



General Assembly

Amendment

January Session, 2023

LCO No. 9017



Offered by:

REP. MICHEL, 146th Dist.

REP. GARIBAY, 60th Dist.

REP. KLARIDES-DITRIA, 105th Dist.

REP. DEMICCO, 21st Dist.

REP. TURCO, 27th Dist.

REP. ALLIE-BRENNAN, 2nd Dist.

REP. DOUCETTE, 13th Dist.

REP. KENNEDY, 119th Dist.

To: Subst. Senate Bill No. 1148

File No. 518

Cal. No. 569

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 26-25a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) No person shall intentionally feed, attract or entice black bears.
6 For the purposes of this subsection, "intentional feeding" means to place,
7 expose, deposit, scatter, distribute, provide or give any edible material,
8 attractant or other material with the intent of feeding, attracting or
9 enticing black bears. "Intentional feeding" does not include any feeding
10 associated with providing care to black bears by or at the direction of
11 licensed wildlife rehabilitators for the purpose of such animal's
12 rehabilitation due to illness, injury or being orphaned.

13 (b) For purposes of subsection (c) of this section, "unintentional
14 feeding" means to place, expose, deposit, scatter, distribute, provide or
15 store any edible material, attractant or other material for an intent other
16 than to provide, give, feed, attract or entice black bears, including, but
17 not limited to, the storage of household trash and the feeding of wild
18 birds but that results in attracting black bears. "Unintentional feeding"
19 does not include agricultural operations, composting within secured
20 structures or areas protected by appropriate electric fencing sufficient to
21 deter bears, or the feeding of companion animals, cat colonies or the
22 feeding of wildlife by or at the direction of licensed wildlife
23 rehabilitators for the purpose of wildlife rehabilitation, provided in each
24 such case uneaten food is removed after each feeding.

25 (c) Unintentional feeding shall be deemed intentional for the
26 purposes of subsection (a) of this section if written notice describing the
27 unintentional activity that is attracting black bears is issued from an
28 authorized enforcement agent and the activity continues after the time
29 cited for remediation or removal.

30 ~~[(a)]~~ (d) The Commissioner of Energy and Environmental Protection
31 may adopt regulations in accordance with the provisions of chapter 54
32 prohibiting or restricting the feeding of wildlife. [on state-owned
33 property. Such regulations shall include, but not be limited to,
34 procedures for designating areas subject to such prohibitions or
35 restrictions. Any such designation shall be effective after public notice
36 and a public comment period.]

37 ~~[(b)]~~ (e) Any conservation officer appointed pursuant to section 26-5
38 and any other authorized officer [authorized to serve criminal process]
39 may enforce any regulations adopted pursuant to subsection ~~[(a)]~~ (d) of
40 this section. [Any violation of such regulations shall be an infraction.]
41 Any first violation of the provisions of this section or any regulation
42 adopted pursuant to this section shall be an infraction. For any second
43 or subsequent violation of the provisions of this section or any
44 regulation adopted pursuant to this section, such person shall be fined
45 one thousand dollars. Each day such violation continues shall be

46 considered a separate violation.

47 (f) In the interest of public health and safety, when activities
48 exempted from the definition of "unintentional feeding" in subsection
49 (b) of this section, including, but not limited to, agricultural operations,
50 or when bees, livestock or poultry associated with hobby farming or
51 backyard cultivation outside of agricultural operations become the food
52 attractant for black bears, the owner, caregiver, keeper or cultivator
53 thereof shall (1) consult with the Department of Energy and
54 Environmental Protection for guidance on nonlethal methods for
55 minimizing and safeguarding the attraction, and (2) take all reasonable
56 nonlethal precautions to minimize the attraction and safeguard the
57 attractant, including, but not limited to, utilizing electric fencing as is
58 necessary, recommended and customary in the situation to deter bears,
59 institute safe and proper food storage and provide sturdy housing or
60 other protective shelters, as appropriate.

61 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than three months
62 after the effective date of this section, the Commissioner of Energy and
63 Environmental Protection shall, within available appropriations,
64 establish a pilot Human-Bear Conflict Reduction Community Grant
65 Program and establish a grant application process that distributes such
66 grant proceeds. Grants awarded under such program shall be used to
67 reduce conflicts between local communities and black bears through
68 nonlethal methods.

69 (b) There is established a Connecticut Human-Bear Conflict
70 Reduction Advisory Board within the Department of Energy and
71 Environmental Protection. Such board shall determine the award of
72 grants under the pilot program described in subsection (a) of this section
73 and evaluate the effectiveness of projects that receive such grants. Such
74 board shall consist of the following eight members: (1) The
75 Commissioner of Energy and Environmental Protection, or the
76 commissioner's designee, and (2) seven members appointed by the
77 Connecticut Legislative Animal Advocacy Caucus. Members of such
78 board shall receive no compensation except reimbursement for

79 necessary expenses incurred in performing their duties.

80 (c) The characteristics of projects that are eligible for grants under the
81 program described in subsection (a) of this section may include, but are
82 not limited to: (1) Any project that reduces the availability of attractants
83 to black bears in communities experiencing human-bear conflict, or any
84 project that disincentivizes black bears from entering areas of conflict;
85 (2) any project that has local community support or a detailed plan to
86 build local support; (3) any project that is a cost-effective investment that
87 has the potential to last beyond the funding time frame; or (4) any
88 project that uses proven, nonlethal techniques for preventing human-
89 bear conflict or that explores innovative techniques with promise to
90 prevent such conflict. Matching funds, including in-kind matches, shall
91 be encouraged under such program.

92 (d) Grant funds under the program described in subsection (a) of this
93 section shall not be used for: (1) Lethal removal of bears; (2) stand-alone
94 research, data collection and analysis; or (3) direct generation of revenue
95 or profit.

96 (e) The entities eligible for grants under the program described in
97 subsection (a) of this section shall include municipalities and regional
98 councils of governments, parks and recreation departments,
99 landowners, businesses, tribes, universities and nonprofit
100 organizations. Partnerships between entities are encouraged pursuant
101 to such program.

102 (f) The minimum grant award under the program described in
103 subsection (a) of this section shall be fifty thousand dollars. The
104 maximum grant award under such program shall be five hundred
105 thousand dollars.

106 (g) All recipients of grants under the Human-Bear Conflict Reduction
107 Community Grant Program shall maintain and make available for
108 inspection documentation verifying proper use of grant funds for a
109 period of three years after receipt of the grant award.

110 (h) Not later than January 1, 2025, the board established in subsection
111 (b) of this section shall report, in accordance with the provisions of
112 section 11-4a of the general statutes, to the joint standing committee of
113 the General Assembly having cognizance of matters relating to the
114 environment on the progress of the Human-Bear Conflict Reduction
115 Community Grant Program, the purposes for which grant funds were
116 expended and whether such grant program should be extended and
117 funded for the fiscal year ending June 30, 2025.

118 Sec. 3. (NEW) (*Effective October 1, 2023*) (a) For purposes of this
119 section:

120 (1) "Orphaned bear cub" means a cub of less than one year that is not
121 associated with a sow.

122 (2) "Orphaned yearling bear" means a bear in its second calendar year
123 of life, after January first but before July first, that is unlikely to survive
124 in the wild without intervention and is not associated with a sow.

125 (3) "Wildlife sanctuary" means a nonprofit entity that: (A) Operates a
126 place of refuge where abused, neglected, unwanted, impounded,
127 abandoned, orphaned or displaced animals are provided care for the
128 lifetime of the animal; (B) does not conduct any commercial activity with
129 respect to black bears, including, but not limited to, the: (i) Sale, trade,
130 auction, lease or loan of black bears, or (ii) use of black bears in any
131 manner in a for-profit business or operation; (C) does not use any black
132 bear for entertainment purposes or in a traveling exhibit; (D) does not
133 breed any black bears; and (E) does not allow members of the public the
134 opportunity to come into direct contact with black bears.

135 (b) On or before March 29, 2024, the Commissioner of Energy and
136 Environmental Protection, in consultation with a working group that
137 shall be composed of two representatives from the Connecticut Wildlife
138 Rehabilitators Association and two members selected by the
139 Connecticut Animal Advocacy Caucus, shall adopt regulations, in
140 accordance with the provisions of chapter 54 of the general statutes, that
141 establish rehabilitation and other appropriate nonlethal intervention

142 strategies for orphaned bear cubs and orphaned yearling bears. Such
 143 strategies shall include, but are not limited to: (1) Protocols for
 144 determining which orphaned bear cubs or orphaned yearling bears are
 145 eligible for, and in need of, rehabilitation at an approved wildlife
 146 rehabilitation facility, provided rehabilitation shall be the preferred
 147 protocol for managing orphaned bear cubs or orphaned yearling bears
 148 that are unlikely to survive on their own; (2) criteria for selecting and
 149 designating an approved wildlife rehabilitator or rehabilitation facility
 150 to rehabilitate orphaned bear cubs or orphaned yearling bears; (3)
 151 protocols for returning orphaned bear cubs or orphaned yearling bears
 152 to the wild after such rehabilitation; (4) nonlethal protocols for
 153 managing orphaned bear cubs or orphaned yearlings that are not
 154 eligible for rehabilitation, including placement in a wildlife sanctuary;
 155 and (5) protocols for training any designated and approved rescuers in
 156 proper capture and handling of orphaned bear cubs and orphaned
 157 yearlings."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-25a
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2023</i>	New section