

File No. 671

(Reprint of File No. 277)

Substitute House Bill No. 5495
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 1998

AN ACT CONCERNING THE IMPORTATION AND SALE OF DOGS
AND CATS.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Section 1. Section 22-342 of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) Any owner or keeper of a kennel WHO BREEDS
5 MORE THAN TWO LITTERS OF DOGS ANNUALLY SHALL APPLY
6 TO THE TOWN CLERK IN THE TOWN IN WHICH SUCH KENNEL
7 IS LOCATED FOR A KENNEL LICENSE. ANY OWNER OR
8 KEEPER OF A KENNEL WHO BREEDS NOT MORE THAN TWO
9 LITTERS OF DOGS ANNUALLY may apply to the town
10 clerk of the town in which such kennel is located
11 for a kennel license. FOR THE PURPOSES OF THIS
12 SECTION, ANNUALLY SHALL REFER TO THE KENNEL
13 LICENSE YEAR WHICH BEGINS JULY FIRST. Such town
14 clerk shall issue to such applicant a kennel
15 license on a form prescribed by the commissioner
16 for a period from the date of such application
17 until the thirtieth day of the ensuing June. The
18 license shall specify the name and number of the
19 kennel, the name of the owner and the name of the
20 keeper and shall be in lieu of any other license
21 required for any dog of either sex which may be

22 kept in such kennel during the period for which
23 the license is issued. Each license may be renewed
24 from year to year by the town clerk upon
25 application of such owner or keeper. Each such
26 owner or keeper shall cause to be kept, upon each
27 dog in such kennel, while it is at large, a collar
28 or harness of leather or other suitable material,
29 to which collar or harness shall be securely
30 attached a tag or plate upon which shall appear
31 the number of the kennel license, the name of the
32 town issuing the license and the year of license.
33 Such plates or tags shall be furnished by the town
34 clerk of the town in which such kennel is
35 licensed, at a cost of ten cents each, in such
36 numbers, not fewer than the number of dogs kept in
37 such kennel, and at such time as the licensee may
38 request. The fee for each kennel license, when no
39 more than ten dogs are kept in the kennel, shall
40 be fifty dollars, and for a license for a kennel
41 containing more than ten dogs, the fee shall be
42 one hundred dollars, except that in the case of a
43 kennel started after the first day of July, the
44 license fee for the remainder of the year shall be
45 a proportional part of the fee charged for one
46 year. If the owner or keeper of any established
47 kennel fails to obtain the kennel license on or
48 before June thirtieth, he shall pay one dollar for
49 each dog kept therein, in addition to the regular
50 kennel fee.

51 (b) The commissioner, the Chief [Canine]
52 ANIMAL Control Officer or any [canine] STATE
53 ANIMAL control officer may at any time inspect any
54 kennel INCLUDING ALL FACILITIES OF ANY KENNEL IN
55 WHICH DOGS ARE BRED OR HOUSED or cause it to be
56 inspected by a [registered] CONNECTICUT LICENSED
57 veterinarian appointed by the commissioner. If, in
58 the judgment of the commissioner, such kennel is
59 not being maintained in GOOD REPAIR AND IN a
60 sanitary and humane manner or if the commissioner
61 finds that communicable or infectious disease or
62 other unsatisfactory conditions exist in the
63 kennel, he may issue such orders as he deems
64 necessary for the correction of such conditions
65 and may quarantine the premises and animals. If
66 the owner or keeper of such kennel fails to comply
67 with such orders, the commissioner shall revoke or
68 suspend the kennel license of such owner or
69 keeper.

70 (c) Any person aggrieved by any order issued
71 under the provisions of this section may appeal to
72 the Superior Court in accordance with the
73 provisions of section 4-183.

74 (d) Any person maintaining a kennel after such
75 license has been revoked or suspended as herein
76 provided shall be fined not [less than fifty
77 dollars nor more than one hundred dollars] MORE
78 THAN ONE THOUSAND DOLLARS OR IMPRISONED NOT MORE
79 THAN ONE YEAR OR BOTH.

80 (e) ANY OWNER OR KEEPER OF A KENNEL WHO BREEDS
81 MORE THAN TWO LITTERS OF DOGS ANNUALLY AND (1)
82 FAILS TO APPLY FOR A KENNEL LICENSE AS REQUIRED IN
83 SUBSECTION (a) OF THIS SECTION, OR (2) FAILS TO
84 ALLOW AN INSPECTION OF SUCH FACILITY AS REQUIRED
85 IN SUBSECTION (b) OF THIS SECTION SHALL BE FINED
86 NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONED
87 NOT MORE THAN ONE YEAR OR BOTH.

88 Sec. 2. Section 22-344b of the general
89 statutes is repealed and the following is
90 substituted in lieu thereof:

91 (a) A pet shop licensee shall, prior to
92 offering a dog or cat for sale and thereafter at
93 intervals of fifteen days until such dog or cat is
94 sold, provide for examination of such dog or cat
95 by a veterinarian licensed under chapter 384. The
96 licensee shall maintain a record of the veterinary
97 services rendered for each dog or cat offered for
98 sale.

99 (b) If, within fifteen days of sale, any such
100 dog or cat becomes ill or dies of any illness
101 which existed in such dog or cat at the time of
102 the sale, such licensee shall, at the option of
103 the consumer, replace the dog or cat or refund in
104 full the purchase price of such dog or cat: (1) In
105 the case of illness, upon return of the dog or cat
106 to the pet shop and the receipt of a certificate
107 from a veterinarian licensed under chapter 384,
108 stating that the dog or cat is ill from a
109 condition which existed at the time of sale, and
110 (2) in the case of death, the receipt of a
111 certificate from a veterinarian licensed under
112 said chapter stating that the dog or cat died from
113 an illness which existed at the time of sale. ANY
114 COSTS FOR SERVICES AND MEDICATIONS PROVIDED BY A
115 LICENSED VETERINARIAN INCURRED BY THE CONSUMER FOR
116 SUCH ILLNESS SHALL BE REIMBURSED TO THE CONSUMER
117 BY SUCH LICENSEE IN AN AMOUNT NOT TO EXCEED TWO

118 HUNDRED DOLLARS. The presentation of such
119 certificate shall be sufficient proof to claim
120 reimbursement or replacement and the return of
121 such deceased dog or cat to the pet shop shall not
122 be required. No such refund or replacement shall
123 be made if such illness or death resulted from
124 maltreatment or neglect by a person other than the
125 licensee, his agent or employee.

126 (c) A licensee who violates any provision of
127 this section shall forfeit to the state a sum not
128 to exceed five hundred dollars for each animal
129 which is the subject of the violation. The
130 Attorney General, upon complaint of the
131 commissioner, may institute a civil action in the
132 superior court for the judicial district of
133 Hartford-New Britain at Hartford* to recover the
134 forfeiture specified in this section.

135 Sec. 3. (NEW) (a) A sign measuring not less
136 than three inches in height and not less than five
137 inches in width shall be posted on the cage of
138 each dog offered for sale in a pet shop. The sign
139 shall contain information printed in black
140 lettering on a white background listing the breed
141 of such dog, the locality and state in which such
142 dog was born, and any individual identification
143 number of such dog as listed on the official
144 certificate of veterinary inspection from the
145 state of origin.

146 (b) A sign shall be posted stating the
147 following "THE FOLLOWING INFORMATION IS ALWAYS
148 AVAILABLE ON ALL OUR PUPPIES: DATE OF BIRTH, THE
149 STATE OF BIRTH, BREED, SEX AND COLOR, THE DATE THE
150 PET SHOP RECEIVED THE PUPPY, THE NAMES AND
151 REGISTRATION NUMBERS OF THE PARENTS (FOR AKC
152 REGISTERABLE PUPPIES), RECORD OF INOCULATIONS AND
153 WORMING TREATMENTS AND ANY RECORD OF ANY
154 VETERINARY TREATMENT OR MEDICATIONS RECEIVED TO
155 DATE." Such sign shall include a telephone number
156 at the Department of Agriculture through which
157 information may be obtained regarding complaints
158 about diseased or disabled animals offered for
159 sale. Such sign shall be posted in a place readily
160 visible to the consumer where dogs are offered for
161 sale and printed in black lettering not less than
162 thirty-eight point size upon a white background.

163 (c) A licensee who violates any provision of
164 this section shall be liable for a civil penalty
165 not to exceed five hundred dollars. The Attorney

166 General, upon complaint of the Commissioner of
167 Agriculture, may institute a civil action in the
168 superior court for the judicial district of
169 Hartford-New Britain to recover the penalty
170 specified in this section.

171 Sec. 4. (NEW) No person shall procure any dog
172 or cat for the purpose of resale unless such
173 person holds a pet shop license under section
174 22-344 of the general statutes. Any person who
175 violates the provisions of this section shall be
176 fined not more than one thousand dollars or
177 imprisoned not more than one year, or both.

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5495

STATE IMPACT	Minimal Cost, Within Budgetary Resources, Potential Minimal Revenue Gain, see explanation below
MUNICIPAL IMPACT	Minimal Cost, Within Resources, see explanation below
STATE AGENCY(S)	Department of Agriculture, Criminal Justice Agencies and Office of the Attorney General

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: Any increase in the workloads of the Department of Agriculture (DOA) or municipalities due to a potential increase in inspections of kennels or facilities where dogs are bred or housed is anticipated to be minimal and handled within budgetary resources. Any increase in revenue to the state or municipalities due to additional licenses is anticipated to be minimal.

It is also anticipated that any impact to the criminal justice agencies due to expansion of criminal penalties concerning the revocation of a kennel license, failure to obtain a license or concerning inspections can be handled within existing budgetary and caseload structures.

In addition, it is anticipated that any increase in the caseload of the Office of the Attorney General due to the new civil penalties in this legislation will be minimal and can be handled within budgetary resources.

Any revenue gain to the state due to new civil penalties and increased and new criminal penalties are anticipated to be minimal.

House "A" deletes pet shop reporting requirements, changes who has to obtain a kennel or pet shop license, and limits inspections resulting in a minimal workload decrease from the bill to DOA and municipalities, provides a potential reduction in revenue from licensing from the bill and minimally decreases the workload of the Attorney General from the bill.

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OLR AMENDED BILL ANALYSIS

SHB 5495 (as amended by House "A")*

AN ACT CONCERNING THE IMPORTATION AND SALE OF DOGS AND CATS

SUMMARY: This bill requires anyone who breeds more than two litters of dogs a year to apply for a kennel license and establishes a penalty of up to a \$1,000 fine, a year in jail, or both for violators. It expands the Department of Agriculture's (DOA) kennel inspection authority and increases the penalty for maintaining a kennel after its license is revoked. By law, a kennel is any collection of dogs kept by one owner and bred for show, sport, or sale. It does not include a commercial kennel which boards and grooms animals.

The bill requires pet shops to reimburse owners of sick dogs and cats purchased from them for up to \$200 of their veterinarian fees under certain circumstances. It requires pet shops to post a sign (1) on each dog's cage giving information about it and (2) in the shop listing the type of information available about each dog and a DOA phone number to call to complain about a sick animal. The bill establishes a civil penalty of up to \$500 for violating these provisions.

The bill prohibits anyone from procuring any dog or cat for resale unless he has a pet shop license. Violators may be fined up to \$1,000, imprisoned for up to one year, or both.

The bill changes the titles of chief canine control

officer and canine control officers to chief animal control officer and state animal control officers, respectively.

*House Amendment "A" (1) requires anyone who breeds more than two, rather than one as under the original bill, litters of dogs a year to apply for, rather than obtain a kennel license; (2) defines a year for breeding purposes as July 1 through June 30; (3) eliminates the bill's provision that required pet shops to submit information they have on sold cats or dogs to DOA every three months; (4) prohibits anyone from procuring dogs or cats for resale unless they have a kennel license; (5) eliminates the bill's provision that prohibited anyone from selling more than one dog or cat in a 12-month period without a kennel or pet store license; and (6) limits the inspection of facilities used to house or breed dogs to kennel facilities.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Kennels

Current law allows anyone who owns or keeps a kennel to apply for a kennel license from the town clerk. The bill instead (1) requires anyone who breeds more than two litters of dogs a year to apply for a kennel license and (2) continues to allow those who breed not more than two litters in a year to apply. It defines a year as July 1 through June 30.

The bill expands the DOA's kennel inspection authority to allow the commissioner, chief animal control officer, or any other state animal control officer to inspect all kennel facilities in which dogs are bred or housed. Current law allows the commissioner to issue orders to correct problems at a kennel if she finds it is not being maintained in a sanitary and humane manner or that disease or other unsatisfactory conditions exist. The bill also allows her to issue an order if any facility is not being maintained in good repair.

The bill establishes a penalty of up to a \$1,000 fine, up to a year in prison, or both for people who breed more than two litters of dogs a year and do not apply

for a kennel license or fail to allow a facility inspection.

It increases the penalty for maintaining a kennel after its license has been revoked or suspended from a fine of between \$50 and \$100 to a fine of up to \$1,000, up to a year in prison, or both.

Pet Stores

Veterinarian Fees. By law, if a dog or cat purchased from a pet shop becomes ill or dies of any illness which existed at the time of sale, the pet shop must either replace the animal or refund the full purchase price. The bill also requires the shop to reimburse the animal's owner for up to \$200 of his costs for veterinarian services and medications.

Signs. The bill requires pet shops to post a sign on the cage of each dog offered for sale listing its breed, the locality and state where it was born, and any individual identification number for it listed on the official certificate of veterinary inspection from its state of origin. The sign must be at least three by five inches and the information must be printed in black lettering on a white background.

The bill also requires pet shops to post a sign in a place readily visible to the consumer stating: "The following information is always available on all our puppies: date of birth, the state of birth, breed, sex and color, the date the pet shop received the puppy, the names and registration numbers of the parents (for AKC registerable puppies), record of inoculations and worming treatments, and any record of any veterinary treatment or medications received to date."

The sign must also give a DOA telephone number to call for information regarding complaints about diseased or disabled animals for sale. The information on the sign must be printed in at least 38-point black lettering on a white background.

Violators may be liable for a civil penalty of up to \$500. The DOA commissioner must ask the attorney general to bring a civil action to recover the penalty.

BACKGROUND

Related Bill

PA 98-12 (File 117) also changes the titles of the canine control officers to "animal control officers" in every section of the statutes where they appear. This bill does not.

Legislative History

The House referred the bill (File 277) on April 8 to the Planning and Development Committee and on April 17 to the Judiciary Committee. Both committees reported it unchanged.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 23 Nay 0

Planning and Development Committee

Joint Favorable Report
Yea 15 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 40 Nay 0