

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-7297

AN ACT CONCERNING QUARANTINE AND DISPOSAL ORDERS OF ANIMAL

Title: CONTROL OFFICERS.

Vote Date: 3/25/2019

Vote Action: Joint Favorable Substitute

PH Date: 3/11/2019

File No.: 619

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SPONSORS OF BILL:

Environment Committee

Rep. Tom O'Dea, 125th Dist.

REASONS FOR BILL:

In January 2016, Rocky, a mixed-breed pit bull had been confined in the Portland, CT Animal Shelter after attacking a 68 year-old man. Due to the severity of the attack, the Connecticut Department of Agriculture (DoAg) issued an order for the dog to be put down. Paul Bell, Rocky's owner brought action in Superior Court to block the town from carrying out the kill order; however, the town agreed to work with the owner to come up with a resolution.

For over two years, Rocky had been confined in the Portland Animal Shelter while the town waited to hear from insurance companies and for other information. Current law requires a dog, cat, or other animal to be quarantined in a public pound, veterinary hospital, kennel, or other enclosures approved by DoAg if that attack occurs off the premises of the animal's owner.

The bill seeks to prevent similar situations by (1) allowing for the quarantine of a dog, cat, or ferret on the animal owner's premise if an animal control officer deems it is adequate, and (2) requires the state veterinarian, or the veterinarian's designee, to examine the animal to determine whether to continue or end the quarantine within 10 days.

Substitute Language – LCO No. 6573

In 2018 DoAg convened the Domestic Animal Control Working Group to address issues concerning dog bite cases in the state. The bill as originally drafted was based on the

recommendations of the working group. Concern had been shared with the Environment Committee that (1) the working group did not include members with expertise on animal behavior and prevention, familiarity with relevant constitutional law, or who are knowledgeable of the best practices and policies adopted by other jurisdictions, and (2) the bills removes due process by providing animal control officers the authority to determine disposal and restraint orders, and by failing to establish clear standards by which a dog would be deemed dangerous. While opponents of the bill disagree with many of the provisions outlined as originally drafted, they are in agreement with the working group's recommendation to shorten the quarantine period for an animal that has bitten or attacked a person from 14 to 10 days, and to provide animal control officers with the authority to determine if quarantining an animal on the owner's premise is adequate. Substitute language retains such provisions and strikes the remaining proposals.

RESPONSE FROM ADMINISTRATION/AGENCY:

Melody Currey, Acting Commissioner, Connecticut Department of Agriculture (DoAg):

Supports the bill. This bill reflects a consensus reached by an advisory working group representing diverse interests. While supportive of the bill, provisions within the bill pertaining to quarantining a dog should be moved to sections 22-359 of the general statutes that pertain to the control of rabies. This proposal (1) establishes criteria for an animal control officer to consider when contemplating the issuance of a restraint or disposal order, and (2) reshapes the way appeals of restraint and disposal orders are made, preserving the Uniform Administrative Procedures Act. While supportive of the bill, DoAg testimony requested a number of technical changes to the bill.

NATURE AND SOURCES OF SUPPORT:

Susan Bransfield, First Selectwoman, Town of Portland: Shared testimony as a participant in the Connecticut's Department of Agriculture's working group to address dog bite laws in the state. While supportive of the bill, working group recommends that language pertaining to the quarantine of biting dogs should be moved to section 22-359 of the general statutes.

Annie Hornish, State Director, The Humane Society of the United States: While supportive of the bill, it should be amended to (1) establish a multi-level classification of dog behavior, (2) provide for due process for the determination of a dangerous dog, (3) limit the requirements for dogs that are deemed dangerous, (4) be breed neutral, (5) prevent dogs from "running at-large", and (6) prohibit long term restraint.

Gail Petras, Senior Animal Control Officer, City of Middletown: Current language in C.G.S. 22-358 is too broad and is open to interpretation. The bill redefines the restrain and disposal order appeal process and allows for mediation between the municipality, the animal owner and the victim. Allowing animals that are current in their vaccination to be quarantined in their own homes is adequate confinement of the animal.

NATURE AND SOURCES OF OPPOSITION:

Jo-Anne R. Basile, Executive Director, Connecticut Votes for Animals (CVA): Although supportive of the provision changing the rabies quarantine from 14 to 10 days, making it in line with the Center for Disease Control recommendations, the bill does nothing to address the state's lack of due process protections on dangerous animal cases. The requirement that an animal control officer makes a disposal or restraint order is "too high." The bill should be amended to have animal control officers investigate complaints and ascertain appropriate charges based on clear standards of what constitutes a dangerous dog.

Debora M. Bresch, Senior State Legislative Director, American Society for the Prevention of Cruelty to Animals (ASPCA): The bill does not adequately address the law's constitutional infirmities. The Connecticut Department of Agriculture's dangerous dog law working group did not include any organization that (1) has familiarity with relevant constitutional questions, (2) are knowledgeable of best practice in the field of dangerous dog law, and (3) are knowledgeable of effective, fair policies adopted by other jurisdictions. Additionally, the bill fails to establish clear standards by which a dog would be deemed dangerous. Dangerous dog laws must allow pet owners adequate opportunity to challenge the charges brought against their pets.

Reported by: Pamela Bianca / Ussawin R. Bumpen 4/15/2019