



Senate

General Assembly

File No. 518

January Session, 2023

Substitute Senate Bill No. 1148

Senate, April 12, 2023

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING BIRD FEEDERS AND OTHER UNINTENTIONAL AND INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS.

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

1 Section 1. Section 26-47 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) When it is shown to the satisfaction of the commissioner that
4 wildlife is causing unreasonable damage to agricultural crops during
5 the night and it is found by the commissioner that control of such
6 damage by wildlife is impracticable during the daylight hours, the
7 commissioner may issue permits for the taking of such wildlife as the
8 commissioner deems necessary to control such damage by such method
9 as the commissioner determines, including the use of lights, during the
10 period between sunset and sunrise, upon written application of the
11 owner or lessee of record of the land on which such crops are grown.
12 Such permits may be issued to any qualified person designated by such
13 landowner or lessee. The person to whom such permit is issued shall be

14 held responsible for complying with the conditions under which such
15 permit is issued. The provisions of this section shall not apply to deer.

16 (b) (1) No person shall engage in the business of controlling nuisance
17 wildlife, other than rats or mice, without obtaining a license from the
18 commissioner. Such license shall be valid for a period of two years and
19 may be renewed in accordance with a schedule established by the
20 commissioner. The fee for such license shall be two hundred fifty
21 dollars. The controlling of nuisance wildlife at the direction of the
22 commissioner shall not constitute engaging in the business of
23 controlling nuisance wildlife for the purposes of this section. No person
24 shall be licensed under this subsection unless the person: (A) Provides
25 evidence, satisfactory to the commissioner, that the person has
26 completed training which included instruction in site evaluation,
27 methods of nonlethal and approved lethal resolution of common
28 nuisance wildlife problems, techniques to prevent reoccurrence of such
29 problems and humane capture, handling and euthanasia of nuisance
30 wildlife and instruction in methods of nonlethal resolution of common
31 nuisance wildlife problems, including, but not limited to, training
32 regarding frightening devices, repellants, one-way door exclusion and
33 other exclusion methods, habitat modification and live-trapping and
34 releasing and other methods as the commissioner may deem
35 appropriate; and (B) is a resident of this state or of a state that does not
36 prohibit residents of this state from being licensed as nuisance wildlife
37 control operators because of lack of residency.

38 (2) The licensure requirements shall apply to municipal employees
39 who engage in the control or handling of animals, including, but not
40 limited to, animal control officers, except that no license shall be
41 required of such employees for the emergency control of rabies.
42 Notwithstanding the requirements of this subsection, the commissioner
43 shall waive the licensure fee for such employees. The commissioner
44 shall provide to such municipal employees, without charge, the training
45 required for licensure under this subsection. A license held by a
46 municipal employee shall be noncommercial, nontransferable and
47 conditional upon municipal employment.

48 (3) The commissioner shall adopt regulations, in accordance with the
49 provisions of chapter 54, which (A) define the scope and methods for
50 controlling nuisance wildlife provided such regulations shall
51 incorporate the recommendations of the 1993 report of the American
52 Veterinary Medical Association panel on euthanasia and further
53 provided such regulations may provide for the use of specific
54 alternatives to such recommendations only in specified circumstances
55 where use of a method of killing approved by such association would
56 involve an imminent threat to human health or safety and only if such
57 alternatives are designed to kill the animal as quickly and painlessly as
58 practicable while protecting human health and safety, and (B) establish
59 criteria and procedures for issuance of a license.

60 (4) Except as otherwise provided in regulations adopted under this
61 section, no person licensed under this subsection may kill any animal by
62 any method which does not conform to the recommendations of the
63 1993 report of the American Veterinary Medical Association panel on
64 euthanasia. No person may advertise any services relating to humane
65 capture or relocation of wildlife unless all methods employed in such
66 services conform to such regulations.

67 (5) Any person licensed under this subsection shall provide all clients
68 with a written statement approved by the commissioner regarding
69 approved lethal and nonlethal options, as provided in this subsection,
70 which are available to the client for resolution of common nuisance
71 problems. If a written statement cannot be delivered to the client prior
72 to services being rendered, the licensee shall leave the statement at the
73 job site or other location arranged with the client.

74 (6) Each person licensed under this subsection shall submit a report
75 to the commissioner, on such date as the commissioner may determine,
76 that specifies the means utilized in each case of nuisance wildlife control
77 service provided in the preceding calendar year including any method
78 used in those cases where an animal was killed. Any information
79 included in such report which identifies a client of such person or the
80 client's street address may be released by the commissioner only

81 pursuant to an investigation related to enforcement of this section.

82 (c) Any person who violates any provision of this section, or any
83 condition under which a permit or license is issued, shall be guilty of a
84 class D misdemeanor; and any permit or license issued to such person,
85 and all other such permits or licenses issued to any other person for such
86 property, shall be revoked by the commissioner and the right to obtain
87 such permit or license shall remain suspended for such period of time
88 as the commissioner determines.

89 (d) Any permit or license issued under this section shall not authorize
90 the taking of deer.

91 (e) Notwithstanding the provisions of subsection (a) of this section,
92 the Commissioner of Energy and Environmental Protection may issue
93 permits for the taking of wildlife that threatens or causes damage to
94 agricultural crops, livestock or apiaries, if: (1) The owner or lessee of the
95 subject property utilized reasonable nonlethal efforts to protect such
96 crops, apiaries or livestock, including, but not limited to, electric
97 fencing, animal guardians or fortified enclosed structures, and (2) an
98 investigation by Department of Energy and Environmental Protection
99 personnel determines that the taking of such wildlife is necessary to
100 protect agricultural crops, apiaries or livestock from excessive damage
101 and that reasonable nonlethal efforts to protect such crops, apiaries or
102 livestock have not been or are not likely to be successful in preventing
103 further damage. Any such permit issued pursuant to this subsection
104 shall specify the means, methods and times for which such take is
105 allowed and shall only be issued by the commissioner to the: (A) Owner
106 of the subject property on which such excessive damage occurred, (B)
107 agent of such owner, or (C) lessee of such subject property, provided
108 such lessee has the written permission of such owner to take wildlife.
109 Any wildlife taken pursuant to this section shall be disposed of as
110 directed by the department. The provisions of this subsection shall not
111 be construed to authorize the taking of any federally protected species.

112 Sec. 2. Section 26-80a of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2023*):

114 (a) Any person who takes moose or bear in violation of this part shall
115 (1) for a first offense, be fined not more than five hundred dollars or
116 imprisoned not more than thirty days, or both, and the Commissioner
117 of Energy and Environmental Protection shall suspend such person's
118 hunting license for a period of not less than one year, (2) for a second
119 offense, be fined not more than seven hundred fifty dollars or
120 imprisoned not more than three months, or both, and the commissioner
121 shall suspend such person's hunting license for a period of not less than
122 two years, and (3) for a third or subsequent offense, be fined not more
123 than one thousand dollars or imprisoned not more than six months, or
124 both, and the commissioner shall permanently revoke such person's
125 hunting license.

126 (b) Nothing in this section shall prevent the commissioner from
127 designating an open season on the hunting of moose and bear pursuant
128 to this part.

129 (c) Nothing in this section shall be construed to prevent any person
130 from using deadly physical force to kill a bear if such person reasonably
131 believes that a bear is: (1) Inflicting or is about to inflict great bodily
132 harm to a human, (2) injuring or killing such person's pet that is
133 otherwise controlled in accordance with any applicable provision of the
134 general statutes or any regulation adopted pursuant to such a provision,
135 or (3) entering a building occupied by persons.

136 Sec. 3. Section 26-25a of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2023*):

138 (a) (1) For purposes of this section:

139 (A) "Intentionally feed" means to place, provide, give, expose,
140 deposit, scatter or distribute any edible material or attractant with the
141 intent of feeding, attracting or enticing potentially dangerous animals.

142 (B) "Potentially dangerous animal" means any of the following: (i)
143 The felidae, including, but not limited to, bobcat; (ii) the canidae,
144 including, but not limited to, coyote and fox; and (iii) the ursidae,

145 including, but not limited to, black bear.

146 (C) "Unintentionally feed" means to place, provide, give, expose,
147 deposit, scatter or store any edible material for which an intent other
148 than to attract or entice a potentially dangerous animal that results in
149 attracting a potentially dangerous animal.

150 (2) No person shall intentionally feed any potentially dangerous
151 animal on any land that is not owned by the state.

152 (3) Notwithstanding the provisions of subdivision (2) of this
153 subsection, any person who unintentionally feeds a potentially
154 dangerous animal shall be in violation of subdivision (2) of this
155 subsection if any officer described in subsection (b) of this section issues
156 a written notice to such person and such person continues to engage in
157 such unintentional feeding.

158 (4) The provisions of this subsection shall not be construed to apply
159 to: (A) Composting at facilities authorized pursuant to section 22a-208a
160 or 22a-430, provided best management practices are used to mitigate the
161 attraction of any potentially dangerous animal, (B) small-scale
162 composting operations, (C) the composting of agricultural waste, (D)
163 the disposal of agricultural mortalities, or (E) agriculture, farming or
164 aquaculture.

165 (5) The Commissioner of Energy and Environmental Protection may
166 adopt regulations, in accordance with the provisions of chapter 54, to
167 implement the provisions of this subsection.

168 [(a)] (6) The Commissioner of Energy and Environmental Protection
169 may adopt regulations in accordance with the provisions of chapter 54
170 prohibiting or restricting the feeding of wildlife on state-owned
171 property. Such regulations shall include, but not be limited to,
172 procedures for designating areas subject to such prohibitions or
173 restrictions. Any such designation shall be effective after public notice
174 and a public comment period.

175 (b) Any conservation officer appointed pursuant to section 26-5 and

176 any other officer authorized to serve criminal process may enforce the
 177 provisions of this section and any regulations adopted pursuant to
 178 [subsection (a) of] this section. Any violation of this section or any such
 179 regulations shall be an infraction.

180 (c) Notwithstanding the provisions of subsection (a) of this section,
 181 any municipal ordinance that is more restrictive than the provisions of
 182 this section concerning the intentional feeding of wildlife on land that is
 183 not owned by the state shall not be preempted by the provisions of
 184 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	26-47
Sec. 2	October 1, 2023	26-80a
Sec. 3	October 1, 2023	26-25a

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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund; Department of Energy and Environmental Protection	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill alters laws concerning wild animals and nuisance wildlife, resulting in the fiscal impacts described below.

Section 1 allows people to obtain a permit from the Department of Energy and Environmental Protection (DEEP) to kill nuisance wildlife under certain circumstances and conditions, beginning in FY 24. If a person violates the conditions of the permit or other provisions of the bill, they may be charged with a class D misdemeanor. This results in a potential cost to the state for incarceration or probation and a potential revenue gain to the resources of the General Fund from fines. On average, the marginal cost for supervision in the community is less than \$800¹ each year.

¹ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

Section 1 also authorizes the Department of Energy and Environmental Protection (DEEP) to issue permits for the taking of certain wildlife; however, as there are no fees associated with these permits, there is no fiscal impact associated with this provision.

Section 2 has no fiscal impact as it clarifies the use of deadly force against bears under certain conditions.

Section 3 prohibits feeding potentially dangerous animals (including bears) and creates infractions for violations of this provision. Infractions are not crimes and are punishable by fines that usually range from \$100 to \$300. This section results in a potential revenue gain to DEEP beginning in FY 24 from fines to the extent these infractions occur.

The Out Years

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

OLR Bill Analysis**sSB 1148*****AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING BIRD FEEDERS AND OTHER UNINTENTIONAL AND INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS.*****SUMMARY**

State law generally prohibits the taking (e.g., killing) of bear. This bill addresses taking bears in self-defense, allows the taking of certain nuisance wildlife, and prohibits the feeding of potentially dangerous animals.

The bill explicitly allows a person to use deadly physical force to kill a bear if the person reasonably believes the bear is (1) inflicting, or about to inflict, great bodily harm to a person; (2) injuring or killing the person's pet that was otherwise under control; or (3) entering a building occupied with people (§ 2).

The bill also authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to issue permits for the taking of certain wildlife that threatens or causes damage to agricultural crops, livestock, or apiaries (§ 1). To get a permit, the property owner or lessee must have tried reasonable nonlethal efforts (e.g., electric fencing, animal guardians, or fortified structures) that failed to prevent damage. DEEP must specify in the permit the means, methods, and times for taking the nuisance wildlife.

Lastly, the bill prohibits people from intentionally feeding, or unintentionally feeding after receiving a written warning to stop, a potentially dangerous animal on private land and makes a violation an infraction (§ 3). It defines a "potentially dangerous animal" as any Felidae (e.g., domestic cats, bobcats), Canidae (e.g., dogs, coyote, fox),

or Ursidae (e.g., bear).

EFFECTIVE DATE: October 1, 2023

§ 1 — NUISANCE WILDLIFE PERMITS

By law, the DEEP commissioner may issue permits allowing the taking of wildlife (other than deer) that causes unreasonable damage to agricultural crops at night if controlling the wildlife is impracticable during the day. The law allows the permit holder to take the wildlife at night by methods the commissioner deems necessary.

Regardless of this law, the bill authorizes the DEEP commissioner to issue permits allowing the taking of wildlife (other than deer) that threatens or causes damage to agricultural crops, livestock, or apiaries if reasonable nonlethal efforts have been used and failed to prevent damage. However, the bill does not allow for the taking of a federally protected species.

Before issuing a permit, DEEP must find that the (1) property owner or lessee used reasonable nonlethal efforts to protect the property that were not, and are not likely to be, successful in preventing damage and (2) taking of wildlife is necessary to protect the property from excessive damage.

Under the bill, DEEP must specify in the permit the means, methods, and times for when taking wildlife is allowed. Additionally, DEEP may only issue a permit to the property owner, or his or her agent, or to a lessee who has the owner's written permission. The bill requires that the wildlife taken under the permit be disposed of as DEEP directs.

Anyone who violates the bill's provisions or any conditions of a permit is guilty of a class D misdemeanor, which is punishable by up to 30 days in prison, a fine of up to \$250, or both. The commissioner must also revoke the permit, as well as all other permits or licenses relating to the property. The permit remains suspended for a period of time set by the commissioner.

§ 3 — FEEDING POTENTIALLY DANGEROUS ANIMALS ON PRIVATE LAND***Prohibition***

The bill prohibits people from intentionally feeding a potentially dangerous animal on private land and makes doing so an infraction.

Under the bill, a person who unintentionally feeds a potentially dangerous animal will be found to be intentionally feeding the animal if an officer issues the person a written notice about the unintentional feeding and the person continues to engage in the unintentional feeding.

Definitions

Under the bill, “intentionally feed” means to place, provide, give, expose, deposit, scatter, or distribute an edible material or attractant with the intent of feeding, attracting, or enticing potentially dangerous animals.

“Unintentionally feed” means to place, provide, give, expose, deposit, scatter, or store an edible material with an intent other than to attract or entice potentially dangerous animals that results in attracting or enticing them (e.g., hanging birdfeeders, feeding animals outdoors, leaving trash accessible).

Regulations and Enforcement

The bill authorizes the DEEP commissioner to adopt regulations about intentional and unintentional feeding of potentially dangerous animals on private land. (By law, she may already adopt regulations about feeding wildlife on state-owned property.) A violation of the regulations is an infraction.

DEEP appointed conservation officers and other officers authorized to serve criminal process may enforce the bill’s provisions and any associated regulations.

Exemptions

The bill specifies that its provisions on feeding potentially dangerous animals do not apply to the following:

1. composting at a permitted solid waste facility or facility permitted to discharge material into state waters, as long as best practices are used to mitigate attracting potentially dangerous animals;
2. small-scale composting operations (presumably, backyard composting);
3. composting agricultural waste;
4. disposing of agricultural animal carcasses; or
5. agriculture, farming, or aquaculture.

Municipal Ordinances

The bill does not preempt a municipal ordinance that is more restrictive about intentional feeding of wildlife on private land.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. (There may be other added charges based on the type of infraction. For example, certain motor vehicle infractions trigger a surcharge of 50% of the fine.) An infraction is not a crime, and violators can generally pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 10 (03/24/2023)