Amendment

General Assembly

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 following in lieu thereof:

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 Section 22-358 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

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

(b) Any person who is bitten, or who shows visible evidence of attack by a dog, cat or other animal when such person is not upon the premises of the owner or keeper of such dog, cat or other animal may kill such dog, cat or other animal during such attack. Such person shall
make complaint concerning the circumstances of the attack to the Chief
Animal Control Officer, any animal control officer or the municipal
animal control officer or regional animal control officer of the town
wherein such dog, cat or other animal is owned or kept. Any such
officer to whom such complaint is made shall immediately make an
investigation of such complaint.

(c) [If such officer finds that the complainant has been bitten or
attacked by such dog, cat or other animal when the complainant was
not upon the premises of the owner or keeper of such dog, cat or other
animal the officer shall quarantine such dog, cat or other animal in a
public pound or order the owner or keeper to quarantine it in a
veterinary hospital, kennel or other building or enclosure approved by
the commissioner for such purpose. When any dog, cat or other animal
has bitten a person on the premises of the owner or keeper of such
dog, cat or other animal, the Chief Animal Control Officer, any animal
control officer, any municipal animal control officer or any regional
animal control officer may quarantine such dog, cat or other animal on
the premises of the owner or keeper of such dog, cat or other animal.]
with a [quarantine or] restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may seize the dog, cat or other animal to ensure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. Any order issued pursuant to this section that requires the restraint of an animal shall be effective upon its issuance and shall remain in effect during any appeal of such order to the commissioner. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer, is currently vaccinated and is subject to routine veterinary care. Any guide dog owned or in the custody and control of a blind person or a person with a mobility impairment is exempt from the provisions of this subsection when such guide dog is under the direct supervision, care and control of such person, is currently vaccinated and is subject to routine veterinary care.

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

(e) Any person who kills any dog, cat or other animal in accordance with the provisions of this section shall not be held criminally or civilly liable therefor.
(f) [The owner of any dog, cat or other animal which has bitten or attacked a person and has been quarantined pursuant to subsection (c) of this section may authorize the humane euthanization of such dog, cat or other animal by a licensed veterinarian at any time before the end of the fourteenth day of such quarantine. Any such dog, cat or other animal so euthanized before the end of the fourteenth day of quarantine shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any other laboratory authorized by the Department of Public Health to perform rabies examinations. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered by him or his designated agent within forty-eight hours to an appropriate laboratory designated by said department for rabies examination.] Repealed.

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

(h) A person who sustains damage by a dog to such person's poultry, ratite, domestic rabbit, companion animal or livestock as defined in section 22-278 shall make complaint concerning circumstances of the attack by such dog on any such animal or livestock to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town in which such dog is owned or kept. An officer to whom such complaint is made shall immediately investigate such complaint. If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary. An owner or keeper of such dog who fails to comply with such order shall be guilty of a class D misdemeanor. If the owner or keeper of such dog fails to comply with an order made pursuant to this subsection, the Chief
Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer may seize the dog to ensure such compliance, and the owner or keeper of such dog shall be responsible for any expenses resulting from such seizure. A person aggrieved by an order of the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer made pursuant to this subsection may request a hearing before the commissioner not later than fourteen days after the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. A dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this section when such dog is under the direct supervision, care and control of an assigned police officer, has been vaccinated annually and is subject to routine veterinary care.

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

(a) The commissioner may make such orders for the adequate confinement, control or destruction of any dog, cat or other animal as he deems necessary to prevent the spread of rabies and to protect the public therefrom provided, notwithstanding the provisions of section 22-358, as amended by this act, a local director of health may order the destruction of any unowned animal which is not currently vaccinated for rabies for the purpose of rabies testing if the director finds that the animal has bitten a person and the health or life of such person may be threatened. Any person who fails to comply with any order made under the provisions of this section shall be fined not more than one hundred dollars. The commissioner, the Chief Animal Control Officer, any animal control officer or any municipal animal control officer [may] shall quarantine any animal in a public pound, veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose, if in the determination of the commissioner or such officer, such animal is rabid or is suspected of...
being rabid, or has been bitten by, or may have been bitten by, or has
been in contact with or exposed to, a rabid animal or an animal
suspected of carrying rabies or any wild animal as defined in
subsection (d) of this section. The length of such quarantine period
shall be determined by the commissioner or the State Veterinarian who
shall take into account the age, general health and vaccination history
of the animal as well as current accepted veterinary practices. Any
suspected or confirmed case of rabies shall be reported to the
commissioner by a local director of health or board of health or any
veterinarian within twenty-four hours of receipt of such information.
Whenever a person, companion animal or other animal has been bitten
or attacked by a dog, cat or ferret, any state, municipal or regional
animal control officer shall quarantine such biting or attacking dog, cat
or ferret for ten days. During such quarantine such biting or attacking
dog, cat or ferret shall be observed for clinical signs of rabies. On the
tenth day of such quarantine, such dog, cat or ferret shall be examined
by the State Veterinarian or a person designated by the State
Veterinarian to determine whether such quarantine shall be continued
or removed. The quarantine of a biting or attacking dog, cat or ferret
shall conform to one of the following: (1) When the biting or attacking
dog, cat or ferret has a current rabies vaccination, the biting or
attacking dog, cat or ferret shall be quarantined in a public pound or in
a veterinary hospital or in a commercial kennel approved by the State
Veterinarian for such purpose or on the premises of the owner or
keeper of such biting dog, cat or ferret when such premises is adequate
for the confinement of such animal, as determined by the authority
that issued such order; or (2) when the biting or attacking dog, cat or
ferret does not have a current rabies vaccination, the biting or attacking
dog, cat or ferret shall be quarantined in a public pound or in a
veterinary hospital or in a commercial kennel approved by the State
Veterinarian for such purpose, or the dog, cat or ferret may be
quarantined or confined on the premises of the owner or keeper of the
biting or attacking dog, cat or ferret due to medical necessity
determined by a licensed veterinarian when such premises is adequate
for the confinement of such animal and acceptable to the municipality.
or agency issuing the quarantine order and provided such animal is vaccinated for rabies by a licensed veterinarian on the tenth day of such quarantine. The management, confinement, quarantine or disposition of biting or attacking animals other than dogs, cats or ferrets shall be determined by the State Veterinarian who shall take into account the age, general health, rabies vaccination status of the biting or attacking animal and current national recommendations for the prevention and control of rabies. The owner or keeper of any animal that has been quarantined or confined pursuant to this section may authorize the humane euthanasia of such animal by a licensed veterinarian at any time before the end of the quarantine or confinement period for the purpose of testing such animal for rabies. Any animal so euthanized shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any laboratory authorized by the Connecticut Department of Public Health. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered to the appropriate laboratory for rabies examination not later than forty-eight hours after such euthanasia. The costs of any such quarantine, veterinary examination, rabies vaccination, euthanasia and rabies testing shall be the responsibility of the owner or keeper of any animal quarantined or confined pursuant to this section.

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

(a) The Commissioner of Agriculture may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the commissioner's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the commissioner. The commissioner may hold hearings,
administer oaths, take testimony and subpoena witnesses and
evidence, enter orders and institute legal proceedings including, but
not limited to, suits for injunctions and for the enforcement of any
statute, regulation, order or permit administered, adopted or issued by
the commissioner. The commissioner, or the commissioner's agent,
may issue a citation in accordance with section 51-164n for any
infraction or violation of any provision of the general statutes under
the commissioner's authority; (4) provide an advisory opinion, upon
request of any municipality, state agency, tax assessor or any
landowner as to what constitutes agriculture or farming pursuant to
subsection (q) of section 1-1, or regarding classification of land as farm
land or open space land pursuant to sections 12-107b to 12-107f,
inclusive; (5) in accordance with constitutional limitations, enter at all
reasonable times, without liability, upon any public or private
property, except a private residence, for the purpose of inspection and
investigation to ascertain possible violations of any statute, regulation,
order or permit administered, adopted or issued by the commissioner
and the owner, managing agent or occupant of any such property shall
permit such entry, and no action for trespass shall lie against the
commissioner for such entry, or the commissioner may apply to any
court having criminal jurisdiction for a warrant to inspect such
premises to determine compliance with any statute, regulation, order
or permit or methods of manufacture or production ascertained by the
commissioner during, or as a result of, any inspection, investigation or
hearing; (6) undertake any studies, inquiries, surveys or analyses the
commissioner may deem relevant, through the personnel of the
department or in cooperation with any public or private agency, to
accomplish the functions, powers and duties of the commissioner; (7)
require the posting of sufficient performance bond or other security to
assure compliance with any permit or order; (8) provide by notice
printed on any form that any false statement made thereon or
pursuant thereto is punishable as a criminal offense under section 53a-
157b; (9) by regulations adopted in accordance with the provisions of
chapter 54, require the payment of a fee sufficient to cover the
reasonable cost of acting upon an application for and monitoring
compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval. Such costs may include, but are not limited to, the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment.

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

This act shall take effect as follows and shall amend the following sections:

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<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Section</th>
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<tbody>
<tr>
<td>1</td>
<td>July 1, 2019</td>
<td>22-358</td>
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<tr>
<td>Sec. 2</td>
<td>July 1, 2019</td>
<td>22-359(a)</td>
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<td>Sec. 3</td>
<td>October 1, 2019</td>
<td>22-4c</td>
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