
OLR Bill Analysis

sSB 1069

AN ACT CONCERNING REVISIONS TO CERTAIN DOMESTIC ANIMAL RELATED STATUTES.

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SUMMARY

This bill makes numerous changes in the domestic animal statutes, as summarized in the section-by-section analysis below.

EFFECTIVE DATE: Upon passage unless otherwise specified below.

§ 1 — NEGLECTED OR CRUELLY TREATED ANIMALS

Allows animal control officers to get court orders requiring an animal's owner to provide necessary care for the animal; increases the cash bond amount required when the animal is given to another temporarily; increases the per diem rate an animal's owner must pay to cover the cost of the temporary care

The bill allows animal control officers (ACOs), when an animal is found to be neglected or cruelly treated, to seek a court order to require the animal's owner to provide necessary care for the animal. This would be an option in addition to other court orders ACOs may already request by law (e.g., removal and temporary care and custody).

Under current law, when a court orders an animal to be temporarily placed with another person or agency, the animal's owner must either

relinquish the animal or post a surety or cash bond of \$500 with the person or agency in whom the animal's temporary care and custody was vested. The bill eliminates the surety bond option and instead requires a \$1,000 cash bond, which may be posted with the person, agency, or the agency's counsel of record in the case.

By law, if the court finds an animal is neglected or cruelly treated, the animal's owner, or other person responsible for the animal, must pay for the expenses incurred by the state, a municipality, or other person or agency for the animal's temporary care and custody. The bill increases the per diem rate that the person must pay. Currently, the law requires the amount owed to be calculated at a per animal per day rate of \$15, or \$25 if the animal is a horse or other large livestock. The bill increases these amounts to \$20 and \$30, respectively.

In addition, the bill requires the animal's owner or other responsible person to pay for all veterinary costs incurred for the welfare of the animal while in temporary custody. Under current law, those costs must be paid for if they are not otherwise covered by the per diem rate.

§ 2 — MUNICIPAL ACO REPORTING

Requires municipal ACOs to report monthly to the Department of Agriculture and the town's or region's chief administrative officer on the official duties and services performed in the prior month; eliminates obsolete language about how ACOs are paid

The bill requires municipal ACOs to report monthly, by the 10th day, to the Department of Agriculture (DoAg) and the chief administrative officer for the town or region where services were rendered on the official duties and services they performed in the prior month. The DoAg commissioner must prescribe the forms for the reporting.

The bill also eliminates the requirement that ACOs file sworn statements with their monthly report. Currently, ACOs must file their sworn statements and reports with the chief administrative officer, who then forwards them to DoAg.

Additionally, the bill removes obsolete language about ACOs being paid based on the number of dogs they handled in the prior month.

§ 3 — BREEDING KENNEL FACILITY LICENSE

Renames a kennel license as a breeding kennel facility license; disqualifies people who are guilty of animal cruelty from holding a breeding kennel facility license; allows municipal and regional ACOs, instead of DoAg, to inspect breeding kennel facilities; generally reduces penalties related to violating breeding kennel facility requirements; adds a penalty for not complying with an ACO's orders

License Eligibility

The bill renames a kennel license as a “breeding kennel facility license.” By law, a person who breeds more than two litters of dogs a year must apply to their town clerk for a license, while a person who breeds up to two litters a year may apply for a license. The bill makes any person, and any business entity with a person with a controlling interest, who is found guilty of animal cruelty ineligible to hold a breeding kennel facility license.

Facility Inspections and ACO Orders

The bill allows municipal and regional ACOs, instead of the agriculture commissioner and state ACOs, to inspect breeding kennel facilities, including after receiving a complaint about the facility. An inspection may include a review of sanitary conditions; the animals’ access to proper and wholesome food, water, exercise, proper enclosures, and necessary veterinary care; records of veterinary care; and the transfer of dogs or puppies to new owners.

The bill requires that any crate or enclosure used at a facility to keep dogs in for more than four hours must be clean; in good repair; and of sufficient size so that the dogs can stand, sit, lie down, turn around, and make normal postural movements.

The ACO may issue orders to correct any deficiencies found during an inspection. If the ACO suspects a communicable or infectious disease, the ACO may order the licensee to consult a veterinarian at their own expense. The licensee must implement any recommendations from the ACO and veterinarian.

Under the bill, a person aggrieved by any related ACO orders may appeal to the Superior Court serving the municipality, but must do so within 15 days after the order’s date.

Penalties

The bill authorizes the municipality to suspend, revoke, or refuse to issue a breeding kennel facility license for cause.

Currently, anyone operating a breeding kennel facility after their license was revoked or suspended is guilty of a class B misdemeanor (punishable by up to six months in prison, a fine of up to \$1,000, or both). The bill reduces the penalty to a class D misdemeanor (punishable by up to 30 days imprisonment, a fine of up to \$250, or both).

Additionally, it reduces the penalty, from a class B misdemeanor to an infraction for a first offense and a class D misdemeanor for a subsequent offense, for failing to (1) get a breeding kennel facility license when required or (2) allow an inspection of the facility. It also extends the same penalty to failing to comply with an ACO's order.

§ 4 — BUSINESS ENTITY LICENSES AND REGISTRATIONS

Disqualifies people who are guilty of animal cruelty from holding certain licenses; allows the DoAg commissioner to refuse to issue or renew a license or registration for not complying with relevant laws, regulations, and orders

The bill makes any person, and any business entity with a person with a controlling interest, who is found guilty of animal cruelty ineligible to hold a commercial kennel, pet shop, grooming facility, or training facility license.

By law, the DoAg commissioner may revoke or suspend a commercial kennel, pet shop, grooming facility, or training facility license or an animal shelter registration for failure to comply with state laws and regulations and commissioner orders. The bill also authorizes him to refuse to issue or renew a license or registration for the same reasons.

The bill specifies that any individual or private entity (rather than any person) that wants to operate an animal shelter must register the shelter with the DoAg commissioner and comply with applicable laws and regulations.

§ 5 — ENFORCEMENT OF THE PET LEMON LAW AND PET SHOP VETERINARY RECORDS

Allows a consumer to bring a lawsuit in Superior Court against a pet shop licensee that fails to comply with the state's pet lemon law; eliminates a fine for the same failure; allows a pet shop licensee to keep electronic or paper records of veterinary services given to dogs and cats offered for sale

Pet Lemon Law Enforcement

By law, if a pet shop licensee fails to reimburse a consumer in accordance with the state's pet lemon law (see *Background*), the consumer may seek help from the DoAg commissioner. Under the bill, if a licensee fails to reimburse or replace an animal as required under the pet lemon law, the consumer may bring a lawsuit in Superior Court for enforcement action.

Currently, a licensee who violates the pet lemon law is fined up to \$500. The bill eliminates the statutory fine.

Pet Shop Veterinary Records

The bill allows pet shop licensees to maintain either electronic or paper records of veterinary services provided for dogs and cats offered for sale. By law, they must have a licensed veterinarian examine each dog or cat every 15 days until the animal is sold and keep the exam records. Under existing law, unchanged by the bill, a violator is subject to a fine of up to \$500.

EFFECTIVE DATE: July 1, 2023

Background — Pet Lemon Law

By law, a pet shop licensee must reimburse a customer for veterinarian expenses incurred for a dog or cat that within(1) 20 days after sale, becomes ill or dies of an illness that it had at the time of sale or (2) six months after sale, is diagnosed with a congenital defect that adversely affects its health. The law requires the licensee to reimburse the value of the actual veterinarian services and medications given to the animal, but the reimbursement is limited to (1) the purchase price of the animal if it was purchased for \$500 or more and (2) \$500 if the animal was purchased for less than \$500. At the customer's option, the pet shop licensee must instead replace the animal or refund the animal's purchase price.

§ 7 — HEALTH CERTIFICATES FOR IMPORTED CATS AND DOGS

Requires the veterinarians who issue health certificates for imported cats and dogs be accredited by the U.S. Department of Agriculture

By law, cats and dogs imported into the state must come with a health certificate stating that they are free of any infectious, contagious, or communicable disease and, for any over three months old, vaccinated for rabies. Current law requires a licensed, graduate veterinarian to issue the health certificates. The bill requires that the veterinarian be accredited by the U.S. Department of Agriculture.

EFFECTIVE DATE: July 1, 2023

§ 8 — RABIES

Makes numerous changes in the statutes related to rabies, such as allowing the DoAg commissioner or his designee to order rabies testing; increasing the penalty for violating a rabies-related order; requiring suspected or confirmed cases of rabies to be reported to the state veterinarian within 24 hours; and requiring the owner or keeper of an animal that is seized for failure to abide by a quarantine order to pay all costs associated with the animal's seizure and care before reclaiming the animal

DoAg Orders

By law, the DoAg commissioner may order an animal to be confined, controlled, or destroyed to prevent the spread of rabies and protect the public. The bill also allows him to order an animal to be tested for rabies and quarantined and allows his designee to make any of these orders on his behalf.

Under current law, anyone who violates an order is subject to a fine of up to \$100. The bill instead subjects a violator to a \$250 fine.

Reports of Rabies

Currently, local health directors or boards and veterinarians must report a suspected or confirmed rabies case to the DoAg commissioner within 24 hours. The bill instead requires an ACO, diagnostic lab, local health director, or veterinarian to report this information to the state veterinarian in the same timeframe.

Biting and Attacking Animals

By law, ACOs may quarantine (for 10 days) a dog, cat, or ferret that bites or attacks a person or another animal to watch for signs of rabies.

The law also requires the state veterinarian to determine the management, confinement, quarantine, or disposition of a biting or attacking animal other than a dog, cat, or ferret. When making her decisions, the state veterinarian must consider the animal's age, health, rabies vaccination status, and national recommendations for preventing and controlling rabies. The bill also requires her to consider the rabies vaccination status of the animal bitten or attacked.

Quarantined Animal With Rabies

Under current law, any quarantined animal that is clinically diagnosed as rabid by two veterinarians, including one in private practice, must be humanely euthanized. The bill instead requires one veterinarian or the state veterinarian to make the diagnosis before euthanizing the animal. By law, the euthanasia must happen immediately without prior notice to the animal's owner or keeper, and the veterinarian carrying it out is immune from criminal and civil liability.

The bill requires the Department of Public Health (DPH) laboratory, or a DPH-authorized lab, to examine the euthanized animal for rabies. The veterinarian performing the euthanasia must make sure that the animal's head is brought to the appropriate lab for examination within 48 hours after the animal is euthanized.

Quarantined Animal in Good Health

Under current law, when a quarantined animal, other than a dog, is found to be healthy at the end of the quarantine period but its owner or keeper has not claimed the animal within that time, a municipal ACO may sell the animal to someone who will give it a good home and proper care. The bill instead allows a municipal or regional ACO to sell or give away the animal if its owner or keeper has not claimed it within five days after the quarantine period ended. As under current law, if the animal is not sold after this time, it may be disposed of at the state veterinarian's direction, and no one will be held criminally or civilly liable for this action.

Wild Animal Suspected of Being Rabid

Under current law, the DoAg commissioner, an ACO, or a state or municipal police officer may immediately kill a wild animal that displays behavior that causes the commissioner to reasonably conclude that the animal is rabid. The bill instead allows an ACO or a state or municipal police officer to kill a wild animal if the DoAg commissioner, state veterinarian, an ACO, or a state or municipal police officer reasonably concludes the animal is rabid.

Failure to Comply With a Quarantine or Confinement Order

The bill allows an animal subject to a quarantine or confinement order whose owner or keeper does not comply with the order to be seized by an ACO and held in quarantine until it is over and the animal is examined by a veterinarian. The owner or keeper who failed to comply with the order must pay all resulting costs, including the costs of seizure, care, handling, veterinary examination, and rabies vaccination, before the animal is released to him or her.

§ 9 — SERVICE ANIMALS

Updates language by replacing “guide dogs” with “service animals” to conform with federal law

Under current law, a dog owner or keeper must restrain their dog when they are near a person with a disability who is with a guide dog that is licensed, under the person’s control, and wearing a harness or orange leash and collar that readily identifies the dog as a guide dog. A violation is an infraction.

The bill replaces the references to “guide dog” with “service animal” and eliminates the requirement that the animal be readily identified as one, as this is not required by federal law.

Similar to current law, if a dog attacks and injures a service animal, the dog’s owner or keeper is liable for damages, including the cost of veterinary care, rehabilitation or replacement of the service animal, and reasonable attorney fees.

§ 10 — GENERAL PENALTY AND ENFORCEMENT

Applies the general penalty under Chapter 435 of the general statutes to violations of related regulations instead of those specific to restraining or destroying cats and dogs;

provides that ACOs must enforce the chapter's provisions and removes the requirements that constables do so; eliminates a requirement that the DoAg commissioner take enforcement action when an ACO is negligent in his or her duties

General Penalty

When a person owning, keeping, or harboring a cat or dog or maintaining a kennel or commercial kennel violates a provision of Chapter 435 of the general statutes (i.e., laws related to companion animals) or a regulation about restraining or destroying cats or dogs, for which no other penalty is specified, a general penalty is imposed. The penalty is a fine of at least \$250, up to 30 days in prison, or both. The bill applies the general penalty to a violation of any related regulation, not just those on restraining or destroying cats or dogs.

Enforcement

Under current law, any of the following people may investigate and prosecute violations of the chapter: constables, any ACO, the state's chief ACO, and any prosecuting officers. The bill instead requires any ACO or the chief ACO to investigate and prosecute violations.

Additionally, the bill eliminates a requirement that the DoAg commissioner take any necessary enforcement action upon getting a complaint that an ACO is negligent in his or her enforcement duties.

§ 11 — ANIMAL POPULATION CONTROL PROGRAM

Requires the DoAg commissioner to update the veterinarian reimbursement payment levels under the program biennially

PA 21-90 required the DoAg commissioner to update the reimbursement amount paid to veterinarians participating in the Animal Population Control Program. It required the commissioner to set a reimbursement rate that is up to 75% of the market rate or fee charged by veterinarians in Connecticut as of October 31, 2021. The bill instead requires him to set this reimbursement rate biennially.

Background — Animal Population Control Program

This DoAg program (1) gives low-income Connecticut residents discounted sterilization and vaccination options for their dogs and cats and (2) helps registered nonprofit rescue groups with the sterilization and vaccination of feral cats. The DoAg commissioner uses the animal

population control account for the program’s costs. The account funds come from a surcharge on dog licenses, certain animal adoption fees for unsterilized cats and dogs, and proceeds from commemorative “Caring for Pets” license plates.

§§ 6, 12 & 13 — REPEALED STATUTES AND TECHNICAL AND CONFORMING CHANGES

Repeals statutes related to (1) municipal licensing for keeping 10 or more dogs capable of breeding, (2) DoAg setting standards of care for those dogs and cats in a breeding cattery, and (3) allocating a portion of dog license fees to UConn for canine disease research; makes related technical and conforming changes

The bill makes technical and conforming changes, including removing references to the following statutes that the bill repeals:

1. CGS § 22-344c, which allows towns to require a license in order to keep 10 or more unneutered or unspayed dogs capable of breeding and requires the DoAg commissioner to prescribe the standard of care to be provided to those dogs and any cats in a breeding cattery and
2. CGS § 22-348, which allocates \$0.10 from each dog license fee to UConn for canine disease research.

Background — Related Bill

sHB 6611, favorably reported by the Environment Committee also repeals CGS § 22-348, but as of June 1, 2024.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/24/2023)