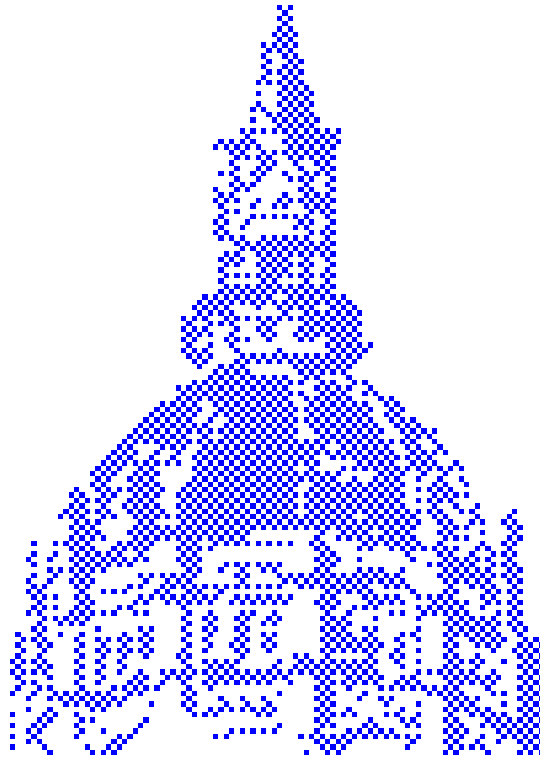


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

AGRICULTURE



2013-R-0268

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NOTICE TO READERS

This report provides highlights of new laws affecting agriculture enacted during the 2013 regular legislative session. In each summary, we indicate the public act (PA) or special act (SA) number.

Not all provisions of the acts are included here. Complete summaries of all 2013 public acts are available on OLR's webpage:
<http://www.cga.state.ct.us/olr/publicactsummaries.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: <http://www.cga.state.ct.us/default.asp>.

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AGRICULTURAL EXPERIMENT STATION

[PA 13-33](#) increases the minimum fine, from \$5 to \$500, and the maximum fine, from \$100 to \$2,500, for (1) interfering with the Connecticut Agricultural Experiment Station (CAES) director's duties or (2) violating quarantines or CAES regulations.

CAES is managed by an eight-member board of control. By law, the board must direct CAES to make scientific inquiries, perform experiments, and perform analyses for other state agencies. The act requires CAES to perform these duties within available resources.

Lastly, the act explicitly allows the CAES director, in carrying out his statutory duties, to issue permits or enter into compliance agreements with any party.

EFFECTIVE DATE: Upon passage

AGRICULTURAL LAND PRESERVATION

Agricultural Land Preservation Funds

[PA 13-59](#) expands the allowable uses for municipal agricultural land preservation funds. Specifically, it allows a municipality to use the funds to acquire an agricultural land owner's rights to build any residence or farm structure on

agricultural land. It also explicitly allows the municipality to accept these rights as a gift.

EFFECTIVE DATE: Upon passage

Community Farms and Farmland Preservation

[PA 13-104](#) makes changes in the state's community farms and farmland preservation programs, under which the state purchases development rights to certain agricultural land. By law, the Department of Agriculture (DoAG) administers these programs.

The act generally applies certain requirements for acquiring development rights to land under the Farmland Preservation Program to the Community Farms Program.

It also expands the development rights that a municipality may jointly own with the state under the Farmland Preservation Program if the municipality pays part of the purchase price for the rights. Prior law restricted a municipality's ownership to the development rights of the land within its borders. The act removes this restriction, thus allowing a municipality to jointly own all of the purchased development rights, even if part of the land is outside its borders.

It correspondingly applies the expanded purchase rights to the Community Farms Program.

EFFECTIVE DATE: Upon passage

Southbury Training School Farm

[PA 13-90](#) establishes a procedure to preserve and manage state-owned property known as the “Farm at the Southbury Training School.” It requires the Department of Developmental Services commissioner to transfer the care, custody, and control of the property to the DoAG commissioner, who must grant a permanent conservation easement on it to a nonprofit organization.

The act specifies that the easement must (1) provide for conservation of the farm for agricultural use, conducted according to a federally prepared and DoAG-approved conservation plan, and (2) allow the DoAG commissioner to lease, permit, or license the property for such use. The proposed easement and any proposed DoAG lease, permit, or license is subject to State Properties Review Board review and approval.

The act exempts the leased, permitted, or licensed property from local property taxes and adds its value to the assessed value of state-owned land and buildings for calculating payments in lieu of taxes.

EFFECTIVE DATE: Upon passage

ANIMAL CRUELTY FELONY CLASSIFICATIONS

[PA 13-258](#) creates a class E felony as a new felony classification. It classifies as a class E felony the crime of stealing, confining, concealing, or killing a companion animal or concealing the identity of its owner, when it is a subsequent offense or involves multiple animals (§ 24). It also classifies as class D felonies the following previously unclassified crimes: animal cruelty (2nd and subsequent offenses), maliciously wounding or killing an animal, using an animal for fighting, and injuring a peace officer animal or volunteer canine search animal (§ 114).

EFFECTIVE DATE: October 1, 2013

ANIMAL POPULATION CONTROL PROGRAM

[PA 13-99](#) increases, from 10% to 20%, the amount of certain animal population control program funds that may be used for sterilizing and vaccinating dogs and cats owned by low-income people. The funds are

from a surcharge on dog licenses, certain animal adoption fees for pounds' unsprayed or unneutered cats and dogs, and proceeds from commemorative "Caring for Pets" license plates.

By law, the DoAG commissioner operates the animal population control program, which, among other things, provides sterilization and vaccination benefits for dogs and cats (1) adopted from municipal pounds in Connecticut or (2) owned by low-income people.

EFFECTIVE DATE: July 1, 2013

ANIMAL THERAPY

[PA 13-114](#) requires the Department of Children and Families (DCF), by January 1, 2014 and within available appropriations, to:

1. develop and implement training for certain DCF staff and mental health care providers on the (a) healing value of the human-animal bond for children, (b) value of therapy animals in dealing with traumatic situations, and (c) benefit of an animal-assisted therapy program and
2. consult with the DoAG commissioner to identify a coordinated volunteer canine crisis response team.

It also requires DCF, by July 1, 2014 and within available appropriations, to consult with

the Governor's Prevention Partnership and the animal-assisted therapy community to develop a crisis response program using the response team to provide animal-assisted therapy to children and youths living with trauma and loss.

EFFECTIVE DATE: October 1, 2013

COMMERCIAL KENNEL ADVERTISEMENTS

[PA 13-23](#) requires anyone who maintains and advertises a commercial kennel to include his or her license number in any advertisement. It authorizes the DoAG commissioner to adopt regulations, which may establish the size, font, and location of the license number in advertisements.

EFFECTIVE DATE: October 1, 2013

CONNECTICUT GROWN PRODUCTS

Locally Grown Poultry

[PA 13-38](#) allows certain poultry processing facilities to sell poultry to retail food establishments (e.g., grocery stores). The facilities must (1) meet applicable criteria for federal Food Safety and Inspection Service exemptions and (2) pass state DoAG inspections.

EFFECTIVE DATE: Upon passage

Preference Given for Locally Grown or Produced Products

[PA 13-72](#) requires the Department of Administrative Services commissioner, when he is purchasing or contracting for products, to give preference to Connecticut-grown or -produced beef, pork, lamb, and farm-raised fish if their cost is comparable to the cost of those produced or grown out of state.

EFFECTIVE DATE: Upon passage

[PA 13-177](#) requires public higher education institutions to give preference to Connecticut-grown or -produced dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits, and vegetables when their cost is comparable to the cost of those grown or produced out of state.

EFFECTIVE DATE: July 1, 2013

DOGS

Adoption Fees

[PA 13-105](#) allows a municipality to charge an individual who buys a dog as a pet from a municipal pound up to \$150 for the cost it incurred to have the dog spayed or neutered and vaccinated.

EFFECTIVE DATE: October 1, 2013

Breed-Specific Ordinances

[PA 13-103](#) bars municipalities from adopting breed-specific dog ordinances. Existing law authorizes municipalities to enact ordinances (1) regulating or prohibiting the movement of dogs and other animals in streets and public places and (2) preventing cruelty to animals.

EFFECTIVE DATE: October 1, 2013

Liability for Damage Caused by Dogs

By law, a dog's owner or keeper is liable when the dog hurts a person or damages property, unless the person was trespassing; committing a tort; or teasing, tormenting, or abusing the dog. [PA 13-223](#) specifies that domesticated dogs and cats ("companion animals") are included in the definition of "property" for which an offending dog's owner or keeper is liable for damages. When a companion animal is affected, the act specifies that allowable damages include veterinary care expenses, the animal's fair market value, and burial expenses, when applicable.

The act also permits owners of certain animals (sheep, goats, horses, hogs, cattle, poultry, or domestic rabbits) to recover veterinary care and burial expenses when their properly confined or enclosed animals are injured or killed by dogs.

EFFECTIVE DATE: October 1, 2013

Resale to Military or Law Enforcement Agencies

[PA 13-39](#) exempts from the pet shop licensing requirement people who acquire dogs to resell them to the military or a law enforcement agency for law enforcement or security work. Unless exempted, anyone acquiring a dog or cat for resale must obtain a pet shop license from the DoAG commissioner.

EFFECTIVE DATE: Upon passage

Tethering Outdoors

[PA 13-189](#) prohibits tethering a dog outdoors to a stationary object or mobile device, such as a trolley or pulley, when (1) local, state, or federal authorities issue a weather advisory or warning or (2) weather (e.g., extreme heat, cold, wind, rain, snow, or hail) poses an adverse risk to the dog's health or safety based on its breed, age, or physical condition. But it allows a person to tether a dog outdoors in these conditions if the tethering lasts no longer than 15 minutes.

The act also expands the existing tethering prohibition. The act prohibits attaching a dog to a tether that allows the dog to reach an object or a hazard, including a public road or highway into which the dog could walk. It prohibits tethering a dog near an object or hazard that poses any risk of injuring or strangling the dog if it jumps over or walks into the object or hazard. It provides an exception to these prohibitions if anyone is in the dog's presence.

Violators are subject to a fine of (1) \$100 for a first offense, (2) \$200 for a second offense, and (3) between \$250 and \$500 for subsequent offenses.

EFFECTIVE DATE: July 1, 2013

EXEMPTIONS FROM POTENTIALLY DANGEROUS ANIMALS LAW

[PA 13-83](#) (§ 10) exempts from the law that makes it illegal to possess a potentially dangerous animal (1) a licensed veterinarian treating or caring for such an animal and (2) anyone possessing a breed of cat certified by the International Cat Association, Cat Fanciers Association, or American Cat Fanciers Association.

The act also eliminates provisions under this law regarding Bengal cats. Under prior law, anyone possessing certain Bengal cats was exempt from the ban on possessing a potentially dangerous animal.

The Bengal cats had to be certified by an internationally recognized multiple-cat domestic feline breeding association as being without wild parentage for at least four prior generations and registered with the DoAG commissioner by October 1, 1996. Prior law also prohibited the importation of such Bengal cats into Connecticut after June 6, 1996.

EFFECTIVE DATE: Upon passage

FARM REINVESTMENT PROGRAM GRANTS

[PA 13-239](#) (§§ 13 & 32) authorizes \$500,000 in general obligation bonds for FY 14 and FY 15 for DOAG to issue farm reinvestment program grants. The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

EFFECTIVE DATE: July 1, 2013 and July 1, 2014

FARM WINERIES

By law, a farm winery permittee must grow, on land he or she controls, an average crop of at least 25% of the fruit used to make the permittee's wine. Generally, an "average crop" is the average yield of the permittee's two largest annual crops in the preceding five years. But during the first seven years after a farm winery receives its permit, the average crop is calculated as three tons of grapes

for each vineyard acre farmed, which usually is a lower threshold.

[PA 13-30](#) specifies that the seven-year period does not restart if the farm winery property is transferred or sold during that time.

EFFECTIVE DATE: Upon passage

FARMERS' MARKETS

[PA 13-72](#) requires the DoAG commissioner, upon request of any farmers' market, to include the market (1) on any list of farmers' markets that appears on DoAG's website and (2) in any promotional material about farmers' markets that DoAG publishes or distributes.

EFFECTIVE DATE: Upon passage

GENETICALLY ENGINEERED FOOD

[PA 13-183](#) generally requires certain foods intended for human consumption that are entirely or partially genetically engineered to be labeled as such. The requirement also applies to seed or seed stock intended to produce such food. The act generally deems such items misbranded if they do not contain the required label. These requirements go into effect in the October following the enactment of similar laws in four other states meeting certain criteria. One of these states must border Connecticut, and the total

population of such states in the northeast must exceed 20 million.

The act generally subjects knowing violators to a daily fine of up to \$1,000 per product. But retailers are liable for failure to label only under certain conditions.

By deeming food that violates the act's labeling requirements to be misbranded, the act also allows the Department of Consumer Protection to place an embargo on and, in some circumstances, seize the food. A person who misbrands food or sells misbranded food in Connecticut may be subject to criminal penalties.

EFFECTIVE DATE: October 1, 2013

SEAWEED AND OTHER AQUATIC PLANTS

[PA 13-238](#) allows aquaculture producers to cultivate seaweed and other aquatic plants in Connecticut's coastal waters. By law, the DoAG commissioner must license and inspect aquaculture producers who cultivate and harvest aquatic animals. The act expands the definition of "aquaculture producer" to include one who cultivates and harvests aquatic plants, including seaweed, for various purposes (e.g., food, feed, or fertilizer).

The act allows the DoAG commissioner to issue licenses for planting and cultivating seaweed in Connecticut's coastal

waters. The licenses are nontransferable and valid for up to five years. Anyone issued such a license can buy, possess, ship, transport, or sell seaweed approved by the commissioner. A license is subject to an annual fee of \$25 per acre. (Anyone who has a shellfish grounds lease is exempt from this seaweed license fee.)

Also, the act increases deposits into the Shellfish Fund by allowing the commissioner to divert into the fund a portion of the deposits that currently go into the "expand and grow Connecticut agriculture" account.

EFFECTIVE DATE: Upon passage

SWINE GROWERS

[PA 13-208](#) (§ 73) reenacts a section of law that was repealed in 2012 relating to the registration of swine growers with DoAG and the control of swine diseases. It:

1. requires anyone growing swine in one location for use or disposal at a different location to register with the DoAG commissioner;
2. authorizes the commissioner to issue orders and regulations for protecting swine from contagious and infectious diseases;
3. requires the commissioner to immediately investigate swine diseases and issue

- instructions for quarantines and disinfection of diseased premises;
4. requires most imported swine to be disease-free, as certified by a health official and accompanied by a DoAG permit; and
 5. requires swine brought into the state for immediate slaughter to be killed in an approved slaughterhouse under veterinarian inspection.

EFFECTIVE DATE: Upon passage

TASK FORCE ABOUT CATS AND DOGS SOLD IN PET SHOPS

[SA 13-19](#) establishes a task force to study the proliferation of cats and dogs sourced from inhumane origins and sold in Connecticut pet shops. The task force must (1) study, among other things, how to reduce this proliferation and (2) by January 1, 2014, report its findings and recommendations to the Environment Committee.

EFFECTIVE DATE: Upon passage

VETERINARIANS

Disciplinary Actions

[PA 13-230](#) allows the Connecticut Board of Veterinary Medicine, when determining if a veterinarian acted with negligence, to consider the

American Veterinary Medical Association's published standards of care and guidelines, including those for using, distributing, and prescribing prescription drugs. By law, the board can discipline a veterinarian for a number of causes, including cruelty or negligence toward animals or birds.

EFFECTIVE DATE: October 1, 2013

Euthanizing Cats and Dogs

[PA 13-236](#) this act requires, with certain exceptions, that the euthanization of dogs or cats be performed only by licensed veterinarians in a humane manner. The act subjects violators to up to a year in prison, up to a \$1,000 fine, or both.

The act does not prohibit the killing of a cat or dog that is attacking a person or another animal if, under the circumstances, a reasonable person would consider the attack to threaten the life of, or likely cause serious injury to, the person or animal.

EFFECTIVE DATE: Upon passage

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