



Agency Legislative Proposal – 2024 Session
Document Name: DoAg Legislative Proposal 1- An Act Concerning Agricultural Development for Connecticut Farmers and Supporting Industries

Document Name	DOAG Proposal 1- Agricultural Development
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Kayleigh Royston Kayleigh.Royston@ct.gov 860-803-0347
Division Requesting This Proposal	Bureau of Agricultural Development and Resource Conservation Bureau of Aquaculture
Drafter	Kayleigh Royston, Director of Legislation and Communications Carole Briggs, Staff Attorney

Title of Proposal	An Act Concerning Agricultural Development for Connecticut Farmers and Supporting Industries.
Statutory Reference, if any	22-26cc, 22-26nn, 22-457, 26-237e, 22-38b
Brief Summary and Statement of Purpose	Concepts to support and streamline agricultural development in the state by increasing access expanding existing programs, and developing new programs to support Connecticut’s agricultural industry.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate.



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Section 1: Streamlines state repurchase of development rights by removing the DEEP commissioner as a consulting authority as they are not consulted for acquisitions.

Section 2: Streamlines DoAg’s Community Farm Preservation Program by removing the DEEP commissioner as a consulting authority as they are not consulted for acquisitions.

Section 3: Repeals Seafood Advisory Council language as this is already covered in C.G.S. 22-355.

Section 4: Repeals resource assessment permits as this is outdated.

Section 5: Repeals duplicative language regarding DoAg’s Farm to Chef program, as this is already addressed in C.G.S. 22-38a.

Section 6: Establishes a harvest season in CT, which would allow transporters to take advantage of the agricultural exemption to the hours of service and electronic logging device restrictions for the transportation of agricultural commodities within a 150 air-mile radius of the source of the agricultural commodities. (49 CFR Part 395.1(k)(1)).

BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency’s mission?	Section 4 improves the overall timeline of the Farmland Preservation Program.
How will we measure if the	



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proposal successfully accomplishes its goals?	
Have there been changes in federal/state laws or regulations that make this legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Section 6 is being done in multiple other states and is supported by 49 CFR 395.1(k)(1). It results in additional transport time for haulers of agricultural products which typically have a volatile shelf life and therefore limited lifespan.
Have certain constituencies called for this proposal?	Section 6 has been called for by the greenhouse and nursery industry, as it would allow them the additional time to complete trips within a one-day span, as opposed to splitting them into a second day. Since other states have a year-round harvest season, including Massachusetts and New York, this is an issue that impacts them disproportionately when working in CT.

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[] Check here if this proposal does NOT impact other agencies.

1. Agency Name	
Agency Contact (name, title)	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	



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FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?



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INSERT FULLY DRAFTED BILL HERE

Section 1. Section 26-26cc of the general statutes is repealed and the following substituted in lieu thereof (Effective upon passage):

(a) There is established within the Department of Agriculture a program to solicit, from owners of agricultural land, offers to sell the development rights to such land and to inform the public of the purposes, goals and provisions of this chapter. The commissioner, with the approval of the State Properties Review Board, shall have the power to acquire or accept as a gift, on behalf of the state, the development rights of any agricultural land, if offered by the owner. Notice of the offer shall be filed in the land records wherein the agricultural land is situated. If ownership of any land for which development rights have been offered is transferred, the offer shall be effective until the subsequent owner revokes the offer in writing. The state conservation and development plan established pursuant to section 16a-24 shall be applied as an advisory document to the acquisition of development rights of any agricultural lands. The factors to be considered by the commissioner in deciding whether or not to acquire such rights shall include, but not be limited to, the following: (1) The probability that the land will be sold for nonagricultural purposes; (2) the current productivity of such land and the likelihood of continued productivity; (3) the suitability of the land as to soil classification and other criteria for agricultural use; (4) the degree to which such acquisition would contribute to the preservation of the agricultural potential of the state; (5) any encumbrances on such land; (6) the cost of acquiring such rights; and (7) the degree to which such acquisition would mitigate damage due to flood hazards. Ownership by a nonprofit organization authorized to hold land for conservation and preservation purposes of land which prior to such ownership qualified for the program established pursuant to this section shall not be deemed to diminish the probability that the land will be sold for nonagricultural purposes. After a preliminary evaluation of such factors by the Commissioner of Agriculture, he shall obtain and review one or more fee appraisals of the property selected in order to determine the value of the development rights of such property. The commissioner shall notify the Department of Transportation, the Department of Economic and Community Development, the Department of Energy and Environmental Protection and the Office of Policy and Management that such property is being appraised. Any appraisal of the



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value of such land obtained by the owner and performed in a manner approved by the commissioner shall be considered by the commissioner in making such determination. The value of development rights for all purposes of this section shall be the difference between the value of the property for its highest and best use and its value for agricultural purposes as determined by the commissioner. The use or presence of pollutants or chemicals in the soil shall not be deemed to diminish the agricultural value of the land or to prohibit the commissioner from acquiring the development rights to such land. The commissioner may purchase development rights for a lesser amount provided he complies with all factors for acquisition specified in this subsection and in any implementing regulations. In determining the value of the property for its highest and best use, consideration shall be given but not limited to sales of comparable properties in the general area, use of which was unrestricted at the time of sale.

(b) Upon the acquisition by the commissioner of the development rights of agricultural land, the commissioner shall cause to be filed in the appropriate land records and in the office of the Secretary of the State a notice of such acquisition which shall set forth a description of the agricultural land as will be sufficient to give any prospective purchaser of such agricultural land or creditor of the owner thereof notice of such restriction. Upon such filing, the owner of such agricultural land shall not be permitted to exercise development rights with respect to such land, and such development rights shall be considered and deemed dedicated to the state in perpetuity, except as hereinafter provided. If restricted land is to be sold, the owner shall notify, in writing, the commissioner of such impending sale not more than ninety days before transfer of title to the land and shall provide the commissioner with the name and address of the new owner.

(c) The commissioner shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. The commissioner, in consultation with [the Commissioner of Energy and Environmental Protection and] such advisory groups as the Commissioner of Agriculture may appoint, may approve (1) a petition by the owner of the restricted agricultural land to remove such restriction provided such petition is approved by resolution of the legislative body of the town, or (2) a petition by the legislative body of the town in which such land is situated to remove such restriction provided such petition is approved in writing by said owner. Upon approval of such a petition by the commissioner, the legislative body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the Secretary of the State, and the commissioner shall convey the development rights to such owner provided such owner shall pay the commissioner an amount equal to the value of such rights. Such petition shall set forth the facts and circumstances upon which the commissioner shall



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consider approval, and said commissioner shall deny such approval unless he determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The commissioner shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the value of such rights.

(d) Whenever the commissioner acquires the development rights of any agricultural land and the purchase price of such development rights is ten thousand dollars or more, said commissioner and the owner of such land may enter into a written agreement which provides for the payment of the purchase price in two or three annual installments, but no interest shall be paid on any unpaid balance of such purchase price.

(e) Whenever the commissioner acquires the development rights to any agricultural land, and any municipality in which all or part of the land is situated paid a part of the purchase price from a fund established pursuant to section 7-131q, such municipality and the state may jointly own the development rights. The land may be released from its agricultural restriction in accordance with the provisions of subsection I of this section. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing procedures for the joint acquisition of development rights to agricultural land.

(f) The acquisition of the development rights to any agricultural land by the commissioner shall not be deemed to be ownership of such land and the state shall not be liable for pollution or contamination of such land and no person may bring a civil action against the state for damages resulting from pollution or contamination of such agricultural land.

(g) The commissioner may issue a letter of intent requesting the assistance of a nonprofit organization, as defined in Section 501I(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, in acquiring the development rights to certain agricultural land. If such organization acquires such rights it may sell them to the commissioner based on a purchase agreement. Such agreement may include reimbursement for reasonable expenses incurred in the acquisition of the rights as well as payment for the rights. The commissioner may enter into joint ownership agreements to acquire the development rights to any qualified agricultural land with any nonprofit organization, as defined in Section 501I(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided the mission of such nonprofit organization is the permanent protection of agricultural land for the purposes of continued agricultural use.



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(h) In addition to development rights, the commissioner may acquire or accept as a gift the rights of the owner to construct any residences or any farm structures on agricultural land.

(i) The Commissioner of Agriculture, pursuant to any cooperative agreement with the United States Department of Agriculture for the disbursement of funds under federal law, may require that any property to which rights are acquired under this section with such funds shall be managed in accordance with a conservation plan which utilizes the standards and specifications of the Natural Resources Conservation Service field office technical guide and is approved by such service. Additionally, such conservation plan shall require the establishment of model pollinator habitat, as described in section 22-90b. Any instrument by which the commissioner acquires such rights and for which any such funds are used may provide for a contingent right in the United States of America in the event that the state of Connecticut fails to enforce any of the terms of its rights acquired under this section which failure shall be determined by the United States Secretary of Agriculture. Such contingent right shall entitle the secretary to enforce any rights acquired by the state under this section by any authority provided under law. Such instrument may provide that such rights shall become vested in the United States of America in the event that the state of Connecticut attempts to terminate, transfer or otherwise divest itself of any such rights without the prior consent of the United States Secretary of Agriculture and payment of consideration to the United States and may further provide that title to such rights may be held by the United States of America at any time at the request of the United States Secretary of Agriculture. In connection with such an agreement, the commissioner may hold the United States harmless from any action based on negligence in the procurement or management of any rights acquired under this section and may assure that proper title evidence is secured, that the title is insured to the amount of the federal cost paid for the interest of the United States of America and that, in the event of a failure of title, as determined by a court of competent jurisdiction, and payment of insurance to the state, the state will reimburse the United States for the amount of the federal cost paid.

(j) The commissioner, when acquiring the development rights of any agricultural lands on behalf of the state, may incorporate deed requirements in accordance with the provisions of the federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et seq., or under the Agricultural Conservation Easement Program, 7 CFR 1468.1, et seq., or any successive federal farmland protection program.

Sec. 2. Section 22-26nn of the general statutes is repealed and the following substituted in lieu thereof (*Effective upon passage*):

(a) The Commissioner of Agriculture may establish a community farms program for the preservation of farmland that does not meet the criteria of the farmland preservation program



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established pursuant to section 22-26cc for reasons of size, soil quality or location but that may contribute to local economic activity through agricultural production. The commissioner may purchase up to one hundred per cent of the value of development rights directly from an eligible owner, or may acquire development rights on qualifying farmland jointly with a municipality, subject to the appraisal and review required by the regulations adopted pursuant to this section. For the purposes of this section, “development rights” and “owner” have the same meanings as provided in section 22-26bb.

(b) If the Commissioner of Agriculture establishes a program in accordance with subsection (a) of this subsection, the commissioner shall, in consultation with the Farmland Preservation Advisory Board established under section 22-26ll, establish criteria for said program. Such criteria shall give preference to farms that produce food or fiber, and at a minimum shall consider (1) the probability that the land will be sold for nonagricultural purposes, (2) the current productivity of the land and the likelihood of continued productivity of such land, (3) the suitability of the land for agricultural use, including whether the soil is classified as locally important soils by the United States Department of Agriculture, and (4) the demonstrated level of community support for preservation of the parcel. The commissioner shall, in consultation with said board, consider mechanisms that encourage continuation of the land in agricultural production to maintain its long-term availability and affordability for future generations of farmers, including, but not limited to, deed restrictions or stewardship requirements.

(c) Upon the acquisition by the commissioner of the development rights to agricultural land pursuant to this section, the commissioner shall cause to be filed in the appropriate land records and in the office of the Secretary of the State a notice of such acquisition which shall set forth a description of the agricultural land as will be sufficient to give any prospective purchaser of such agricultural land or creditor of the owner thereof notice of such restriction. Upon such filing, the owner of such agricultural land shall not be permitted to exercise development rights with respect to such land, and such development rights shall be considered and deemed dedicated to the state in perpetuity, except as hereinafter provided. If restricted land is to be sold, the owner shall notify the commissioner, in writing, of such impending sale not more than ninety days before transfer of title to the land and shall provide the commissioner with the name and address of the new owner.

(d) The Commissioner of Agriculture shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. The Commissioner of Agriculture, in consultation with [the Commissioner of Energy and Environmental Protection and] such advisory groups as the Commissioner of Agriculture may appoint, may approve (1) a petition by the owner of the restricted agricultural land to remove such restriction provided such petition is approved by resolution of the legislative body of the town, or (2) a petition by the legislative body of the town in which such land is situated to remove such restriction provided such petition



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is approved in writing by said owner. Upon approval of such a petition by the Commissioner of Agriculture, the legislative body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the Secretary of the State, and the Commissioner of Agriculture shall convey the development rights to such owner provided such owner shall pay the Commissioner of Agriculture an amount equal to the value of such rights. Such petition shall set forth the facts and circumstances upon which the Commissioner of Agriculture shall consider approval, and said commissioner shall deny such approval unless said commissioner determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The Commissioner of Agriculture shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the value of such rights.

(e) Whenever the Commissioner of Agriculture acquires the development rights of any agricultural land pursuant to this section and the purchase price of such development rights is ten thousand dollars or more, said commissioner and the owner of such land may enter into a written agreement which provides for the payment of the purchase price in two or three annual installments, but no interest shall be paid on any unpaid balance of such purchase price.

(f) Whenever the commissioner acquires the development rights to any agricultural land, and any municipality in which all or part of the land is situated paid a part of the purchase price from a fund established pursuant to section 7-131q, such municipality and the state may jointly own the development rights. The land may be released from its agricultural restriction in accordance with the provisions of subsection (d) of this section. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing procedures for the joint acquisition of development rights to agricultural land.

(g) The acquisition of the development rights to any agricultural land by the commissioner shall not be deemed to be ownership of such land and the state shall not be liable for pollution or contamination of such land and no person may bring a civil action against the state for damages resulting from pollution or contamination of such agricultural land.

(h) The commissioner may issue a letter of intent requesting the assistance of a nonprofit organization, as defined in Section 501I(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, in acquiring the development rights to certain agricultural land. If such organization



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acquires such rights it may sell them to the commissioner based on a purchase agreement. Such agreement may include reimbursement for reasonable expenses incurred in the acquisition of the rights as well as payment for the rights. The commissioner may enter into joint ownership agreements to acquire the development rights to any qualified agricultural land with any nonprofit organization, as defined in Section 501I(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided the mission of such nonprofit organization is the permanent protection of agricultural land for the purposes of continued agricultural use.

(i) In addition to development rights, the commissioner may acquire or accept as a gift the rights of the owner to construct any residences or any farm structures on agricultural land.

(j) The Commissioner of Agriculture, pursuant to any cooperative agreement with the United States Department of Agriculture for the disbursement of funds under federal law, may require that any property to which rights are acquired under this section with such funds shall be managed in accordance with a conservation plan which utilizes the standards and specifications of the Natural Resources Conservation Service field office technical guide and is approved by such service. Additionally, such conservation plan shall require the establishment of model pollinator habitat, as described in section 22-90b. Any instrument by which the commissioner acquires such rights and for which any such funds are used may provide for a contingent right in the United States of America in the event that the state of Connecticut fails to enforce any of the terms of its rights acquired under this section which failure shall be determined by the United States Secretary of Agriculture. Such contingent right shall entitle the United States Secretary of Agriculture to enforce any rights acquired by the state under this section by any authority provided under law. Such instrument may provide that such rights shall become vested in the United States of America in the event that the state of Connecticut attempts to terminate, transfer or otherwise divest itself of any such rights without the prior consent of the United States Secretary of Agriculture and payment of consideration to the United States and may further provide that title to such rights may be held by the United States of America at any time at the request of the United States Secretary of Agriculture. In connection with such an agreement, the commissioner may hold the United States harmless from any action based on negligence in the procurement or management of any rights acquired under this section and may assure that proper title evidence is secured, that the title is insured to the amount of the federal cost paid for the interest of the United States of America and that, in the event of a failure of title, as determined by a court of competent jurisdiction, and payment of insurance to the state, the state will reimburse the United States for the amount of the federal cost paid.

(k) The commissioner, when acquiring the development rights of any agricultural lands on behalf of the state pursuant to this section, may incorporate deed requirements in accordance with the provisions of the federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et



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seq., or under the Agricultural Conservation Easement Program, 7 CFR 1468.1, et seq., or any successive federal farmland protection program.

Sec. 3. *(Effective upon passage):* Section 22-457 of the general statutes is repealed.

Sec. 4. *(Effective upon passage):* Section 26-237e of the general statutes is repealed.

Sec. 5. *(Effective upon passage):* Section 22-38b of the general statutes is repealed.

Sec. 6. (NEW) *(Effective from passage):* The annual harvest season for the purpose of vehicles transporting agricultural products shall be year-round.



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Document Name: DoAg Proposal 2- Regulatory Services

Document Name	DOAG Proposal 2- Regulatory Services
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Kayleigh Royston Kayleigh.Royston@ct.gov 860-803-0347
Division Requesting This Proposal	Bureau of Regulatory Services
Drafter	Kayleigh Royston, Director of Legislation and Communications Carole Briggs, Staff Attorney

Title of Proposal	An Act Concerning Regulatory Services at the Department of Agriculture
Statutory Reference, if any	22-327, 22-367, 22-380f, 22-413, 22-415a, 22-90, 22-131
Brief Summary and Statement of Purpose	Minor technical revisions to the regulatory authority bureau programs and to the Connecticut Agricultural Experiment Station requirements for the state entomologist.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Section 1- amends the definition of animal to address and reflect current purview of the Department of Agriculture.</p> <p>Section 2- revises kennel licensing to be reflective of changes made in Public Act 23-187 regarding local kennel licensing.</p> <p>Section 3- allows for municipalities to utilize state-issued spay/neuter vouchers for dogs prior to their adoption, this has previously only been allowed for dogs suffering from pyometra.</p>
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Sections 4 and 5 fix a grammatical error for Coggins tests, which is a blood draw testing for Equine Infectious Anemia. Section 5 further defines Coggins test in statute.

Section 6 amends the minimum qualifications for the State Entomologist, removing the requirements that such position be filled by an Agricultural Technician II. The position is currently filled by an AG Technician I.

Section 7 removes the legislative confirmation requirement for members of the Milk Regulation Board.

BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:
 Revisions were made last year to revise the title of local kennel licenses, this further update was not reflected in 22-367, this proposed revision would accurately title the license.

Revisions to 22-327 have been proposed in the past, DoAg has worked with sister agencies on this revision, as well as incorporated advocate and industry feedback for this draft.

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency’s mission?	These are predominately technical revisions to DoAg statutes.
How will we measure if the proposal successfully accomplishes its goals?	
Have there been changes in federal/state laws or regulations that make this	Sections 4-5: the Coggins test is industry standard and is not appropriately capitalized in our statutes, nor is it currently defined.



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legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	
Have certain constituencies called for this proposal?	

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	Department of Energy and Environmental Protection
Agency Contact (name, title)	Harrison Nantz
Date Contacted	
Status	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

2. Agency Name	Connecticut Agricultural Experiment Station
Agency Contact (name, title)	Michael Last
Date Contacted	October 2023
Status	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing



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Open Issues, if any	None, this inclusion was at the request of the Ag Experiment Station.

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[] Check here if this proposal does NOT have a fiscal impact

State	Section 6 results in a potential savings of \$11,200 due to the change in classification for the job scope of State Entomologist. An Ag Technician I starting salary is \$51,977 (proposed job classification) and an Ag Technician II starting salary is \$63,177 (position currently in statute). These savings are based on minimum starting salary for the position.
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[] Check here if this proposal does NOT lead to any measurable outcomes

Measurable outcomes are possible in Section 3 by identifying who is utilizing the spay/neuter voucher. These are provided to those who adopt animals from municipal shelters already, forms would just need to be amended to identify if the animal was spayed/neutered prior to adoption.
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ANYTHING ELSE WE SHOULD KNOW?



INSERT FULLY DRAFTED BILL HERE

Section 1:

Sec. 22-327(1) of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from Passage*)

(1) "Animal" means any [brute creature,] domestic animal that humans have selectively bred in captivity and that has been living in close association with humans, including, but not limited to, dogs, cats, [monkeys,] guinea pigs, hamsters, and rabbits, [birds and reptiles]; livestock as defined in section 22-381 of the general statutes; poultry as defined in section 22-324 of the general statutes; and pet birds, amphibians, fish and reptiles offered for sale by a pet shop and possessing certification of captive breeding;

(2) "Chief Animal Control Officer", "Assistant Chief Animal Control Officer" and "animal control officer" mean, respectively, the Chief State Animal Control Officer, the Assistant Chief State Animal Control Officer and a state animal control officer appointed under [section 22-328](#);

(3) "Commercial kennel" means a place maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards or grooms dogs or cats for nonmedical purposes;

(4) "Commissioner" means the Commissioner of Agriculture;

(5) "Grooming facility" means any place, including vehicle or trailer, [other than a commercial kennel,] which is maintained as a business where dogs are groomed;

(6) "Keeper" means any person, other than the owner, harboring or having in his possession any dog;

(7) "Kennel" means one pack or collection of dogs which are kept under one ownership at a single location and are bred for show, sport or sale;

(8) "Municipal animal control officer" means any such officer appointed under the provisions of section 22-331;

(9) "Pet shop" means any place at which animals not born and raised on the premises are kept for the purpose of sale to the public;



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(10) “Poultry” has the same meaning as provided in section 22-326s;

(11)[“Regional animal control officer” and “assistant regional animal control officer” means a regional [Connecticut] animal control officer and an assistant regional [Connecticut] animal control officer appointed under the provisions of section 22-331a;]

[(12)] “Training facility” means any place[, other than a commercial kennel or grooming facility,] which is maintained as a business where dogs are trained;

[(13)] (12) “Service animal” has the same meaning as provided in 28 CFR 35.104 and includes any animal in training to become a service animal.

Sec 2. Section 22-367 of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*):

Any person owning, keeping or harboring a dog or cat or maintaining a [breeding] local kennel or commercial kennel who violates any provision of this chapter for the violation of which no other penalty is provided, or any regulation legally made and published shall be fined not less than two hundred fifty dollars or imprisoned not more than thirty days or both. No commercial kennel shall board any dog or cat unless the owner of the dog or cat presents a certificate of vaccination as required by this chapter. The Chief Animal Control Officer, any animal control officer and any municipal or regional control officer shall diligently inquire after, and prosecute for, any violation of any provision of this chapter.

Sec. 3. Section 22-380f of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*):

(a) No pound shall sell or give away any unspayed or unneutered dog or cat to any person unless such pound receives forty-five dollars from the person buying or adopting such dog or cat. Funds received pursuant to this section shall be paid quarterly by the municipality into the animal population control account established under section 22-380g. At the time of receipt of such payment, the pound shall complete a voucher, for the purpose of benefits, as provided in section 22-380i, for the sterilization and vaccination of such dog or cat and (1) provide the voucher to the person buying or adopting such dog or cat, or (2) retain such voucher and submit it to a participating veterinarian for such sterilization and vaccination before releasing the dog or cat to the person buying or adopting the dog or cat. Any such voucher shall be on a form provided by the commissioner and signed (A) by the eligible owner if the voucher is provided to the person buying or adopting the dog or cat, or (B) by a representative of the pound if the pound retains the voucher. Such voucher shall become void after sixty days from the date of purchase or adoption unless a participating veterinarian certifies that the dog or cat



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is medically unfit for surgery. Such certification shall be on a form provided by the commissioner and specify a date by which such dog or cat may be fit for sterilization. If the surgery is performed more than thirty days after such specified date, the voucher shall become void. In the case of a dog or cat that has been previously sterilized or is permanently medically unfit for sterilization, as determined by a participating veterinarian, the voucher shall be void and the eligible owner may apply to the commissioner for a refund in the amount of forty-five dollars. If a dog or cat has [pyometra and is] not been purchased or adopted from a pound, a representative of the pound may complete a voucher, for the purpose of benefits, as provided in section 22-380i, and submit such voucher to a participating veterinarian for the sterilization and vaccination of such dog or cat.

(b) Notwithstanding the provisions of subsection (a) of this section, no pound shall receive forty-five dollars from the Connecticut Humane Society for any unsterilized cat or dog that is given by such pound to the Connecticut Humane Society, provided such cat or dog is sterilized prior to the adoption of such animal from the Connecticut Humane Society. Such sterilization shall not be required if a licensed veterinarian certifies, in writing, that the animal is medically unfit for sterilization surgery.

(c) The Connecticut Humane Society shall submit a biannual report to the Commissioner of Agriculture that shall include, but not be limited to, the municipal facility from which any animal described in subsection (b) of this section was taken, the impound number of such animal, the species and gender of such animal, the date that the Connecticut Humane Society received the animal and the date of sterilization for such animal.

(d) Upon a finding that the Connecticut Humane Society has failed to comply with any provision of subsection (b) or (c) of this section, the Commissioner of Agriculture may terminate the Connecticut Humane Society's exemption from the payment of the forty-five-dollar fee required pursuant to subsection (a) of this section.

Sec 4. Section 22-413 of the general statutes is repealed and the following is substituted in lieu thereof. *(Effective from passage):*

(a) Any equine presented for public auction in this state shall have a health certificate issued by a veterinarian licensed pursuant to the provisions of chapter 384[and cosigned by the State Veterinarian]. Such examination shall be obtained within ten days prior to the auction and shall be made at the expense of the owner.



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(b) Any equine presented for public auction in this state shall have a certificate indicating a negative reaction to a [coggins] Coggins test which shall be obtained within sixty days prior to such auction.

(c) Any person violating any provision of this section shall be fined not less than one hundred dollars or more than five hundred dollars for each violation.

Sec. 5. Section 22-415a of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*):

As used in sections [22-415a] 22-410 to 22-415j, inclusive:

- (1) “Commissioner” means the Commissioner of Agriculture;
- (2) “Equine” means any member of the equine family which includes horses, ponies, mules, asses, donkeys and zebras;
- (3) “Equine infectious anemia” means a disease of equines caused by an infectious virus which may be spread by blood-sucking insects, unsterile surgical instruments and community use of equipment that may produce cuts or abrasions and which may cause an equine to test positive to an official test;
- (4) “Licensed veterinarian” means a veterinarian who is licensed pursuant to the provisions of chapter 384;
- (5) “Official test” means a serological test for equine infectious anemia that is (A) approved by the Animal and Plant Health Inspection Service of the United States Department of Agriculture, (B) conducted in a laboratory approved by the Commissioner of Agriculture, and (C) administered by a licensed veterinarian, state veterinarian, or full-time employee with the state Department of Agriculture;
- (6) “Reactor” means an equine whose blood serum reacts positively to an official test for equine infectious anemia;
- (7) “Freeze-brand” means a metal brand which produces a permanent mark with a configuration of 16A that is three inches in height and is applied to the left neck or shoulder area of any equine that is positive to the equine infectious anemia test in such a manner that the brand is obvious and not obscured by a mane;



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- (8) “Isolation” means no biological contact with another equine[.]: and
- (9) “Coggins test” means an official test for equine infectious anemia.

Sec. 6. Section 22-90 of the general statutes is repealed and the following substituted in lieu thereof. (*Effective from passage*):

The State Entomologist shall, to such extent as he or she deems necessary or expedient, examine apiaries and quarantine such as are diseased, harboring insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants and treat or destroy cases of the disease known as foul brood, insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants. The State Entomologist may appoint such inspectors as he or she deems necessary or expedient, and he or she or any person whom he or she appoints for that purpose shall have access at reasonable times to any apiary or place where bees are kept or where honeycomb and appliances are stored. [Any person appointed for such purpose shall possess all the qualifications for an Agricultural Research Technician II employed by the Connecticut Agricultural Experiment Station and have either five or more years of beekeeping experience or a minimum of three years of experience as a bee inspector at the federal or state level.] The State Entomologist is authorized to make suitable regulations regarding inspections and quarantine and to prescribe suitable forms for permanent records, which shall be on file and open to public inspection, and to make reasonable rules for the services of such inspectors, and may pay a reasonable sum for such services. No person or corporation shall remove bees under quarantine to another locality without obtaining the written permission of an authorized inspector. No person or transportation company shall receive for transportation any colony or package of bees, unless such colony or package is accompanied by a certificate of good health, furnished by an authorized inspector. No person or transportation company shall deliver any colony or package of bees brought from any other country, province, state or territory unless accompanied by a certificate of health furnished by an authorized inspector of such country, province, state or territory. Any person or transportation company receiving a shipment of bees from without the state, unaccompanied by such certificate, shall, before delivering such shipment to its consignee, notify the State Entomologist and hold such shipment until inspected by an authorized inspector. If contagious diseases, insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants are found therein, such shipment shall be returned to the consignor or delivered to an authorized inspector of this state for treatment or destruction, provided the requirements of this section shall not apply to shipments of brood



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comb, with or without bees, suspected of being diseased and consigned to the State Entomologist, the agricultural experiment station or any authorized apiary inspector of the state or to the Bureau of Entomology of the United States or the United States Department of Agriculture, and provided there shall be no destruction of any shipment of bees as herein provided in the absence of reasonable notice to the consignee thereof. No person shall resist or hinder the State Entomologist, or any inspector whom he or she appoints, in the performance of the duties imposed by this section. No person or corporation shall sell, to be removed to another location, bees, brood comb, frames or hives that have been in use, with or without combs, until they have been inspected by an authorized inspector, who shall issue a certificate of health if they are found free of contagious disease, insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants. Any person violating any provision of this section shall be fined not more than one hundred dollars for a first violation, three hundred dollars for a second violation and five hundred dollars for a third and any subsequent violation.

Sec. 7. Section 22-131 of the general statutes is repealed and the following substituted in lieu thereof. *(Effective from passage)*

(a) In accordance with section 4-9a, the Governor[, with the advice and consent of either house of the General Assembly,] shall appoint eight electors of the state, two of whom are actively engaged in the sale and distribution of milk, two of whom are actively engaged in the processing of milk, two of whom have no active or financial interest in the production or sale of milk, and two of whom are actively engaged in the production of milk, which eight electors, with the Commissioner of Public Health, or the commissioner's designee, and the Commissioner of Agriculture, shall constitute the Milk Regulation Board. The Governor, for cause, after a public hearing, may remove any appointed member of the board.

(b) The Milk Regulation Board shall keep a record of all its proceedings. The Commissioner of Agriculture shall be the chairperson of the board, shall enforce the regulations established by the board and shall further administer any other duties prescribed by the board. The office of the Commissioner of Agriculture shall be the office of the board. Each of the eight members of the Milk Regulation Board appointed under the provisions of this section shall receive seventy-five dollars for each day the member attends a meeting of the board. The total payments to each member shall not exceed seven hundred fifty dollars each year, such payments to be made from the appropriations made for the Commissioner of Agriculture.



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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Kayleigh Royston Kayleigh.Royston@ct.gov 860-803-0347
Division Requesting This Proposal	Bureau of Regulatory Services; licensing and animal control
Drafter	Kayleigh Royston, Director of Legislation and Communications Carole Briggs, Staff Attorney

Title of Proposal	An Act Concerning Licensing at the Department of Agriculture
Statutory Reference, if any	22-329a, 22-358
Brief Summary and Statement of Purpose	This proposal encompasses needs from the Department of Agriculture’s Regulatory Services Bureau which should be directed to the committee having cognizance over judicial matters.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Section 1. C.G.S. 22-329a- expedites the timeline in which hearings related to neglected or cruelly treated animals must occur, the delay in these hearings results in significant costs to the state, and delay in these animals being rehomed appropriately. P.A. 23-17 revised per diem cost to owners and this section also seeks to create parity between the per diem and bond amounts.</p> <p>The Department seeks to have the personally identifying information of new owners for neglected or cruelly treated animals exempt from disclosure, except pursuant to a properly issued subpoena, to protect the identity of said adoptees and safety of the animals.</p>



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Section 2. C.G.S. 22-358 Makes revisions to dogs doing damage and authority of state animal control officers.

BACKGROUND

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Section 1- 22-329- this statute was revised in the 2023 session (SB 1069) to update costs to the agency related to seized animals. The remaining revisions were pulled by the agency to remain in the committee of cognizance. This new proposal should have judicial cognizance.

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency’s mission?	This proposal supports the efforts made by the agency and the administration to streamline state services for constituents. Section 1 reduces the time that neglected or cruelly treated animals are in the temporary custody of the state while awaiting a hearing, allowing for quicker adoption and less cost to the state.
How will we measure if the proposal successfully accomplishes its goals?	Section 1: DoAg tracks how many animals are seized by the state on an annual basis, as well as how much of DoAg’s OE budget is spent on supporting seized animals, a decrease in the time spent in care will result in decreased costs.
Have there been changes in federal/state laws or regulations that make this	Section 1: Revisions implemented in PA 23-17 last year require additional changes to this section for parity between bond amounts per animal and per diem charge to owners.



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legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	
Have certain constituencies called for this proposal?	Animal activists have called for expediency related to animal cruelty hearings, in part to minimize the time said animals are awaiting an adoptive placement.

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact



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State	Section 1: no fiscal impact to the state. Increased bond amount will not result in a fiscal change. Savings: Expediency in neglected or cruelly treated animal cases will result in savings to the state due to decreased time the animals are in the care of the state.
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?



INSERT FULLY DRAFTED BILL HERE

Section 1. Section 22-329a of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from October 1, 2024*):

(a) Any animal control officer or regional animal control officer appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable, may take physical custody of any animal when such animal control officer has reasonable cause to believe that such animal is in imminent harm and is neglected or is cruelly treated in violation of section 22-366, 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-250, 53-251, or 53-252 or section 2 of this act, and, not later than ninety-six hours after taking physical custody, shall proceed as provided in subsection (c) of this section, except that if, in the opinion of a licensed veterinarian or the State Veterinarian, at any time after physical custody of such animal is taken, such animal is so injured or diseased that it should be euthanized immediately, such officer may have such animal humanely euthanized by a licensed veterinarian.

(b) Any animal control officer or regional animal control officer appointed pursuant to section 22-328, 22-331 or 22-331a, as applicable, may take physical custody of any animal upon issuance of a warrant finding probable cause that such animal is neglected or is cruelly treated in violation of section 22-366, 22-415, 53-247, as amended by this act, 53-248, 53-249, 53-249a, 53-250, 53-251, or 53-252 or section 2 of this act, and shall thereupon proceed as provided in subsection (c) of this section except that if, in the opinion of a licensed veterinarian or the State Veterinarian, at any time after physical custody of such animal is taken, such animal is so injured or diseased that it should be euthanized immediately, such officer may have such animal humanely euthanized by a licensed veterinarian.

(c) Such officer shall file with the superior court which has venue over such matter or with the superior court for the judicial district of Hartford at Hartford a verified petition plainly stating such facts of neglect or cruel treatment as to bring such animal within the jurisdiction of the court and praying for appropriate action by the court in accordance with the provisions of this section. Upon the filing of such petition, the court shall cause a summons to be issued requiring the owner or owners or person having responsibility for the care of the animal, if known, to appear in court at the time and place named.

(d) If physical custody of an animal has been taken pursuant to subsection (a) or (b) of this section and it appears from the allegations of the petition filed pursuant to subsection (c) of this section and other affirmations of fact accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find that the animal's condition or the circumstances surrounding its care require that temporary care and custody be immediately assumed to safeguard its welfare, the court shall either (1) issue an order to show cause why the court should not vest in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition, or (2) issue an order vesting in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition. A hearing on the order issued by the court pursuant to



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subdivision (1) or (2) of this subsection shall be held not later than fourteen days after the issuance of such order. The service of such order may be made by any officer authorized by law to serve process, state police officer or indifferent person and shall be served not less than forty-eight hours prior to the date and time of such hearing. If the owner or owners or person having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town in which such officer took physical custody of such animal not less than forty-eight hours prior to the date and time of such hearing.

(e) If physical custody of an animal has not been taken pursuant to subsection (a) or (b) of this section, and the Chief Animal Control Officer, any animal control officer or any municipal or regional animal control officer has reasonable cause to believe that an animal is neglected or is cruelly treated in violation of section 22-366, 22-415, 53-247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, such animal control officer may file a petition with the superior court which has venue over such matter or with the superior court for the judicial district of Hartford at Hartford, plainly stating such facts of neglect or cruel treatment as to bring the animal within the jurisdiction of the court and praying for appropriate action by the court to ensure the welfare of the animal including, but not limited to, an order to compel the owner of such animal or animals to provide such care as the court determines is necessary, physical removal and temporary care and custody of the animal, authorization of an animal control officer or a licensed veterinarian to provide care for the animal on site, vesting of ownership of the animal, the posting of a bond in accordance with subsection (f) of this section and the assessment of costs in accordance with subsection (h) of this section. Upon the filing of such petition, the court shall cause a summons for an order to show cause to be issued requiring the owner or owners or person having responsibility for the care of the animal, if known, to appear in court at the time and place named. If the owner or owners or person having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town where the animal is located not less than forty-eight hours prior to the date and time of the hearing. If it appears from the allegations of the petition filed pursuant to this subsection and other affirmations of fact accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find that the animal's condition or the circumstances surrounding its care require the immediate removal of the animal from the owner or owners or person having responsibility for the care of the animal to safeguard its welfare, the court shall issue an order vesting in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition which hearing shall be held not later than ten days after the issuance of such order for such temporary care and custody. The service of such order may be made by any officer authorized by law to serve process, state police officer or indifferent person and shall be served not less than forty-eight hours prior to the date and time of such hearing.

(f) If the court issues an order vesting the animal's temporary care and custody in some suitable state, municipal or other public or private agency or person, the owner or owners shall either relinquish ownership of the animal or post a cash bond with the agency or person in whom the animal's temporary care and custody was vested or with such agency's counsel of record in the case. The cash bond shall be in the amount of one thousand dollars for each animal placed in the



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temporary care or custody of such agency or person and shall secure payment for the reasonable expenses of the agency or person having temporary care and custody of the animal in caring and providing for such animal until the court makes a finding as to the animal's disposition under subsection (g) of this section. The requirement that a bond be posted may be waived if such owner provides satisfactory evidence that such owner is indigent and unable to pay for such bond.

(g) (1) If, after hearing, the court finds that the animal is neglected or cruelly treated, it shall vest ownership of the animal in any state, municipal or other public or private agency which is permitted by law to care for neglected or cruelly treated animals or with any person found to be suitable or worthy of such responsibility by the court.

(1) If, after hearing, the court finds that the animal is so injured or diseased that it should be humanely euthanized, the court may order that such animal be humanely euthanized by a licensed veterinarian.

(2) If, after hearing, the court finds that the animal is not neglected or cruelly treated, it may cause the animal to be returned to its owner or owners or person having responsibility for its care or, if such owner or owners or person is unknown or unwilling to resume caring for such animal, it may vest ownership of the animal in any state, municipal or other public or private agency or person found to be suitable or worthy of such responsibility.

(3) If the court makes a finding under subdivision (1) or (2) of this subsection less than thirty days after the issuance of an order of temporary care and custody and the owner of the animal has posted a bond, the agency or person with whom the bond was posted shall return the balance of such bond, if any, to the owner. The amount of the bond to be returned to the owner shall be calculated at the rate of [fifteen] twenty dollars per day per animal or [twenty-five] thirty dollars per day per animal if the animal is a horse or other large livestock for the number of days less than thirty that such agency or person has not had temporary care and custody of the animal less any veterinary costs and expenses incurred for the welfare of the animal.

(4) If the court makes a finding under subdivision (3) of this subsection after the issuance of an order of temporary care and custody and the owner of the animal has posted a bond, the agency or person with whom the bond was posted shall return such bond to such owner.

(g) If the court finds that the animal is neglected or cruelly treated, the expenses incurred by the state or a municipality in providing proper food, shelter and care to an animal it has taken custody of under subsection (a) or (b) of this section and the expenses incurred by any state, municipal or other public or private agency or person in providing temporary care and custody pursuant to an order vesting temporary care and custody, calculated at the rate of twenty dollars per day per animal or thirty dollars per day per animal if the animal is a horse or other large livestock until the date ownership is vested pursuant to subdivision (1) of subsection (g) of this section shall be paid by the owner or owners or person having responsibility for the care of the animal. In addition, all veterinary costs and expenses incurred for the welfare of the animal shall be paid by the owner or owners or person having responsibility for the animal.

(h) If the court vests ownership of the animal in the Commissioner of Agriculture or a municipality, the commissioner or the municipality may conduct or participate in a public



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auction of the animal under such conditions the commissioner or the municipality deems necessary or the commissioner or the municipality may consign the animal to an auction or sell the animal through an open advertised bid process whereby bid price and demonstration of sufficient knowledge and ability to care for such animal are factors for the commissioner's or municipality's consideration. All moneys collected from the sale of animals sold by the Commissioner of Agriculture through such open advertised bid process shall be deposited in the animal abuse cost recovery account established in subsection (j) of this section. All moneys collected from the sale of animals sold by a municipality through such open advertised bid process shall be deposited by the town treasurer or other fiscal officer in the town's general fund. The commissioner or the municipality may also vest ownership of any such animal in an individual or a public or private nonprofit animal rescue or adoption organization. The records containing the names, addresses and other personally identifying information of the new owner of such animal shall be exempt from disclosure under state laws, except pursuant to a properly issued subpoena.

(i) There is established a separate, nonlapsing account within the General Fund, to be known as the "animal abuse cost recovery account". All moneys collected from sales at public auction of animals seized by the Department of Agriculture pursuant to this section shall be deposited into the account. Deposits of moneys may be made into the account from public or private sources, including, but not limited to, the federal government or municipal governments.

(j) Notwithstanding any provision of the general statutes, any moneys received by the Department of Agriculture pursuant to subsection (j) of this section shall be deposited in the General Fund and credited to the animal abuse cost recovery account. The account shall be available to the Commissioner of Agriculture for the purpose of the housing, care and welfare of any animal seized by the department, until final disposition of such animal. Additionally, the account may be used for the purpose of providing reimbursement to any municipality for the costs of providing temporary care to such animal if such temporary care exceeded thirty days in duration and such costs exceeded the amount of any surety bond or cash bond posted pursuant to subsection (f) of this section provided the total annual reimbursement to municipalities from said account for such purpose shall not exceed twenty-five thousand dollars. Nothing in this section shall prevent the commissioner from obtaining or using funds from sources other than the account for the housing, care and welfare of any animal seized by the department pursuant to this section.

Sec. 2. Section 22-358 of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*):

(a) Any owner or keeper, or the agent of any owner of any [domestic] animal, or poultry, or [the Chief Animal Control Officer, any animal control officer, any municipal animal control officer, any regional animal control officer] any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, or any police officer or state [policeman] police officer, may kill any dog [which he observes] while it is in the act of biting, attacking, pursuing or worrying any such



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[domestic] animal, or poultry. Such owner or keeper who kills such biting or attacking dog shall make complaint concerning the circumstances of the attack to any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a of the town where such attack occurred. Any such officer to whom such complaint is made shall investigate such complaint.

(b) Any person who is [bitten, or who shows visible evidence of attack] protecting themselves or another person or animal from physical harm during an attack or while being bitten or attacked by a dog, cat or other animal when such person is not upon the premises of the owner or keeper of such dog, cat or other animal may kill such dog, cat or other animal during such attack. Such person shall make complaint concerning the circumstances of the attack to the [Chief Animal Control Officer, any animal control officer, any municipal animal control officer, any regional animal control officer] animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, of the town [wherein such dog, cat or other animal is owned or kept.] where such bite or attack occurred. Any such officer to whom such complaint is made shall immediately make an investigation of such complaint. Any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, or any police officer may kill any biting or attacking dog, cat or other animal to protect themselves or another person from physical harm.

(c) [The commissioner, Chief Animal Control Officer, any animal control officer, any municipal animal control officer, any regional animal control officer, may make any order concerning the restraint or disposal of any biting dog, cat or other animal as the commissioner or such officer deems necessary.] In the interest of public health and safety, if after investigation, any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a in the municipality or region in which a dog, cat or other animal bite or attack occurs determines that a person has been bitten or attacked by a dog, cat or other animal such officer may make any order concerning the restraint or disposal of such biting or attacking dog, cat or other animal as is necessary to protect public health and safety. In determining the type of order issued or conditions of restraint imposed, such animal control officer shall consider the criteria, as applicable, including but not limited: (1) the ability of the owner or keeper to control the animal; (2) the severity of injury inflicted by the biting or attacking animal; (3) the viciousness of the bite or attack; (4) past bite or attack history of the animal; (5) whether the bite or attack took place off of the property of the owner or keeper of the biting animal; (6) whether the biting or attacking dog was provoked; and (7) whether the biting or attacking animal was in the act of protecting its owner or keeper from physical harm. [Notice of any such order shall be given to the person bitten by such dog, cat or other animal within twenty-four hours. The owner of such animal shall pay all fees as set forth in section 22-333. Any owner or keeper of such dog, cat or other animal who fails to comply with such order shall be guilty of a class D misdemeanor. If an owner or keeper fails to comply with a restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer, any regional animal control may seize the dog, cat or other animal to ensure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. Any order issued pursuant to this section that requires the restraint of an animal shall be effective upon its issuance and shall remain in effect during any



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appeal of such order to the commissioner. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer, is currently vaccinated and is subject to routine veterinary care. Any guide dog owned or in the custody and control of a blind person or a person with a mobility impairment is exempt from the provisions of this subsection when such guide dog is under the direct supervision, care and control of such person, is currently vaccinated and is subject to routine veterinary care.].

(d) Any dog, while [actually] biting, attacking, worrying or pursuing deer, may be killed by [the Chief Animal Control Officer, any animal control officer, any municipal animal control officer, any regional animal control officer] any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, or by a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection, or by any police officer or state [policeman] police officer. The owner or keeper of any dog found biting, attacking, worrying or pursuing a deer shall be guilty of a class D misdemeanor.

(e) Any person who kills any dog, cat or other animal in accordance with the provisions of this section shall not be held criminally or civilly liable therefor.

(f) [Repealed.]The following shall apply to any order issued pursuant to this section:

1. In the interest of public health and safety, and the health and safety of animals, whenever an order issued pursuant to this section requires the restraint of an animal, the order shall be effective upon its issuance and shall remain in effect during any appeal of such order;

2. In the interest of public health and safety, and the health and safety of animals, whenever an order issued pursuant to this section requires the disposal of an animal, the issuing officer shall take physical custody and retain possession of the animal subject to the order during any appeal of such order;

3. Within twenty-four hours of issuance of any order issued pursuant to this section, a copy of the order shall be delivered to the person bitten or attacked, or to the owner or keeper of an animal which has been bitten or attacked;

4. Within thirty days of issuing an order, the municipality in which the attack occurred shall schedule and hold a pre-hearing meeting to determine if the order is in dispute, with the owner or keeper of the animal subject to the order, and the victim or the owner or keeper of an animal which has been bitten or attacked. At such meeting the owner or keeper of the animal subject to the order and their legal counsel if so accompanied, the animal control officer issuing the order and the animal control officer's appointing authority, or their designee, may stipulate to an alternate order;

5. Any order issued pursuant to this section shall include the date, time and place where the pre-hearing meeting shall occur. The order shall also include a statement informing the owner or keeper of the biting or attacking animal of their right to appeal following the pre-hearing meeting;



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6. A statement of the pre-hearing meeting, including only the names of the attending parties, the date of the pre-hearing meeting, and whether the order was modified, shall be provided by the municipality to the owner or keeper of the animal subject to the order, and the victim or the owner or keeper of an animal which has been bitten or attacked within ten days of the date of the pre-hearing meeting. All settlement discussions that occurred during the pre-hearing meeting shall be confidential, and protected from disclosure under state law;

7. After the pre-hearing meeting is concluded, any person aggrieved by any order issued under the provisions of this section may appeal to the Superior Court of the judicial district in which such municipality is located, provided such appeal is made within fifteen days of the date the pre-hearing meeting is concluded;

8. The owner or keeper of any animal subject to an order issued pursuant to this section shall pay all fees as set forth in section 22-333. If an owner or keeper of an animal subject to an order issued pursuant to this section fails to comply with the order, any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, may seize the animal prior to or during the pendency of the pre-hearing meeting or appeal and until completion of the appeal of such order to ensure such compliance and the owner shall be responsible for any expenses resulting from such seizure; and

9. Once the order becomes a final order, and after all appeals are exhausted, the order is effective state-wide, and any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a shall have the authority to enforce the final order.

(g) Any owner or keeper of an animal subject to an order issued pursuant to this section who fails to comply with the order shall be guilty of a class D misdemeanor.

(h) A person who sustains damage or physical injury [by a dog] to such person's poultry, ratite, domestic rabbit, [companion] animal or livestock as defined in section 22-278 by a biting or attacking dog, shall make complaint concerning circumstances of the bite or attack by such dog on any such animal or livestock to the [Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer] animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a of the town [in which such dog is owned or kept.] where the bite or attack occurred. An officer to whom such complaint is made shall immediately investigate such complaint. [If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer or may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary. An owner or keeper of such dog who fails to comply with such order shall be guilty of a class D misdemeanor. If the owner or keeper of such dog fails to comply with an order made pursuant to this subsection, the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer may seize the dog to ensure



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such compliance, and the owner or keeper of such dog shall be responsible for any expenses resulting from such seizure. A person aggrieved by an order of the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer made pursuant to this subsection may request a hearing before the commissioner not later than fourteen days after the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. A dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this section when such dog is under the direct supervision, care and control of an assigned police officer, has been vaccinated annually and is subject to routine veterinary care.] In the interest of public health and safety, and the health and safety of animals, if after investigation, any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a in the municipality or region in which a dog bite or attack occurs determines that an animal has been bitten or attacked by a dog, such officer may make any order concerning the restraint or disposal of such biting or attacking dog as is necessary to protect public health and safety, and the health and safety of animals. In determining the type of order issued or conditions of restraint imposed, such officer shall consider criteria, as applicable, including but not limited: (1) the ability of the owner or keeper to control the dog; (2) the severity of injury inflicted by the biting or attacking dog; (3) the viciousness of the bite or attack; (4) past bite or attack history of the dog; (5) whether the bite or attack took place off of the property of the owner or keeper of the biting dog, and provided the animal victim was under the control of its owner or keeper or on its owner or keeper's property; (6) whether the biting or attacking dog was provoked; and (7) whether the biting or attacking dog was in the act of protecting its owner or keeper from physical harm.

(i) Any dog or other animal owned by the United States military, a law enforcement agency of the United States or a law enforcement agency of this state or any of its political subdivisions shall be exempt from the provisions of this section when such dog or other animal is owned by or in the custody and control of such agency and under the direct supervision, care and control of an assigned handler, and is currently vaccinated for rabies and is subject to routine veterinary care. Any service animal owned by or in the custody and control of a person with a disability shall be exempt from the provisions of this section when such service animal is under the direct supervision, care and control of such person, and is currently vaccinated for rabies and is subject to routine veterinary care.