such regulations may include, but need not  
104 be limited to, requirements concerning animal identification, animal  
105 health and handling, facility design and construction requirements,  
106 sanitation standards, provisions concerning required records and  
107 recordkeeping.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	22-277

**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:** None

**Municipal Impact:** None

**Explanation**

The bill changes the livestock auction fee, administered by the Department of Agriculture, from \$190 annually, to a biennial fee of \$380. This is not anticipated to result in a fiscal impact. It would however, shift revenue collection from annual to biennial. There was one livestock auction licensed in FY 15, generating \$190 in revenue.

The bill makes other changes to private livestock auctions which do not result in a fiscal impact to the state or municipalities.

**The Out Years**

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

**OLR Bill Analysis****sSB 146****AN ACT CONCERNING CERTAIN REQUIREMENTS OF COMMISSION SALES STABLES.****SUMMARY:**

This bill revamps the law governing the places where livestock animals are sold at private auction (“commission sales stables”), which the Department of Agriculture (DoAg) commissioner supervises. Livestock animals are camelids (e.g., llamas or camels) or hooved animals raised for domestic or commercial use.

Among other things, the bill:

1. requires commission sales stables to obtain federal agency approval, in addition to a license from DoAg;
2. makes DoAg’s license biennial, instead of annual, and adjusts the fee accordingly;
3. requires that all animals at these facilities be identified;
4. establishes a three-day deadline for slaughtering animals after a sale;
5. eliminates a requirement that certain dairy and breeding animals be vaccinated against brucellosis as calves to be sold;
6. requires stables to retain a licensed veterinarian who must be present when livestock are offered for sale; and
7. explicitly prohibits stables from selling wild animals, captive cervidae (e.g., deer), pets and companion animals, and psittacine birds (e.g., parrots).

The bill allows the DoAg commissioner to adopt regulations regarding commission sales stables, which may include requirements for animal identification, health and handling, facility design and construction, sanitation, and records and recordkeeping.

It also makes minor and conforming changes, such as (1) specifying that equine (e.g., horse or mule) and poultry sales must follow existing law on their sales, such as obtaining required licenses and (2) including breeding animals with dairy animals for segregation and sale order at these facilities.

EFFECTIVE DATE: October 1, 2016

## **COMMISSION SALES STABLES**

### ***License to Operate***

Current law requires commission sales stables to annually apply for a license from DoAg and establishes a license fee of \$190. The bill makes the license biennial and correspondingly adjusts the fee to \$380.

Under the bill, these facilities must also be approved by the federal Department of Agriculture's Animal Plant Health Inspection Service and remain in good standing to operate as a livestock marketing facility.

### ***Sale Procedure***

The bill requires that dairy and breeding animals originating from Connecticut be kept separate from slaughter animals before the sales occur. Current law segregates the animals based on whether they are dairy or beef, not where the animals are from. Under the bill, animals from outside the state may commingle with slaughter animals.

The bill sets a three-day deadline to slaughter animals purchased at a commission sales stable. Current law requires immediate slaughter after the animals are moved to a slaughtering establishment. By law, slaughter animals (1) may be sold only to owners or agents of slaughtering establishments and (2) must be moved directly to the establishments after the sale.

***Animal Identification Methods***

The bill requires that all animals designated for slaughter be conspicuously identified by a method DoAg approves. Current law (1) limits the requirement to bovine (e.g., cows, bulls, oxen) animals weighing more than 300 pounds, but not dairy or breeding ones, and (2) requires that they be branded with an “S” in a conspicuous location or has some other DoAg-approved identification.

The bill also requires that all dairy and breeding animals be identified, rather than only those older than six months of age. It eliminates tattoos and registration papers as explicitly allowable forms of identification for these animals. Under the bill, an official ear tag or other DoAg-approved official animal identification device may be used.

***Health Requirements***

Current law requires all female dairy or breeding animals of at least six months of age and sold by a commission sales stable to be vaccinated against brucellosis when they were calves. The bill eliminates this requirement. Existing law, unchanged by the bill, requires that dairy and breeding animals meet certain health requirements, including testing for brucellosis or being certified as brucellosis-free (see BACKGROUND).

***Veterinarian Requirement***

The bill requires a commission sales stable to retain a state-licensed veterinarian who is both state- and federally accredited to practice veterinary medicine. He or she must (1) be present when livestock is offered for sale, (2) verify compliance with importation requirements, and (3) examine and issue certificates of veterinary inspection for animals traveling to another state.

**BACKGROUND*****Dairy and Breeding Animal Health Requirements***

By law, dairy and breeding animals brought to a commission sales stable must meet certain health requirements. If they are from within

Connecticut, these animals must be from herds:

1. under state supervision, having been tested for brucellosis and tuberculosis within the last 14 months;
2. tested within the last 14 months for tuberculosis and regularly tested under DoAg's brucellosis ring test program; or
3. certified by DoAg as brucellosis-free.

Dairy and breeding animals from outside the state must (1) meet the health requirements for imported cattle, (2) have a health certificate from the originating state, and (3) have a DoAg-issued permit.

***Applicable Penalties***

A violation of the law on commission sales stables, or obstructing DoAg in performing its duties, is a class D misdemeanor, punishable by a fine of up to \$250, up to 30 days in prison, or both.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 4 (03/04/2016)