

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-17—sSB 1069
Environment Committee
Judiciary Committee

**AN ACT CONCERNING REVISIONS TO CERTAIN DOMESTIC ANIMAL
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Applies a general penalty under state law to violations of any companion animal-related regulation instead of just those specific to restraining or destroying cats and dogs; provides that ACOs must enforce the chapter’s provisions and not constables; eliminates a requirement that the DoAg commissioner take enforcement action when an ACO is negligent in his or her duties

§ 11 — ANIMAL POPULATION CONTROL PROGRAM

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

§§ 6, 12 & 13 — REPEALED STATUTES AND TECHNICAL AND CONFORMING CHANGES

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

SUMMARY: This act 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 act 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 is an option in addition to other court orders ACOs may already request by law (e.g., removal and temporary care and custody).

Under prior law, when a court ordered an animal to be temporarily placed with another person or agency, the animal’s owner had to 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 act 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.

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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 act increases the per diem rate that the person must pay. Previously, the law required the amount owed to be calculated at a per-animal, per-day rate of \$15, or \$25 if the animal was a horse or other large livestock. The act increases these amounts to \$20 and \$30, respectively.

In addition, the act 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 prior law, those costs had to be paid for if they were 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 act 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 act also eliminates the requirement that ACOs file sworn statements with their monthly report. Previously, ACOs had to file their sworn statements and reports with the chief administrative officer, who then forwarded them to DoAg.

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

§ 3 — LOCAL KENNEL LICENSE

Renames a kennel license as a "local kennel license"; requires this license when a person breeds more than five, instead of two, litters annually; disqualifies anyone who is guilty of animal cruelty from holding a local kennel license; directs how municipalities may spend the local kennel license fees they collect; generally reduces penalties related to violating kennel requirements; adds a penalty for not complying with an ACO's orders

License Eligibility

The act renames a kennel license as a "local kennel license." Under prior law, a person who owned or kept dogs and bred more than two litters of dogs a year had to apply to their town clerk for a license, while a person who bred up to two litters a year could optionally apply for a license. The act increases this threshold from more than two litters to more than five litters. It also makes any person, and any business entity with a person with a controlling interest, who is found guilty of violating certain animal cruelty statutes (i.e., CGS §§ 53-247, 53-248 & 53-249) ineligible to hold a local kennel license.

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License Fees

By law, each annual local kennel license fee is \$50 when up to 10 dogs are kept in the kennel and \$100 when more than 10 dogs are kept. If the kennel owner or keeper does not get a license by June 30 annually, he or she must pay \$1 for each dog kept in addition to the license fee. The act specifies that these fees are nonreturnable.

The act also sets out how a municipality must spend the collected fees. Specifically, a municipality may only use the fees for the following purposes: municipal ACO compensation and equipment, license certificates, tags, dog pound construction and maintenance, impounded animals' detention and care, animal supplies, and veterinary fees.

Facility Inspections and ACO Orders

The act requires municipal and regional ACOs to inspect each kennel annually and after receiving a complaint about the kennel. (PA 23-187, § 28, instead allows, rather than requires, the ACOs to inspect local dog kennels annually and upon receiving a complaint beginning July 1, 2023.) An inspection must include a review of the (1) sanitary conditions in which the dogs are kept; (2) dogs' access to proper and wholesome food, potable water, exercise, and necessary veterinary care, including rabies vaccinations; and (3) records of veterinary care and transfer of dogs or puppies to new owners.

The act requires that any crate or enclosure in which a dog is kept for more than four hours at a facility must be clean; in good repair; and of sufficient size so that the dog 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 Connecticut-licensed veterinarian at his or her own expense to address the suspected health condition. The licensee must implement any ACO orders and follow the veterinarian's recommendations.

Under the act, a person aggrieved by any related ACO orders may appeal to the Superior Court of the judicial district where the municipality is located but must do so within 15 days after the order's date.

Penalties

The act authorizes the municipality to suspend, revoke, or refuse to issue a local kennel license for cause.

Under prior law, anyone operating a kennel after their license was revoked or suspended was guilty of a class B misdemeanor. The act reduces the penalty to a class D misdemeanor (see [Table on Penalties](#)).

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 local kennel license when required or (2) allow an inspection of the facility. The act extends these same penalties to failure to comply with an

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ACO's order.

§ 4 — BUSINESS ENTITY LICENSES AND REGISTRATIONS

Disqualifies anyone who is 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 act makes any person who is, and any business entity whose person with a controlling interest is, 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 act also authorizes him to refuse to issue or renew a license or registration for the same reasons.

The act 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

Gives a consumer standing 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

Under prior law, if a pet shop licensee failed to reimburse a consumer in accordance with the state's pet lemon law (see *Background — Pet Lemon Law*), the consumer could seek help from the DoAg commissioner. The act eliminates this assistance and, instead, gives the consumer standing to bring a lawsuit in Superior Court for enforcement action, if a licensee fails to reimburse or replace an animal as required under the pet lemon law.

Previously, a licensee who violated the pet lemon law was fined up to \$500. The act eliminates the statutory fine.

Pet Shop Veterinary Records

The act allows pet shop licensees to maintain either electronic or paper records of veterinary examinations and 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 act, a violator is subject to a fine of up to \$500.

EFFECTIVE DATE: July 1, 2023

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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 animal's purchase price 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 to 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. The law requires a licensed, graduate veterinarian to issue the health certificates. The act requires that the veterinarian also 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 to order rabies testing; increasing the penalty for violating a rabies-related order; requiring suspected or confirmed rabies cases to be reported to the state veterinarian within 24 hours; and requiring the owner or keeper of an animal seized for failure to abide by a quarantine order to pay costs of seizure and care

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 act 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. (And it replaces references to “destruction” of animals with “humane euthanasia.”)

Under prior law, anyone who violated an order was subject to a fine of up to \$100. The act instead subjects a violator to a \$250 fine.

Reports of Rabies

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

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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 act also requires her to consider the rabies vaccination status of the animal bitten or attacked.

Quarantined Animal With Rabies

Under prior law, any quarantined animal clinically diagnosed as rabid by two veterinarians, including one in private practice, had to be humanely euthanized. The act 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 person carrying it out is immune from criminal and civil liability.

The act 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 ensure 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 prior law, when a quarantined animal, other than a dog, was found to be healthy at the end of the quarantine period but its owner or keeper had not claimed the animal within that time, a municipal ACO could sell the animal to someone who would give it a good home and proper care. The act 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 ends. As under prior 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 prior law, the DoAg commissioner, an ACO, or a state or municipal police officer could immediately kill a wild animal that displayed behavior that caused the commissioner to reasonably conclude that the animal was rabid. The act 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

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The act 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 the term “guide dogs” with “service animals” to conform with federal law

Prior law required a dog owner or keeper to restrain his or her dog when near a person with a disability who was with a licensed guide dog that was under the person’s control and wearing a harness or orange leash and collar that readily identified it as a guide dog.

The act replaces the term “guide dog” with “service animal.” It also eliminates the requirement that the animal wear a harness or orange leash and collar, but it still requires the animal to be readily identified as a service animal. By law, a violation is an infraction.

Under existing law, if a dog attacks and injures a guide dog (“service animal” under the act), the dog’s owner or keeper is liable for damages, including the cost of veterinary care, rehabilitation or replacement of the injured animal, and reasonable attorney fees.

§ 10 — GENERAL PENALTY AND ENFORCEMENT

Applies a general penalty under state law to violations of any companion animal-related regulation instead of just those specific to restraining or destroying cats and dogs; provides that ACOs must enforce the chapter’s provisions and not constables; 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, and 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 act applies this general penalty to a violation of any regulation, not just those on restraining or destroying cats or dogs.

Enforcement

Under prior law, any of the following people could investigate and prosecute violations of the chapter: constables, any ACO, the state’s chief ACO, and any prosecuting officers. The act instead requires any ACO or the chief ACO to

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investigate and prosecute violations.

Additionally, the act 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 act 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 breeding dogs, (2) standards of care for dogs and cats in a breeding cattery, and (3) the allocation of some dog license fees to UConn for canine disease research; makes related technical and conforming changes

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

1. CGS § 22-344c, which (a) allows towns to require a license to keep 10 or more unneutered or unspayed dogs capable of breeding and (b) requires the DoAg commissioner to prescribe the standard of care for 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.