



General Assembly

January Session, 2023

Raised Bill No. 1148

LCO No. 4458



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT AUTHORIZING CERTAIN KILLING AND HUNTING 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 Section 26-47 of the general statutes is repealed and the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) (1) 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 and in accordance with any regulation adopted pursuant to
129 subdivision (2) of this subsection, as applicable.

130 (2) The Commissioner of Energy and Environmental Protection may
131 adopt regulations not later than July 1, 2024, to establish an annual bear
132 hunt lottery season in Litchfield County. Such lottery shall authorize the
133 taking of not more than fifty bears in Litchfield County during any such
134 bear hunt season. Such regulations shall include, but not be limited to,
135 (A) the process for entering any such lottery and any attendant entry
136 fee, (B) the number of bears that may be taken by a successful lottery
137 entrant, (C) any tag requirements to be utilized by any person
138 conducting hunting pursuant to such bear hunt season, (D) the methods
139 of take for conducting such hunting, (E) the dates and time of day for
140 any such bear hunt season, (F) any minimum acreage required to
141 conduct such bear hunting, (G) requirements for demonstrating
142 permission to hunt bear upon the subject property, (H) any safety
143 requirements for conducting such bear hunting, (I) any restrictions for
144 conducting such bear hunting upon any public property, and (J) any
145 requirements concerning the disposition of any bear taken pursuant to

146 such hunting season. Not later than January 1, 2025, the commissioner
147 shall submit a report, in accordance with the provisions of section 11-4a,
148 to the joint standing committee of the General Assembly having
149 cognizance of matters relating to the environment concerning any bear
150 hunt conducted pursuant to this subsection. Such report shall include,
151 but not be limited to, a detailing of the number of bears taken pursuant
152 to such bear hunt season, a description of any incidents or safety
153 concerns generated as a result of such bear hunt season, an assessment
154 of the effect of such bear hunt season on the population of black bears
155 in the state and the number of sightings and incidents involving black
156 bears in the state and any recommendations concerning the
157 continuation of such an annual bear hunt season.

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

165 (d) Notwithstanding the provisions of subsection (c) of this section,
166 no person shall be justified in using deadly physical force to kill a bear
167 if such person reasonably should have known that such person could
168 avoid the necessity of using such deadly force by retreating.

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

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

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

175 (B) "Potentially dangerous animal" means any of the following: (i)
176 The felidae, including, but not limited to, bobcat; (ii) the canidae,

177 including, but not limited to, coyote and fox; and (iii) the ursidae,
178 including, but not limited to, black bear.

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

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

185 (3) Notwithstanding the provisions of subdivision (2) of this
186 subsection, any person who unintentionally feeds a potentially
187 dangerous animal shall be in violation of subdivision (2) of this
188 subsection if any officer described in subsection (b) of this section issues
189 a written notice to such person and such person continues to engage in
190 such unintentional feeding.

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

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

201 (6) The Commissioner of Energy and Environmental Protection may
202 adopt regulations in accordance with the provisions of chapter 54
203 prohibiting or restricting the feeding of wildlife on state-owned
204 property. Such regulations shall include, but not be limited to,
205 procedures for designating areas subject to such prohibitions or
206 restrictions. Any such designation shall be effective after public notice
207 and a public comment period.

208 (b) Any conservation officer appointed pursuant to section 26-5 and
209 any other officer authorized to serve criminal process may enforce the
210 provisions of this section and any regulations adopted pursuant to
211 [subsection (a) of] this section. Any violation of this section or any such
212 regulations shall be an infraction.

213 (c) Notwithstanding the provisions of subsection (a) of this section,
214 any municipal ordinance that is more restrictive than the provisions of
215 this section concerning the intentional feeding of wildlife on land that is
216 not owned by the state shall not be preempted by the provisions of
217 subsection (a) 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

Statement of Purpose:

To establish permits for the taking of bear that damage crops, livestock or bees, authorize the killing of bears that cause harm to a person or pet or that enter an occupied building, provide for an annual bear hunt season in Litchfield County by lottery and prohibit the intentional and unintentional feeding of potentially dangerous animals.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]