



General Assembly

Amendment

January Session, 2019

LCO No. 10606



Offered by:
REP. DEMICCO, 21st Dist.

To: Subst. House Bill No. 7297 File No. 619 Cal. No. 373

**"AN ACT CONCERNING QUARANTINE AND DISPOSAL ORDERS
OF ANIMAL CONTROL OFFICERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22-358 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2019*):

5 (a) Any owner or the agent of any owner of any domestic animal or
6 poultry, or the Chief Animal Control Officer, any animal control
7 officer, any municipal animal control officer, any regional animal
8 control officer or any police officer or state policeman, may kill any
9 dog which he observes pursuing or worrying any such domestic
10 animal or poultry.

11 (b) Any person who is bitten, or who shows visible evidence of
12 attack by a dog, cat or other animal when such person is not upon the
13 premises of the owner or keeper of such dog, cat or other animal may
14 kill such dog, cat or other animal during such attack. Such person shall

15 make complaint concerning the circumstances of the attack to the Chief
16 Animal Control Officer, any animal control officer or the municipal
17 animal control officer or regional animal control officer of the town
18 wherein such dog, cat or other animal is owned or kept. Any such
19 officer to whom such complaint is made shall immediately make an
20 investigation of such complaint.

21 (c) [If such officer finds that the complainant has been bitten or
22 attacked by such dog, cat or other animal when the complainant was
23 not upon the premises of the owner or keeper of such dog, cat or other
24 animal the officer shall quarantine such dog, cat or other animal in a
25 public pound or order the owner or keeper to quarantine it in a
26 veterinary hospital, kennel or other building or enclosure approved by
27 the commissioner for such purpose. When any dog, cat or other animal
28 has bitten a person on the premises of the owner or keeper of such
29 dog, cat or other animal, the Chief Animal Control Officer, any animal
30 control officer, any municipal animal control officer or any regional
31 animal control officer may quarantine such dog, cat or other animal on
32 the premises of the owner or keeper of such dog, cat or other animal.]
33 The commissioner, the Chief Animal Control Officer, any animal
34 control officer, any municipal animal control officer or any regional
35 animal control officer may make any order concerning the restraint or
36 disposal of any biting dog, cat or other animal as the commissioner or
37 such officer deems necessary. Notice of any such order shall be given
38 to the person bitten by such dog, cat or other animal within twenty-
39 four hours. The owner of such animal shall pay all fees as set forth in
40 section 22-333. [On the fourteenth day of such quarantine the dog, cat
41 or other animal shall be examined by the commissioner or someone
42 designated by the commissioner to determine whether such quarantine
43 shall be continued or removed. Whenever any quarantine is ordered
44 under the provisions of this section, notice thereof shall be given to the
45 commissioner and to the person bitten or attacked by such dog, cat or
46 other animal within twenty-four hours.] Any owner or keeper of such
47 dog, cat or other animal who fails to comply with such order shall be
48 guilty of a class D misdemeanor. If an owner or keeper fails to comply

49 with a [quarantine or] restraining order made pursuant to this
50 subsection, the Chief Animal Control Officer, any animal control
51 officer, any municipal animal control officer or any regional animal
52 control officer may seize the dog, cat or other animal to ensure such
53 compliance and the owner or keeper shall be responsible for any
54 expenses resulting from such seizure. Any person aggrieved by an
55 order of any municipal animal control officer, the Chief Animal
56 Control Officer, any animal control officer or any regional animal
57 control officer may request a hearing before the commissioner within
58 fourteen days of the issuance of such order. Any order issued pursuant
59 to this section that requires the restraint of an animal shall be effective
60 upon its issuance and shall remain in effect during any appeal of such
61 order to the commissioner. After such hearing, the commissioner may
62 affirm, modify or revoke such order as the commissioner deems
63 proper. Any dog owned by a police agency of the state or any of its
64 political subdivisions is exempt from the provisions of this subsection
65 when such dog is under the direct supervision, care and control of an
66 assigned police officer, is currently vaccinated and is subject to routine
67 veterinary care. Any guide dog owned or in the custody and control of
68 a blind person or a person with a mobility impairment is exempt from
69 the provisions of this subsection when such guide dog is under the
70 direct supervision, care and control of such person, is currently
71 vaccinated and is subject to routine veterinary care.

72 (d) Any dog, while actually worrying or pursuing deer, may be
73 killed by the Chief Animal Control Officer or an animal control officer
74 or by a conservation officer or special conservation officer appointed
75 by the Commissioner of Energy and Environmental Protection, or by
76 any police officer or state policeman. The owner or keeper of any dog
77 found worrying or pursuing a deer shall be guilty of a class D
78 misdemeanor.

79 (e) Any person who kills any dog, cat or other animal in accordance
80 with the provisions of this section shall not be held criminally or civilly
81 liable therefor.

82 (f) [The owner of any dog, cat or other animal which has bitten or
83 attacked a person and has been quarantined pursuant to subsection (c)
84 of this section may authorize the humane euthanization of such dog,
85 cat or other animal by a licensed veterinarian at any time before the
86 end of the fourteenth day of such quarantine. Any such dog, cat or
87 other animal so euthanized before the end of the fourteenth day of
88 quarantine shall be examined for rabies by the Connecticut
89 Department of Public Health virology laboratory or any other
90 laboratory authorized by the Department of Public Health to perform
91 rabies examinations. The veterinarian performing the euthanasia shall
92 be responsible for ensuring that the head of the euthanized animal is
93 delivered by him or his designated agent within forty-eight hours to an
94 appropriate laboratory designated by said department for rabies
95 examination.] Repealed.

96 (g) Repealed by P.A. 05-175, S. 24.

97 (h) A person who sustains damage by a dog to such person's
98 poultry, ratite, domestic rabbit, companion animal or livestock as
99 defined in section 22-278 shall make complaint concerning
100 circumstances of the attack by such dog on any such animal or
101 livestock to the Chief Animal Control Officer, any animal control
102 officer or the municipal animal control officer or regional animal
103 control officer of the town in which such dog is owned or kept. An
104 officer to whom such complaint is made shall immediately investigate
105 such complaint. If such officer finds that the complainant's animal has
106 been bitten or attacked by a dog when the attacked animal was not on
107 the premises of the owner or keeper of the attacking dog and provided
108 the complainant's animal was under the control of the complainant or
109 on the complainant's property, such officer, the commissioner, the
110 Chief Animal Control Officer or any animal control officer may make
111 any order concerning the restraint or disposal of such attacking dog as
112 the commissioner or such officer deems necessary. An owner or keeper
113 of such dog who fails to comply with such order shall be guilty of a
114 class D misdemeanor. If the owner or keeper of such dog fails to
115 comply with an order made pursuant to this subsection, the Chief

116 Animal Control Officer or any animal control officer, municipal animal
117 control officer or regional animal control officer may seize the dog to
118 ensure such compliance, and the owner or keeper of such dog shall be
119 responsible for any expenses resulting from such seizure. A person
120 aggrieved by an order of the Chief Animal Control Officer or any
121 animal control officer, municipal animal control officer or regional
122 animal control officer made pursuant to this subsection may request a
123 hearing before the commissioner not later than fourteen days after the
124 issuance of such order. After such hearing, the commissioner may
125 affirm, modify or revoke such order as the commissioner deems
126 proper. A dog owned by a police agency of the state or any of its
127 political subdivisions is exempt from the provisions of this section
128 when such dog is under the direct supervision, care and control of an
129 assigned police officer, has been vaccinated annually and is subject to
130 routine veterinary care.

131 Sec. 2. Subsection (a) of section 22-359 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective July*
133 *1, 2019*):

134 (a) The commissioner may make such orders for the adequate
135 confinement, control or destruction of any dog, cat or other animal as
136 he deems necessary to prevent the spread of rabies and to protect the
137 public therefrom provided, notwithstanding the provisions of section
138 22-358, as amended by this act, a local director of health may order the
139 destruction of any unowned animal which is not currently vaccinated
140 for rabies for the purpose of rabies testing if the director finds that the
141 animal has bitten a person and the health or life of such person may be
142 threatened. Any person who fails to comply with any order made
143 under the provisions of this section shall be fined not more than one
144 hundred dollars. The commissioner, the Chief Animal Control Officer,
145 any animal control officer or any municipal animal control officer
146 [may] shall quarantine any animal in a public pound, veterinary
147 hospital, kennel or other building or enclosure approved by the
148 commissioner for such purpose, if in the determination of the
149 commissioner or such officer, such animal is rabid or is suspected of

150 being rabid, or has been bitten by, or may have been bitten by, or has
151 been in contact with or exposed to, a rabid animal or an animal
152 suspected of carrying rabies or any wild animal as defined in
153 subsection (d) of this section. The length of such quarantine period
154 shall be determined by the commissioner or the State Veterinarian who
155 shall take into account the age, general health and vaccination history
156 of the animal as well as current accepted veterinary practices. Any
157 suspected or confirmed case of rabies shall be reported to the
158 commissioner by a local director of health or board of health or any
159 veterinarian within twenty-four hours of receipt of such information.
160 Whenever a person, companion animal or other animal has been bitten
161 or attacked by a dog, cat or ferret, any state, municipal or regional
162 animal control officer shall quarantine such biting or attacking dog, cat
163 or ferret for ten days. During such quarantine such biting or attacking
164 dog, cat or ferret shall be observed for clinical signs of rabies. On the
165 tenth day of such quarantine, such dog, cat or ferret shall be examined
166 by the State Veterinarian or a person designated by the State
167 Veterinarian to determine whether such quarantine shall be continued
168 or removed. The quarantine of a biting or attacking dog, cat or ferret
169 shall conform to one of the following: (1) When the biting or attacking
170 dog, cat or ferret has a current rabies vaccination, the biting or
171 attacking dog, cat or ferret shall be quarantined in a public pound or in
172 a veterinary hospital or in a commercial kennel approved by the State
173 Veterinarian for such purpose or on the premises of the owner or
174 keeper of such biting dog, cat or ferret when such premises is adequate
175 for the confinement of such animal, as determined by the authority
176 that issued such order; or (2) when the biting or attacking dog, cat or
177 ferret does not have a current rabies vaccination, the biting or attacking
178 dog, cat or ferret shall be quarantined in a public pound or in a
179 veterinary hospital or in a commercial kennel approved by the State
180 Veterinarian for such purpose, or the dog, cat or ferret may be
181 quarantined or confined on the premises of the owner or keeper of the
182 biting or attacking dog, cat or ferret due to medical necessity
183 determined by a licensed veterinarian when such premises is adequate
184 for the confinement of such animal and acceptable to the municipality

185 or agency issuing the quarantine order and provided such animal is
186 vaccinated for rabies by a licensed veterinarian on the tenth day of
187 such quarantine. The management, confinement, quarantine or
188 disposition of biting or attacking animals other than dogs, cats or
189 ferrets shall be determined by the State Veterinarian who shall take
190 into account the age, general health, rabies vaccination status of the
191 biting or attacking animal and current national recommendations for
192 the prevention and control of rabies. The owner or keeper of any
193 animal that has been quarantined or confined pursuant to this section
194 may authorize the humane euthanasia of such animal by a licensed
195 veterinarian at any time before the end of the quarantine or
196 confinement period for the purpose of testing such animal for rabies.
197 Any animal so euthanized shall be examined for rabies by the
198 Connecticut Department of Public Health virology laboratory or any
199 laboratory authorized by the Connecticut Department of Public
200 Health. The veterinarian performing the euthanasia shall be
201 responsible for ensuring that the head of the euthanized animal is
202 delivered to the appropriate laboratory for rabies examination not later
203 than forty-eight hours after such euthanasia. The costs of any such
204 quarantine, veterinary examination, rabies vaccination, euthanasia and
205 rabies testing shall be the responsibility of the owner or keeper of any
206 animal quarantined or confined pursuant to this section.

207 Sec. 3. Section 22-4c of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective October 1, 2019*):

209 (a) The Commissioner of Agriculture may: (1) Adopt, amend or
210 repeal, in accordance with the provisions of chapter 54, such
211 standards, criteria and regulations, and such procedural regulations as
212 are necessary and proper to carry out the commissioner's functions,
213 powers and duties; (2) enter into contracts with any person, firm,
214 corporation or association to do all things necessary or convenient to
215 carry out the functions, powers and duties of the department; (3)
216 initiate and receive complaints as to any actual or suspected violation
217 of any statute, regulation, permit or order administered, adopted or
218 issued by the commissioner. The commissioner may hold hearings,

219 administer oaths, take testimony and subpoena witnesses and
220 evidence, enter orders and institute legal proceedings including, but
221 not limited to, suits for injunctions and for the enforcement of any
222 statute, regulation, order or permit administered, adopted or issued by
223 the commissioner. The commissioner, or the commissioner's agent,
224 may issue a citation in accordance with section 51-164n for any
225 infraction or violation of any provision of the general statutes under
226 the commissioner's authority; (4) provide an advisory opinion, upon
227 request of any municipality, state agency, tax assessor or any
228 landowner as to what constitutes agriculture or farming pursuant to
229 subsection (q) of section 1-1, or regarding classification of land as farm
230 land or open space land pursuant to sections 12-107b to 12-107f,
231 inclusive; (5) in accordance with constitutional limitations, enter at all
232 reasonable times, without liability, upon any public or private
233 property, except a private residence, for the purpose of inspection and
234 investigation to ascertain possible violations of any statute, regulation,
235 order or permit administered, adopted or issued by the commissioner
236 and the owner, managing agent or occupant of any such property shall
237 permit such entry, and no action for trespass shall lie against the
238 commissioner for such entry, or the commissioner may apply to any
239 court having criminal jurisdiction for a warrant to inspect such
240 premises to determine compliance with any statute, regulation, order
241 or permit or methods of manufacture or production ascertained by the
242 commissioner during, or as a result of, any inspection, investigation or
243 hearing; (6) undertake any studies, inquiries, surveys or analyses the
244 commissioner may deem relevant, through the personnel of the
245 department or in cooperation with any public or private agency, to
246 accomplish the functions, powers and duties of the commissioner; (7)
247 require the posting of sufficient performance bond or other security to
248 assure compliance with any permit or order; (8) provide by notice
249 printed on any form that any false statement made thereon or
250 pursuant thereto is punishable as a criminal offense under section 53a-
251 157b; (9) by regulations adopted in accordance with the provisions of
252 chapter 54, require the payment of a fee sufficient to cover the
253 reasonable cost of acting upon an application for and monitoring

254 compliance with the terms and conditions of any state or federal
 255 permit, license, registration, order, certificate or approval. Such costs
 256 may include, but are not limited to, the costs of (A) public notice, (B)
 257 reviews, inspections and testing incidental to the issuance of and
 258 monitoring of compliance with such permits, licenses, orders,
 259 certificates and approvals, and (C) surveying and staking boundary
 260 lines. The applicant shall pay the fee established in accordance with the
 261 provisions of this section prior to the final decision of the
 262 commissioner on the application. The commissioner may postpone
 263 review of an application until receipt of the payment.

264 (b) In any hearing held on or after October 1, 1995, on an application
 265 for any license issued by the commissioner, (1) the applicant shall pay
 266 all costs of recording and transcribing the hearing if a transcript is
 267 required by law, and (2) any applicant who requests a copy of a
 268 transcript of a hearing for which a transcript is not required by law
 269 shall pay to the department any expenses incurred by the department
 270 in having such transcript prepared. In any proceeding held on or after
 271 October 1, 1995, on a department order to enforce any statute,
 272 regulation, permit or order administered or issued by the
 273 commissioner, the respondent or other person taking an appeal from a
 274 final decision of the commissioner shall pay all costs of recording and
 275 transcribing the hearing if a transcript is required by law. Upon a
 276 showing of indigency by such respondent or person, the court may
 277 require the commissioner to pay such costs."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	22-358
Sec. 2	July 1, 2019	22-359(a)
Sec. 3	October 1, 2019	22-4c