

Office of Legislative Research  
Connecticut General Assembly



**AGRICULTURE**



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## **NOTICE TO READERS**

This report provides highlights of new laws (Public Acts) affecting agriculture enacted during the 2012 regular legislative session and the June 12 Special Session. At the end of each summary we indicate the Public Act (PA) number and the date the legislation takes effect.

Not all provisions of the acts are included here. Complete summaries of all 2012 Public Acts will be available on OLR's webpage:

[www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp).

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

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## **ANIMAL CONTROL OFFICER TRAINING**

A new law requires animal control officers (ACOs) starting on or after July 1, 2012 to complete at least 80 hours of initial ACO training. It also requires all ACOs to complete at least six hours of continuing education training annually. The agriculture commissioner must (1) prescribe the initial ACO training curriculum, which must include specified topics; (2) reimburse costs for people participating in the initial ACO training; and (3) adopt regulations concerning the continuing education requirement.

([PA 12-108, § 2](#), effective upon passage)

## **ANIMAL CRUELTY**

By law, a court may vest ownership of a neglected or cruelly treated animal in the agriculture commissioner, a municipality, or other specified entities or people. The commissioner or municipality may auction the animal, sell it through an open bidding process, or give it to certain people or rescue or adoption organizations.

A new law expands the circumstances under which the commissioner or municipality may vest ownership of the animal in a person or organization and

extends the pool of possible recipients. It allows the commissioner or municipality to vest ownership of any seized animal in any person or nonprofit rescue or adoption organization.

([PA 12-20](#), effective October 1, 2012)

A new law increases the penalty for subsequent convictions for animal cruelty to a fine of up to \$5,000, imprisonment for up to five years, or both. It applies to (1) overdriving, overloading, overworking, torturing, depriving of sustenance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal; (2) if impounding or confining an animal, (a) failing to provide it proper care; (b) neglecting to cage or restrain it from injuring itself or another animal; or (c) failing to supply it with wholesome air, food, and water; (3) if having custody of an animal, (a) inflicting cruelty on it; (b) failing to provide it with proper food, drink, or shelter; (c) abandoning it; or (d) carrying or causing it to be carried in a cruel manner; and (4) other related actions.

([PA 12-86](#), effective October 1, 2012)

## **ANIMAL RESTRAINT ORDERS**

By law, the agriculture commissioner or an ACO may order the restraint of a biting dog, cat, or other animal as he or

she deems necessary. Any person aggrieved by an ACO's order may request a hearing before the commissioner within 14 days after the order is issued. The commissioner may affirm, modify, or revoke the order as he deems proper. A new law makes a restraint order effective upon issuance and during an appeal to the commissioner.

([PA 12-21](#), effective October 1, 2012)

### **ANIMAL STERILIZATION AND VACCINATION**

The law establishes a voucher system for paying veterinarians who vaccinate and sterilize impounded, quarantined, or stray dogs and cats. By law, people acquiring an unspayed or unneutered dog or cat from a pound must pay the pound \$45 for a voucher to sterilize and vaccinate the animal. A new law allows a pound to complete and retain a voucher to have the animal sterilized and vaccinated before releasing it to the person adopting or buying it. It also allows a pound to complete and submit a voucher to a veterinarian to sterilize and vaccinate a dog or cat that has not been adopted or bought and has pyometra, an infection of the uterus.

([PA 12-108, § 1](#), effective October 1, 2012)

### **AQUATIC ANIMALS AS FOOD**

A new law requires the agriculture commissioner to license and inspect aquaculture producers. It allows him to (1) prescribe the license term, fee, and application and (2) adopt implementing regulations in consultation with the consumer protection commissioner. It specifies license criteria for aquaculture producers.

([PA 12-176, § 1](#), effective October 1, 2012)

### **MARIJUANA PRODUCERS**

A new law allows a licensed physician to certify an adult patient's use of marijuana after determining that the patient has a debilitating medical condition and could potentially benefit from the palliative use of marijuana. It creates licensing requirements for pharmacists (termed "dispensaries") to supply the marijuana and for producers to grow it. The Department of Consumer Protection must adopt regulations setting the maximum number of dispensaries and producers (the number of producers must be at least three but no more than 10), providing for their licensure, and setting standards. The commissioner must set dispensary and producer fees, including a producer licensing application fee of at least \$25,000, along with financial requirements for producers that may include a \$2 million escrow account. The act

prohibits patients, their caregivers or doctors, dispensaries, or producers from being subject to criminal or civil penalties for specified actions relating to palliative marijuana use.

([PA 12-55](#), effective upon passage and October 1, 2012)

### **NIANTIC RIVER SCALLOPS**

A new law increases, from two to two-and-a-half inches, the minimum size of scallops that a person can take from the Niantic River. It also allows the Waterford-East Lyme shellfish commission to increase or decrease the daily limit of scallops a person can take, rather than just increase it.

([PA 12-176, § 2](#), effective July 1, 2012)

Another new law reduces the penalty for illegal shellfishing in the Niantic River from a criminal offense to a \$250 violation.

([PA 12-80, § 41](#), effective October 1, 2012)

### **OPEN SPACE**

A new law requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the state's open space plan by December 15, 2012 and at least once every five years thereafter. It expands the list of people and entities with which the commissioner must consult when updating the plan to include the agriculture and public health commissioners, municipalities,

and regional planning agencies. He must include in the plan, among other things, (1) an estimate of how much state land is preserved as open space and (2) potential methods, costs, and benefits of establishing a system to accurately track open space land. He must, by October 1, 2014, and in consultation with all state agencies, identify state-owned land that should be conserved and develop a plan to preserve it forever as open space land.

([PA 12-152](#), effective October 1, 2012)

### **PET SHOPS**

A new law specifies that pet shop customers may either seek reimbursement for certain veterinarian expenses for a dog or cat that suffers from an illness or congenital defect shortly after the sale, or request a replacement or refund for the animal. The act prohibits pet shops from requiring the consumer to return the animal in order to receive a reimbursement. It requires certain pet shops to (1) post a statement informing customers of their rights under the pet lemon law and (2) give customers a copy of the statement when they buy a dog or cat.

By law, the agriculture commissioner may inspect licensed commercial kennels, pet shops, grooming facilities, or training facilities under certain circumstances. If he finds certain

violations or unsanitary conditions, the act authorizes him to impose a fine of up to \$ 500 for each animal subject to the violation.

[\(PA 12-105, §§ 1 & 2,](#) effective October 1, 2012)

### **PHOSPHATE REDUCTION**

A new law establishes certain restrictions on using fertilizer, soil amendments, or compost containing phosphate. It exempts from these restrictions agricultural land and golf courses. It also authorizes the agriculture commissioner to adopt implementing regulations and assess civil penalties on people who violate the act's restrictions.

[\(PA 12-155, § 2,](#) effective January 1, 2013)

### **REINDEER**

A new law requires the agriculture commissioner, by September 1, 2013, to adopt regulations in consultation and agreement with the DEEP commissioner, to allow in-state captive herds of cervids (i.e., deer), including reindeer.

The act also requires the agriculture commissioner, by November 1, 2012, to implement a pilot program under which he issues two permits that allow up to two Connecticut businesses to have up to five reindeer each. Each reindeer must have an importation permit issued by the agriculture commissioner in

consultation with the DEEP commissioner.

[\(PA 12-127,](#) effective July 1, 2012)

### **REVISED PENALTIES FOR VARIOUS VIOLATIONS**

A new law classifies and changes penalties for misdemeanors. The act affects numerous agriculture statutes, including violating fur breeding requirements (CGS § 22-12b), violating a local order regarding milk sales (CGS § 22-167), obstructing a canine control officer preventing animal cruelty (CGS § 22-329), possessing a vicious or barking dog (CGS § 22-363), and cropping a dog's ears (CGS 22-366).

[\(PA 12-80,](#) effective October 1, 2012)

### **VO-AG CENTERS**

A new law increases the annual state grant for each student attending a regional agricultural science and technology ("vo-ag") center from \$1,355 to \$1,750. It also prohibits local and regional boards of education that operate centers from using any increase in state funding to supplant local education funding for FY 13 or any subsequent fiscal year.

[\(PA 12-116, § 64,](#) effective upon passage)

For FY 13, another new law allows a local or regional school board to receive and spend the increased per-student grants for

its vo-ag program even if that spending causes it to exceed the total budgeted amount for education for FY 13 approved by its municipality or regional school district.

([HB 6001, § 237](#), effective July 1, 2012)

**WINE SALES AT FARMERS'  
MARKETS**

A new law allows farmers' market wine sales permittees to sell wine on Sundays between

8:00 AM and 9:00 PM. Sales may occur only when the farmers' market is open, and a town may limit the permissible hours for sale.

([PA 12-17, § 15](#), effective upon passage)

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