



Agency Legislative Proposal - 2020 Session

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(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Agriculture

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Lead agency division requesting this proposal: Bureau of Regulatory Services

Agency Analyst/Drafter of Proposal: Dr. Bruce Sherman/Wayne Kasacek/Carole Briggs

Title of Proposal: AAC TECHNICAL REVISIONS TO DOMESTIC ANIMAL CONTROL STATUTES

Statutory Reference: Sec. 22-327(1), Sec. 22-327(10), Sec. 22-327, Sec. 22-329, Sec. 22-329a, Sec. 22-331, Sec. 22-332, Sec. 22-345, Sec. 22-358, Sec. 22-359, Section 22-364b, Section 22-380g, Section 22-380i

Proposal Summary:

The proposal addresses clean ups to existing statutes pertaining to quarantine, restraint and disposal language of domestic animals doing damage, and pertaining to the control of rabies. These changes will make the two statutes clearer and simpler to enforce. The proposal removes rabies quarantine language from 22-358, the section that deals with animals that bite or attack, and moves that language to section 22-359, which is more appropriate. The proposal also includes minor definitional changes pertaining to animal control officers and domestic animals. The proposal includes new language to allow municipalities to create mutual aid agreements for temporary ACO assistants when in need. The proposal includes an update regarding conformity to federal law for service animals. Last, the proposal includes increases in the reimbursement rates to veterinarian practices who participate in the agency's Animal Population Control Program.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Click here to enter text.

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? No, but veterinary standards as determined by the Center for Disease Control have changed, and the proposal makes statutory changes to reflect those changing standards. Also in terms changes in federal law for service animals which



requires us to update and reflect those standards. Grammatical changes to gender natural language.

- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Yes, in terms of changes to service animals and changes to rabies quarantine.
- (3) Have certain constituencies called for this action? Yes, the agency's Domestic Animal Control Working, as well as the Animal Population Control Program and the state legislature's service animal working group.
- (4) What would happen if this was not enacted in law this session? The statutes will continue to be vague, outdated, and difficult to execute and enforce.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

Click here to enter text.

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: Click here to enter text.

Agency Contact (name, title, phone): Click here to enter text.

Date Contacted: Click here to enter text.

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Click here to enter text.

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*



Municipal *(please include any municipal mandate that can be found within legislation)*

Allowing mutual aid services for Animal Control purposes between municipalities may save municipalities money on staff.

State

Yes, increasing the veterinarian reimbursement rates within the APCP could lessen the program funding but for the appropriate purposes.

Federal

None

Additional notes on fiscal impact

None

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This will make the statutes pertaining to the control of rabies more clear. The proposal also completes the animal health standards to reflect existing recommended standards for the quarantine of domestic animals potentially exposed to rabies.

◇ **EVIDENCE BASE**

◇ Click here to enter text.

◇

Insert fully drafted bill here

Section xx

Sec. 22-327(1) is repealed and following substituted:

(1) "Animal" means [any brute creature, including, but not limited to, dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds and reptiles] a domestic animal bred, born and raised in captivity including but not limited to cats, dogs, and other companion animals that may be kept in a home such as ferrets, rabbits, hamsters, guinea pigs; livestock as defined in section 22-381; poultry; and pet birds, amphibians, fish and reptiles offered for sale by a pet shop;



Section xx

Sec. 22-327(10) is repealed and the following substituted:

(10) "Poultry" [means all domestic fowl and any pheasants or other game birds securely confined and lawfully owned and possessed by any person under the provisions of section 26-40] has the same meaning as defined in section 22-326s.

Section xx

Sec. 22-327 is amended to add new section (13):

(13) "C.F.R." means the Code of Federal Regulations.

Section xx

Sec. 22-327 is amended to add new section (14):

(14) "Service animal" has the same meaning as provided in 28 C.F.R. § 35.104, and includes animals in training to become service animals.

Section xx

Sec. 22-329 is repealed and following substituted:

Sec. 22-329. Prevention of cruelty to dogs and other animals.

[The commissioner, the Chief Animal Control Officer and any animal control officer in any part of the state, any regional animal control officer in the territory to which he is assigned and any municipal animal control officer in the municipality for which he has been appointed] Any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, or any law enforcement officer may interfere to prevent any act of cruelty upon any dog or other animal, and any person who interferes with or obstructs or resists [the commissioner or] any such officer in the discharge of such duty shall be guilty of a class D misdemeanor.



Section xx

Sec. 22-329a is repealed and following substituted:

Sec. 22-329a. Seizure and custody of neglected or cruelly treated animals. Vesting of ownership of animal. Animal abuse cost recovery account.

(a) [The Chief Animal Control Officer, any animal control officer or any municipal or regional animal control officer] Any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, 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, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, 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 [destroyed] immediately euthanized, such officer may [humanely destroy or cause] have such animal [to be] humanely [destroyed] euthanized by a licensed veterinarian.

(b) [The Chief Animal Control Officer, any animal control officer or any municipal or regional animal control officer] Any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, 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, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252, 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 [destroyed] immediately euthanized, such officer may [humanely destroy or cause] have such animal [to be] humanely [destroyed] 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 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] such 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, physical removal and temporary care and custody of the animal, authorization of an animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a 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 surety bond or cash bond with the agency or person in whom the animal's temporary care and custody was vested. The surety bond or cash bond shall be in the amount of five hundred dollars for each animal placed in the 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.

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

(3) 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.

(4) 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 dollars per day per animal or twenty-five 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.

(5) 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.

(h) 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 fifteen dollars per day per animal or twenty-five 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 that are not covered by the per diem rate shall be paid by the owner or owners or person having responsibility for the animal.

(i) 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 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.

(j) 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.

(k) 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.

Section xx

Sec. 22-331 is repealed and following substituted:

Sec. 22-331. Municipal animal control officers. Assistants.

(a) In each municipality of the state having a population of more than twenty-five thousand which has adopted the provisions of chapter 113, or otherwise provided for a merit system for its employees, the chief of police, or such other appointing authority as the charter may designate, shall, appoint a full-time municipal animal control officer and such assistants as are deemed necessary, subject to the provisions of said chapter 113 or other merit system, to administer and enforce the laws relating to dogs or other domestic animals. Any person so appointed may be or become a member of the police department and for such purpose the legislative body



of such municipality may waive any requirements as to age, sex, physical condition, education and training applicable to other members of the police department. Any person so appointed as a member of the police department shall be fully eligible to participate in the retirement system of such department.

(b) Except as provided in section 22-331a, the chief or superintendent of police in each other city or town having a police department and the selectmen or chief executive officer in each town which has no police department, or such other appointing authority as the charter of such town may designate, in their respective jurisdictions, shall appoint a municipal animal control officer and such assistants as are deemed necessary to administer and enforce the laws relating to dogs and other animals. Such officer and assistants shall have such qualifications as the commissioner may prescribe and shall serve for a term of at least one year.

(c) Each appointment made under the provisions of this section shall be reported promptly to the commissioner. Each person appointed under the provisions of subsection (a) of this section shall, and any person appointed under the provisions of subsection (b) of this section may, be paid a salary and expenses in lieu of the fees provided in section 22-334 and the amount thereof shall be transferred from the dog fund account to the appropriation of the proper department.

(d) The municipal animal control officer so appointed in any [city] municipality the limits of which are not coterminous with those of the [town] municipality in which it is located shall have authority as such municipal animal control officer throughout such town, and the town treasurer or other fiscal officer shall annually reimburse the [city] municipality, from the dog fund account, for the salaries and expenses of such officer or his assistants. The municipal animal control officer so appointed in any town having a borough within its limits shall have authority as such municipal animal control officer throughout the limits of such town. If, in any [city or town] municipality, the officer or officers charged with such duty fail to report such appointment, the commissioner shall notify such officer or officers to make and report such appointment within ten days of receipt of such notification, and, if such appointment is not made within such time, the commissioner shall appoint a municipal animal control officer for such [city or town] municipality.

(e) Notwithstanding any provision of the general statutes or any special act, municipal charter or home rule ordinance, any chief elected official of any municipality or a regional animal control facility may appoint, on a temporary basis, not to exceed 90 days, any animal control officer appointed pursuant to sections 22-331 or 22-331a to act as an animal control officer in that jurisdiction. Any animal control officer who provides services under an appointment pursuant to this subsection shall have all the powers and authority granted to such animal control officer in the municipality or regional animal control in which they are appointed. The



appointment must be made in writing, and approved by the chief elected officials of affected municipalities and regional animal control facility. Such appointment must include, at a minimum, the compensation, insurance and use of equipment, if any, for the appointed officer. The commissioner shall be notified, in writing, within five days of any appointment under this subsection.

Section xx

Sec. 22-332 is repealed and following substituted:

Sec. 22-332. Impoundment and disposition of roaming, injured or mistreated animals. Authority to spay or neuter unclaimed dog. Liability for provision of veterinary care to injured, sick or diseased impounded animal.

(a)[The Chief Animal Control Officer, any animal control officer or any municipal animal control officer] Any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a shall be responsible for the enforcement of this chapter and shall make diligent search and inquiry for any violation of any of its provisions. Any such officer may take into custody (1) any dog found roaming in violation of the provisions of section 22-364, (2) any dog not having a tag or plate on a collar about its neck or on a harness on its body as provided by law or which is not confined or controlled in accordance with the provisions of any order or regulation relating to rabies issued by the commissioner in accordance with the provisions of this chapter, or (3) any dog or other animal found roaming, injured on any highway, neglected, abandoned or cruelly treated. The officer shall impound such dog or other animal at the pound serving the town where the dog or other animal is taken unless, in the opinion of a licensed veterinarian, the dog or other animal is so injured or diseased that it should be [destroyed] immediately euthanized, in which case the municipal animal control officer of such town may [cause] have the dog or other animal [to be mercifully killed] humanely euthanized by a licensed veterinarian or disposed of as the State Veterinarian may direct. [The municipal animal control officer] The officer shall immediately notify the owner or keeper of any dog or other animal so taken, if known, of its impoundment. [Such officer shall immediately notify the owner or keeper of any other animal which is taken into custody, if such owner or keeper is known.] If the owner or keeper of any such dog or other animal is unknown, the officer shall immediately tag or employ [such] other suitable means of official identification of the dog or other animal [as may be approved by the Chief Animal Control Officer] and shall promptly cause (A) a description of such dog or other animal to be published once in the lost and found column of a newspaper having a circulation in such town or that has a state-wide circulation, and (B) a photograph or description of such animal and the date on which such animal is no longer legally required to be impounded to be posted on a national pet adoption Internet web site or an Internet web site that is maintained or accessed by the animal control officer and that is accessible to the public through an Internet search, except such posting shall not be required if: (i) The animal is held pending the resolution of civil or criminal litigation involving such animal, (ii) the officer has a good-faith belief that the animal would be adopted by or transferred to a public or private nonprofit



rescue organization for the purpose of placing such animal in an adoptive home even in the absence of such posting, (iii) the animal's safety will be placed at risk, or (iv) such animal control officer determines that such animal is feral and not adoptable. If any animal control officer does not have the technological resources to post such information on an Internet web site as required by subparagraph (B) of this subdivision, such officer may contact a public or private animal rescue organization and request that such organization post such information, at such organization's expense, on a web site that is accessible to the public through an Internet search. To the extent practicable, any such posting by an animal control officer or a public or private animal rescue organization shall remain posted for the duration of such animal's impoundment in the municipal or regional dog pound.

(b) If such dog or other animal is not claimed by and released to the owner within seven days after the date of publication, [the municipal animal control] such officer, upon finding such dog or other animal to be in satisfactory health, may have a licensed veterinarian spay or neuter such dog and sell such dog or other animal to any person who satisfies such officer that he is purchasing it as a pet and that he can give it a good home and proper care. [The municipal animal control] Such officer may retain possession of such dog or other animal for such additional period of time as [he] may be [deem] deemed advisable in order to place such dog or other animal as a pet and may have a licensed veterinarian spay or neuter such dog. If, within such period, any dog or other animal is not claimed by and released to the owner or keeper or purchased as a pet, the officer shall cause such dog or other animal to be [mercifully killed] humanely euthanized by a licensed veterinarian or disposed of as the State Veterinarian may direct. Any veterinarian who [so destroys] euthanizes a dog shall be paid from the dog fund account. No person who [so destroys] euthanizes a dog or other animal shall be held criminally or civilly liable therefor nor shall any licensed veterinarian who spays or neuters a dog pursuant to this section be held civilly liable[, including, but not limited to, liability for reconstructive neutical implantation surgery].

(c) The town treasurer or other fiscal officer shall pay from the dog fund account the advertising expense incurred under the provisions of this section upon receipt of an itemized statement together with a copy of the advertisement as published. Any person who purchases a dog as a pet shall pay a fee of five dollars and procure a license and tag for such dog from the town clerk, in accordance with the provisions of section 22-338.

(d) No regional or municipal dog pound facility, municipality, [regional or municipal animal control officer] animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, or public or private nonprofit animal rescue organization that arranges for the provision of treatment by a licensed veterinarian to an injured, sick or diseased animal pursuant to a contract described in section 22-332e shall be held civilly



liable for such actions unless such actions are performed in a wanton, reckless or malicious manner. No licensed veterinarian who provides treatment free of charge or for a reduced fee, to an injured, sick or diseased animal as a direct result of a contract described in section 22-332e shall be held civilly liable for the provision of such treatment unless such actions are performed in a wilful, wanton or reckless manner.

Section xx

Sec. 22-345 is repealed and following substituted:

Sec. 22-345. License and tag for [guide dogs] service animals for [blind, deaf or mobility impaired] persons with disabilities.

Any [blind, deaf or mobility impaired] person with a disability who is the owner or keeper of a [dog] service animal which is a dog [which has been trained and educated to guide and assist such person in traveling upon the public streets or highways or otherwise] shall receive a license and tag for such [dog] service animal from the town clerk of the town where such [dog] service animal is owned or kept. Such license and tag shall be issued in accordance with the provisions of section 22-340, and no fee shall be required of the owner or keeper of any such [dog] service animal. [When any such dog has not been previously licensed by the town clerk to whom application is being made, such town clerk shall not license such dog or issue to the owner a license and tag unless written evidence is exhibited to such clerk that the dog is trained and educated and intended in fact to perform such guide service for such applicant.] Any person who has a [dog] service animal placed with such person temporarily, including for breeding purposes, by a nonprofit organization established for the purpose of training or educating [guide dogs] service animals [to so assist blind, deaf or mobility impaired persons] shall receive a license and tag for such [dog] service animal from the town clerk of the town where such [dog] service animal is kept. Such license and tag shall be issued in accordance with the provisions of section 22-340, and no fee shall be required for such license and tag, provided such person presents written evidence that such [dog] service animal was placed with such person by such organization. [As used in this section and section 46a-44, "deaf person" means a person who cannot readily understand spoken language through hearing alone and who may also have a speech defect which renders such person's speech unintelligible to most people with normal hearing.]

Section xx



Sec. 22-358 is repealed and following substituted:

Sec. 22-358. Killing of dogs, cats or other animals doing damage. Biting or attacking dogs, cats or other animals. [Quarantine of biting dogs, cats or other animals. Notice. Seizure. Euthanasia and examination of potentially rabid animals.] Complaints by persons sustaining damage by a dog, cat or other animal to their poultry, ratite, domestic rabbit, [companion] domestic animal or livestock. Orders. Appeals.

(a) Any owner or keeper, or the agent of any owner of any domestic animal, 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, cat or other animal [which he observes] while it is in the act of biting, attacking, pursuing or worrying any such domestic animal, or animal or poultry. Such owner or keeper who kills such biting or attacking dog, cat or other animal 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 dog, cat or other animal; (2) the severity of injury inflicted by the biting or attacking dog, cat or other animal; (3) the viciousness of the bite or attack; (4) past bite or attack history of the dog, cat or other animal; (5) whether the bite or attack took place off of the property of the owner or keeper of the biting dog, cat or other animal; (6) whether the biting or attacking dog, cat or other animal was provoked; and (7) whether the biting or attacking dog, cat or other 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 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 a dog, cat or other 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 a dog, cat or other animal, the issuing officer shall take physical custody and retain possession of the dog, cat or other 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 dog, cat or other 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 dog, cat or other 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 dog, cat or other animal of their right to appeal following the pre-hearing meeting;
 - (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 commissioner 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 owner or keeper of a dog, cat or other animal who is aggrieved by an order issued pursuant to this section, by any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, section may request a hearing before the commissioner. Such request for a hearing shall be in writing and made within fourteen days of the date the pre-hearing meeting is concluded;
 - (8) Any such hearing held pursuant to this section shall be conducted pursuant to Chapter 54 and the regulations of the Connecticut Department of Agriculture. After such hearing, the commissioner may affirm, modify or revoke such order;
 - (9) The owner or keeper of any dog, cat or other 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 a dog, cat or other 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 dog, cat or other 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
 - (10) 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 a dog, cat or other 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] domestic animal or livestock as defined in section 22-278 by a biting or attacking dog, cat or other animal shall make complaint concerning circumstances of the bite or attack by such dog, cat or other animal 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 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, cat or other animal bite or attack occurs determines that an animal 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, 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, cat or other animal; (2) the severity of injury inflicted by the biting or attacking dog, cat or other animal; (3) the viciousness of the bite or attack; (4) past bite or attack history of the dog, cat or other animal; (5) whether the bite or attack took place off of the property of the owner or keeper of the biting dog, cat or other animal, 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, cat or other animal was provoked; and (7) whether the biting or attacking dog, cat or other animal 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.

Section xx

Sec. 22-359 is repealed and following substituted:

(a) The commissioner or the commissioner's designee may make such orders for the adequate confinement, quarantine, control, humane euthanasia, testing for rabies or destruction of any dog, cat or other animal as [he deems] is deemed necessary to prevent the spread of rabies and to protect the public therefrom. [provided, notwithstanding the provisions of section 22-358, a] A local director of health may order the [destruction] humane euthanasia of any unowned animal which is not currently vaccinated for rabies for the purpose of rabies testing if the director finds that the animal has bitten a person and the health or life of such person may be threatened. [Any person who fails to comply with any order made under the provisions of this section shall be fined not more than one hundred dollars.]

(b) The commissioner, [the Chief Animal Control Officer, any animal control officer or any municipal animal control officer] and any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a shall quarantine any animal in a public pound, veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose, if in the determination of the commissioner or such officer, such animal is rabid or is suspected of being rabid, or has been bitten by, or may have been bitten by, or has been in contact with or exposed to, a rabid animal or an animal suspected of carrying rabies or any wild animal as defined in subsection (d) of this section. The length of such quarantine period shall be determined by the commissioner or the State Veterinarian who shall take into account the age, general health and vaccination history of the animal as well as current accepted veterinary practices. Any suspected or confirmed case of rabies shall be reported by such officer to the [commissioner] state veterinarian [by a local director of health or board of health or any veterinarian] within twenty-four hours of receipt of such information. Whenever a person, companion animal or other animal has been bitten or attacked by a dog, cat or ferret, [any state, municipal or regional animal control officer] any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a shall quarantine such biting or attacking dog, cat or ferret for ten days. During such



quarantine such biting or attacking dog, cat or ferret shall be observed for clinical signs of rabies. On the tenth day of such quarantine, such dog, cat or ferret shall be examined by the State Veterinarian or a person designated by the State Veterinarian to determine whether such quarantine shall be continued or removed.

(c) The quarantine of a biting or attacking dog, cat or ferret shall conform to one of the following: (1) When the biting or attacking dog, cat or ferret has a current rabies vaccination, the biting or attacking dog, cat or ferret shall be quarantined in a public pound or in a veterinary hospital or in a commercial kennel approved by the State Veterinarian for such purpose or on the premises of the owner or keeper of such biting dog, cat or ferret when such premises is adequate for the confinement of such animal, as determined by the authority that issued such order; or (2) when the biting or attacking dog, cat or ferret does not have a current rabies vaccination, the biting or attacking dog, cat or ferret shall be quarantined in a public pound or in a veterinary hospital or in a commercial kennel approved by the State Veterinarian for such purpose, or the dog, cat or ferret may be quarantined or confined on the premises of the owner or keeper of the biting or attacking dog, cat or ferret due to medical necessity determined by a licensed veterinarian when such premises is adequate for the confinement of such animal and acceptable to the municipality or agency issuing the quarantine order and provided such animal is vaccinated for rabies by a licensed veterinarian on the tenth day of such quarantine.

(d) The management, confinement, quarantine or disposition of biting or attacking animals other than dogs, cats or ferrets shall be determined by the State Veterinarian who shall take into account the age, general health, rabies vaccination status of the biting or attacking animal, the rabies vaccination status of the animal exposed to or bitten by rabid or suspected rabid wildlife, and the current national recommendations for the prevention and control of rabies.

(e) The owner or keeper of any animal that has been quarantined or confined pursuant to this section may authorize the humane euthanasia of such animal by a licensed veterinarian at any time before the end of the quarantine or confinement period for the purpose of testing such animal for rabies. Any animal so euthanized shall be examined for rabies by the Connecticut Department of Public Health [virology] [!]Laboratory or any laboratory authorized by the Connecticut Department of Public Health. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered to the appropriate laboratory for rabies examination not later than forty-eight hours after such euthanasia. The costs of any such quarantine, veterinary examination, rabies vaccination, euthanasia and rabies testing shall be the responsibility of the owner or keeper of any animal quarantined or confined pursuant to this section.

[(b)](f) Any dog, cat or other animal held in quarantine which is clinically diagnosed as rabid by [two licensed veterinarians, at least one of whom shall be engaged in private practice] a licensed veterinarian or the state veterinarian shall be humanely euthanized immediately without prior notice to the owner or keeper of same.



No person who ~~[kills]~~ humanely euthanizes any animal in accordance with this subsection shall be held criminally or civilly liable therefor. Any animal so euthanized shall be examined for rabies by the Connecticut Department of Public Health Laboratory or any laboratory authorized by the Connecticut Department of Public Health. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered to the appropriate laboratory for rabies examination within forty-eight hours of being euthanized.

~~[(c)]~~(g) Any animal, other than a dog, which is quarantined pursuant to this section which is not claimed by its owner or keeper within five days after the expiration ~~[within the period]~~ of such quarantine may be sold or given away by the municipal or regional animal control officer, ~~[if he finds]~~ provided that the animal is in good health. The animal may only be sold or given away as a pet to a person who satisfies ~~[the]~~ such officer that the animal will be given a good home and proper care. The municipal or regional animal control officer may retain possession of such animal for such additional period of time ~~[as he may deem]~~ as deemed advisable in order to place such animal. Any animal, other than a dog, which is quarantined pursuant to this section which is not claimed by its owner or keeper within five days after the expiration of such quarantine and which is not sold or given away by the municipal or regional animal control officer, ~~[within five days of the expiration of such quarantine,]~~ may be disposed of at the direction of the ~~[State Veterinarian]~~ state veterinarian. No person who disposes of any animal in accordance with this subsection shall be held criminally or civilly liable therefor.

~~[(d)]~~(h) ~~[The commissioner, any animal control officer]~~ Any animal control officer appointed pursuant to sections 22-328, 22-331 or 22-331a, or any state or municipal police officer may immediately kill any wild animal which is displaying behavior which causes the commissioner, the state veterinarian, or such animal control officer, or any state or municipal police officer to reasonably conclude that such animal is rabid. For purposes of this ~~[subsection,]~~ section "wild animal" means any mammal which is ferae naturae or wild by nature.

~~[(e)]~~(i) The commissioner shall institute such measures as the commissioner deems necessary to prevent the transmission of rabies associated with animals in public settings, including, but not limited to, fairs, shows, exhibitions, petting zoos, riding stables, farm tours, pet shops and educational exhibits.

~~[(f)]~~(j) The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of subsection ~~[(e)]~~(i) of this section. Such regulations may include requirements for the vaccination of animals against rabies, identification of animals, identification of owners or keepers of such animals, animal enclosures, posting of public advisories, reporting of rabies exposure incidents, records deemed necessary and proper



relating to the vaccination of animals against rabies, and any other methods determined by the commissioner to prevent the transmission of rabies. Such regulations may consider the species of animal, the characteristics of the public settings and the nature and type of contact the public may have with animals.

(k) Any suspected or confirmed case of rabies shall be reported to the state veterinarian by the testing diagnostic laboratory or a local director of health or any licensed veterinarian within twenty-four hours of receipt of such information.

(l) Any person who fails to comply with any order issued pursuant to this section shall be fined two hundred fifty dollars. Any dog, cat or other animal subject to a quarantine or confinement order issued pursuant to this section whose owner or keeper fails to comply with such quarantine order may be seized by any state, municipal or regional animal control officer and held in quarantine until such quarantine is complete and the dog, cat or other animal is examined by a licensed veterinarian. All costs associated with a failure to comply with a quarantine or confinement order issued pursuant to this section, including but not limited to the costs of seizure, care, handling, veterinary examination and rabies vaccination shall be paid by the owner or keeper of such animal prior to releasing such animal.

Section xx

Section 22-364b is repealed and following substituted:

Sec. 22-364b. Control of dogs in proximity to [guide dogs] service animals.

The owner or keeper of a dog shall restrain and control such dog on a leash when such dog is not on the property of its owner or keeper and is in proximity to a [blind, deaf or mobility impaired] person with a disability accompanied by [his guide dog] a service animal, provided the [guide dog] service animal is in the direct custody of such [blind, deaf or mobility impaired] person with a disability, is wearing a harness or an orange-colored leash and collar which makes it readily-identifiable as a [guide dog] service animal and is licensed in accordance with section 22-345. Any person who violates the provisions of this section shall have committed an infraction. If an owner or keeper of a dog violates the provisions of this section and, as a result of such violation, such dog attacks and injures the [guide dog] service animal, such owner or keeper shall be liable, as provided in section 22-357, for any damage done to such [guide dog] service animal, and such liability shall include liability for any costs incurred by such [blind, deaf or mobility-impaired] person with a disability



for the veterinary care, rehabilitation or replacement of the injured [guide dog] service animal and for reasonable attorney's fees.

Section xx

Section 22-380g is repealed and following substituted:

Sec. 22-380g. Animal population control account. Distribution of forms. Programs for vaccination and sterilization of cats and dogs. Funds. Suspension of programs. (a) The Commissioner of Agriculture shall (1) establish an animal population control program to provide for spaying and neutering services to eligible owners of dogs and cats, (2) establish an account to be known as the "animal population control account" that may contain any moneys required by law to be deposited in the account and any balance remaining in said account at the end of any fiscal year shall be carried forward in said account for the fiscal year next succeeding, (3) create a standard dog licensing form and distribute said form to veterinarians or the operators of pet shops, pet grooming facilities, municipal pounds or dog training facilities who voluntarily agree to make such forms available for the convenience of dog owners, (4) establish a program to assist registered nonprofit rescue groups with the sterilization and vaccination of feral cats, and (5) establish a program to sterilize and vaccinate dogs and cats owned by a low-income person.

(b) Not more than [ten] twenty per cent of the funds deposited in the animal population control account in accordance with subsection (f) of section 14-21h, subsection (a) of section 22-338, section 22-380f and section 22-380/ shall be used for the sterilization and vaccination of feral cats program in accordance with subdivision (4) of subsection (a) of this section.

(c) Not more than twenty per cent of the funds deposited in the animal population control account in accordance with subsection (f) of section 14-21h, subsection (a) of section 22-338, section 22-380f and section 22-380/ shall be used for the sterilization and vaccination of dogs and cats owned by a low-income person pursuant to the program established under subdivision (5) of subsection (a) of this section.

(d) The commissioner may solicit and accept funds from any public or private source of help to carry out the goals of the programs established under subsection (a) of this section, including, but not limited to, the



sterilization of feral cats as provided in section 22-339d. A donor may earmark funds for any or all of such programs.

(e) Any revenue collected pursuant to the provisions of sections 22-380f and 22-380/ shall be deposited in the animal population control account. All money in the account shall be used by the commissioner exclusively for (1) the implementation and promotion of the animal population control program, (2) the costs associated with the administration of such program, provided not more than two hundred twenty-five thousand dollars may be expended for administrative costs per year, and (3) reimbursement of persons completing a training program pursuant to subsections (c) and (d) of section 22-328, for the costs of such program, provided moneys in the account may also be used to provide reimbursement to any municipality for the costs of providing temporary care to any animal pursuant to section 22-329a 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 section 22-329a, provided the total annual reimbursement to municipalities from said account for such purpose shall not exceed fifty thousand dollars.

(f) The commissioner may suspend any or all of the programs at any time that the amount of money available in the account is less than three hundred thousand dollars. The commissioner may reinstate any of the suspended programs when such amount exceeds three hundred thousand dollars.

Section xx

Section 22-380i is repealed and following substituted:

Sec. 22-380i. Payments to participating veterinarians for sterilizations and vaccinations performed.

(a) The program established under section 22-380g shall provide for payment to any participating veterinarian of an amount equivalent to the voucher issued pursuant to section 22-380f for each animal sterilization and vaccinations, coincident with sterilization, performed by such veterinarian upon a dog or cat owned by an eligible owner. For a sterilization procedure, such voucher shall be in the amount of [one hundred twenty] two hundred dollars for a female dog, one hundred sixty dollars for a male dog, [seventy] one hundred ten dollars for a female cat and [fifty] eighty dollars for a male cat. In the case of a sterilization fee exceeding the amount of the voucher, the eligible owner shall pay the participating veterinarian the difference between such fee and the amount of the voucher. Such voucher shall be in the amount of [twenty] thirty dollars, in addition to the amount designated for sterilization, for vaccinations coincident with the sterilization of a dog or cat owned by an eligible owner.



(b) The program established under section 22-380g shall further provide for a payment to any participating veterinarian for the presurgical immunization of dogs against rabies, distemper, hepatitis, leptospirosis and parvovirus, or the presurgical immunization of cats against rabies, feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be, on animals not previously immunized. The payment shall be for no more than ten dollars for each immunization procedure and, in any case, not more than twenty dollars for one animal. Such veterinarian shall be paid by the commissioner upon the submission of a voucher, to be provided by the commissioner and signed by the veterinarian performing such operation and by the owner, stating that the animal has been immunized coincident with a spaying or neutering operation under the program.

(c) The participating veterinarian shall be paid by the commissioner for sterilization and coincident vaccinations of a dog or cat owned by an eligible owner upon submission of the voucher issued pursuant to section 22-380f and signed by such veterinarian.



Agency Legislative Proposal - 2020 Session

Document Name: Aquaculture OPM Legislative Proposal 01.10.2020.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Agriculture

Liaison: Kayleigh Royston

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Lead agency division requesting this proposal: Bureau of Aquaculture

Agency Analyst/Drafter of Proposal: David Carey/Carole Briggs

Title of Proposal: AAC DOAG LEGISLATIVE PROPOSAL FOR ENHANCEMENTS TO CONNECTICUT'S SHELLFISH RESTORATION PROGRAM AND THE CONNECTICUT SEAFOOD COUNCIL

Statutory Reference: Section 26-237a, Sec. 26-237b and Sec. 22-455

Proposal Summary:

The creation of a shellfish bed restoration program would reestablish Connecticut's important natural shellfish beds. This program would help reduce flood risk, enhance the resilience of our shoreline communities and boost CT's shellfish economy. Enhancements to this program would allow the state to contract for the utilization of a shell recovery vessel for shell collection and deposition on shellfish beds. These enhancements would also provide the Department with the opportunity to administer an Oyster Shell Recycling Program and would allow the Department to receive shell material from said programs for restoration of State shellfish beds. Changes to the program would allow acquired shell or other cultch material to be deposit on state shellfish beds. This proposal also makes a changes to the agency's Seafood Advisory Council by adding new members from new aquaculture industries to the council, allowing the council to seek funding and provide financial support to organizations for activities concerned with seafood production and related products, and updating the purpose of the council.

PROPOSAL BACKGROUND

◇ Reason for Proposal



Proposed changes to Sec. 26-237a would expand the State's shellfish restoration program to allow the Department to contract for the utilization of a shell recovery vessel for shell collection and deposition on shellfish beds. Oyster shell is a very limited resource, and the most efficient mechanism for collecting the large volumes of shell needed for enhancement of shellfish beds is using a shell recovery vessel. Changes would also provide the Department with a mechanism to administer an Oyster Shell Recycling Program in the State and would allow the Department to use shell material from recycling programs for the purpose of restoration of State shellfish beds. Connecticut is fortunate to have strong productivity on natural oyster beds, in contrast to other parts of the country where oyster beds have been lost to a large extent. Due to the impacts of siltation, over time the clean shell material that is required for productive oyster bed becomes buried and juvenile oysters are unable to find suitable substrate to attach. Proposed changes to sec 26-237b expands the Departments' ability to fund the State "Shellfish Fund" for the purposes of natural oyster bed restoration. Existing language limits the shellfish fund to monies received via State Bonding. The proposed changes would allow the Department to apply funding received through other sources (Federal, non-profit, or private) to be deposited in the Shellfish Fund for the purpose of shellfish bed restoration. The existing council structure as designated under Sec. 22-455 was proposed in 1997 via P.A. 97-145. Many environmental and economic changes have impacted the fisheries of Connecticut since the original legislation was written, such as the die-off of lobsters and subsequent failures in that commercial fishery. Since that time, new industries have entered the marketplace and traditional fisheries, such as shellfishing, have undergone significant structural changes. New crops and production methods have emerged, such as kelp and large-scale aquacultured finfish. Other states in our region have had great success in driving economic growth through their aquaculture industry. Currently the Aquaculture and shellfish industries represent the largest segments of the seafood industry that harvests from CT waters. There is no Seafood Council position that represents the Aquaculture industry in CT designated under the existing language. Small producers and new companies are driving innovation in the marketing of CT shellfish, and have expressed their interest in helping to build the market for CT Seafood as a whole. The Aquaculture and small business portion of the industry has expressed concerns that they are not adequately represented by the makeup of the council.

☐ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

[Click here to enter text.](#)



PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: Department of Energy and Environmental Protection

Agency Contact (name, title, phone): James Albis

Date Contacted: November 1, 2019

Approve of Proposal ☐ YES ☐ NO ☒ **Talks Ongoing**

Summary of Affected Agency's Comments

[Click here to enter text.](#)

Will there need to be further negotiation? ☐ YES ☐ NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*

None

State

None

Federal

None

Additional notes on fiscal impact

Sec 22-455 has no negative municipal, state or federal fiscal impact. The proposal seeks to re-establish and expand the membership of the CT Seafood Council in order to promote CT Seafood and if adopted is likely to have a significant positive impact on the CT Seafood Industry, and associated economic benefits for coastal communities, restaurants, producers of seafood, and other related industries.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Sec 22-455 Policy and Programmatic Impacts are specified in the following relevant sections: (2) advising groups on seafood industry development, including, but not limited to, the Department of Agriculture, the University of Connecticut Sea Grant College Program, the Department of Energy and Environmental Protection; (3) educating and informing the public, governmental agencies and the seafood industry on the use and value of state seafood and related products. Sec. 26-237a would expand the State's shellfish restoration program to allow the Department to contract for the utilization of a shell recovery vessel for shell collection and deposition on shellfish beds. Changes would also



provide the Department with a mechanism to administer an Oyster Shell Recycling Program in the State and would allow the Department to use shell material from recycling programs for the purpose of restoration of State shellfish beds. Connecticut is fortunate to have strong productivity in natural oyster beds, in contrast to other parts of the country where oyster beds have been lost to a large extent. Proposed changes to sec 26-237b expands the Departments' ability to fund the State "Shellfish Fund" for the purposes of natural oyster bed restoration. Existing language limits the shellfish fund to monies received via State Bonding. The proposed changes would allow the Department to apply funding received through other sources (Federal, non-profit, or private) to be deposited in the Shellfish Fund for the purpose of shellfish bed restoration.

◇ EVIDENCE BASE

Within Sec 22-455, the inclusion of a representative from UConn's CT Sea Grant program on the council will allow for the development of tools and data needed to evaluate the impact of the CT Seafood Council over time. In 2019 CT Sea Grant conducted a CT Seafood Survey (report coming soon). This 2019 report will provide a baseline for seafood consumption patterns, purchasing preferences, information needs of Connecticut residents. This type of survey could be used to track and evaluate changes to seafood consumption patterns and assist in tracking the effectiveness of the council. In addition, the economic impact of the CT shellfish industry and fisheries impact can be quantified by the reporting of shellfish landings. These landings data for commercial fisheries are reported via the Atlantic Coastal Cooperative Statistics Program (ACCSP) Standard Atlantic Fisheries Information System (SAFIS). This data will allow the council to evaluate growth in the shellfish and aquaculture industries, as well as our traditional finfish, lobster and conch landings data.

Sec 26-237a statutory language references State bonding to carry out the objectives of statute and the proposed language change enables Department to seek Federal, Non-profit or private funds or materials to carry objectives. The impact of the expansion of the shellfish fund can be directly measured by the amount of funding received from outside sources to carry out the statutory objective.

The Department has recently received Development Funding for the purpose of oyster bed mapping from Connecticut Sea Grant. The funding has been applied to the purchase of an underwater video system that will be used to evaluate baseline conditions and to map the extent and productivity of natural oyster beds in the state. The effectiveness of oyster bed restoration efforts can be directly measured and tracked through oyster bed mapping and resource assessments, which will determine the suitability of oyster bed substrate and acreage restored through these efforts will be quantified by acreage of restored bed, success of oyster recruitment, and quantifiable increases in oyster population.

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Insert fully drafted bill here



Section 26-237a is repealed and following substituted:

Sec. 26-237a. Enhancement program for restoration of shellfish beds [on state shellfish beds]. There is established within the Department of Agriculture a program to purchase or acquire shell or other cultch material for deposit on state shellfish beds. The program shall also include the purchase of management supplies, materials, [and] spawn oyster stock and contracting for the utilization of a shell recovery vessel for shell collection and deposition on shellfish beds. Cultch used on state shellfish beds may also be received from oyster shell recycling programs administered or authorized by the Department of Agriculture.

Section xx

Section 26-237b is repealed and following substituted:

Sec. 26-237b. Shellfish Fund. (a) There is established and created a fund to be known as the "Shellfish Fund". The proceeds of any bonds authorized for the purpose of section 26-237a, or any private, state, or federal grants or direct funding received or awarded for the purpose of section 26-237a shall be deposited in the fund. Any balance remaining in said fund at the end of any fiscal year shall be carried forward in said fund for the fiscal year next succeeding.

(b) The fund shall be used by the Commissioner of Agriculture for the program established under section 26-237a.

(c) The shellfish fund may be used in support of an oyster shell recycling program administered by the Department of Agriculture in partnership with a public or private entity.

Section xx

Section 22-455 is repealed and following substituted:

Sec. 22-455. Connecticut Seafood [Advisory] Development Council. (a) There is established a Connecticut Seafood [Advisory] Development Council to assist in the promotion of Connecticut seafood products and examine market opportunities, which shall be within the Department of Agriculture. The [advisory] council shall consist of thirteen members as follows: The Commissioners of Agriculture, Economic and Community Development, Energy and Environmental Protection, the Director of the University of Connecticut Sea Grant College Program, or their respective designees; and nine members engaged in the seafood industry in this state, appointed as follows: a [one] freshwater [fish] finfish producer appointed by the Governor[,]; an aquaculture finfish producer appointed by the Speaker of the House; a commercial marine finfish harvester appointed by the majority leader of the House of Representatives; [, two finfish, shellfish or lobster harvesters



or representatives of harvester organizations appointed one each by the speaker and majority leader of the House of Representatives] a commercial lobster harvester appointed by the minority leader of the Senate; a shellfish wholesale dealer and a representative of the Connecticut Restaurant Association appointed by the minority leader of the House of Representatives; [, two finfish, shellfish or lobster processors or representatives of processor organizations appointed one each by the minority leaders of the Senate and House of Representatives,] a small-scale aquaculture producer [one retailer serving restaurants or representing a restaurant organization] appointed by the president pro tempore of the Senate, and a seaweed aquaculture producer and a shellfish harvester shall be appointed by the majority leader of the Senate [one member at-large ,], [and four nonvoting members one of whom shall represent the Department of Energy and Environmental Protection, one the Department of Economic and Community Development and one the Department of Agriculture and one the Sea Grant Program at The University of Connecticut. The advisory council shall be within the Department of Agriculture.]

(b) The Commissioner of Agriculture shall be the chairman of the council.

(c) The council may receive funds from state bonds, federal, state and local public agencies, nonprofit organizations and private entities, and expend such funds as may be necessary to carry out its duties. The council may seek funding and provide financial support to organizations for activities concerned with seafood production and related products.



Agency Legislative Proposal - 2020 Session

Document Name: Food_CT Grown OPM Legislative Proposal 1.10.20.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Agriculture

Liaison: Kayleigh Royston

Phone: 860-713-2554

E-mail: Kayleigh.Royston@ct.gov

Lead agency division requesting this proposal: Bureau of Agricultural Development and Bureau of Regulatory Services

Agency Analyst/Drafter of Proposal: Wayne Kasacek/Carole Briggs/Jaime Smith

Title of Proposal: AAC ENHANCEMENTS TO THE CONNECTICUT GROWN PROGRAM

Statutory Reference: Section 22-6g, Sec. 22-6q, Section 22-6r, Section 22-38, Section 22-47, Sec. 22-39f, Section 22-61j, Section 22-4c, and section 51-164n

Proposal Summary:

This proposal allows chicken eggs to be defined as “fresh produce” which will add a critical food category to be available for recipients of state-funded SFMNP/WIC FMNP check booklets. The proposal makes changes to the requirements and enforcement of labeling for Connecticut Grown farm products. The proposal also allows the commissioner of the Dept. of Agriculture, or the commissioner's agent, to issue citations in accordance with section 22-4c and 51-164n for any infraction or violation of any provision of the general statutes under the commissioner's authority.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? With respect to Sec. 51-164n, there have been changes within state statutes which required changes within this section.
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year? Yes, in terms of locally grown, other states have revised their laws to specify what is truly state grown as opposed to locally or native. Other states have guidance and labeling standards for eggs. Also, other states do allow their Dept. of Ag to have more enforcement for issuing citations or infractions.
- (3) Have certain constituencies called for this action? Connecticut farmers, senior check distribution sites, and SFMNP/WIC FMNP program participants.
- (4) What would happen if this was not enacted in law this session? Nutritionally at-risk individuals will continue to lack a protein option through SFMNP/WIC FMNP. Non-CT farm products will



continue to be misrepresented and the department will lack enforcement authority for violations.

[Click here to enter text.](#)

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

[Click here to enter text.](#)

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: [Click here to enter text.](#)

Agency Contact (name, title, phone): [Click here to enter text.](#)

Date Contacted: [Click here to enter text.](#)

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

[Click here to enter text.](#)

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*

No

State

Yes, nominal increase in revenue to the general fund based on violations under 51-164n



Federal

No

Additional notes on fiscal impact

[Click here to enter text.](#)

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

22-6g/22-6q – The request to add eggs as an eligible food through the state-funded SFMNP/WIC FMNP is a result of conversations with farmers, senior check distribution sites, and program participants (WIC/seniors) directly. When the program was originally established its goal was to increase consumption of fresh fruits and vegetables in nutritionally at-risk individuals (WIC and seniors) and provide an additional demographic at farmers' markets back in the 80's. Back in the 80's, farmers' markets were only fruits and vegetables; markets today offer almost all farm products available. In an effort to continuing improving nutrition in nutritionally at risk individuals, acknowledge the diversity of products now available at farmers' markets, and respond to demands by the industry and program users, adding eggs as an eligible food is requested. 22-38 strengthens the advertising and labeling CT Grown products by removing "native" and "local." 22-47 mirrors requirements for farmers market egg sales and requires producers who are selling eggs of their own production direct to household users to ensure such eggs are clean and stored properly. This usually attributes to small/farm stand producers. 51-164n – This allows the commissioner, or the commissioner's agent, to issue citations for any infraction or violation in which our agency has authority over.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

[Click here to enter text.](#)



Insert fully drafted bill here

Section xx

Section 22-6g (13) is repealed and following substituted (*Effective October 1, 2020*):

(13) "Fresh produce" means fruits and vegetables that have not been processed in any manner, and chicken eggs;

Section xx

Section 22-6g (16) is repealed and following substituted (*Effective from passage*):

(16) "Connecticut-Grown" has the same meaning as Connecticut Grown in section 22-38.

Section xx

Section 22-6q is repealed and following substituted (*Effective October 1, 2020*):

Sec. 22-6q. Connecticut Farmers' Market/Senior Nutrition Program.

(a) There is established the Connecticut Farmers' Market/Senior Nutrition Program which shall be provided for from funds available to the commissioner and from other sources as such funds may become available. The program shall supply Connecticut-grown fresh produce to senior participants through the distribution of vouchers that are redeemable only at designated Connecticut farmers' markets. For purposes of this section, a "senior participant" is defined as a person who is sixty years of age or older and is currently residing in elderly housing, or is a participant of a registered congregate meal site, or has been identified by a municipal elderly agent as being at nutritional risk. For purposes of this section, "fresh produce" means fruits and vegetables that have not been processed in any manner, and chicken eggs. The program is designed to provide both a supplemental source of fresh produce for the dietary needs of seniors who are judged to be at nutritional risk and to stimulate an increased demand for Connecticut-grown produce at Connecticut farmers' markets.

(b) The program shall be administered by the Commissioner of Agriculture who shall maintain all conditions for its operations.

Section xx

Section 22-6r (5) is repealed and following substituted (*Effective from passage*):

(5) "Connecticut-grown" has the same meaning as Connecticut Grown in section 22-38.



Section xx

Section 22-38 is repealed and following substituted (*Effective form passage*)

Sec. 22-38. Advertising of Connecticut[-Grown] grown farm products. [Advertising of locally-grown farm products.] Selling of Connecticut[-]_Grown farm products at farmers' markets. (a) For purposes of this section, "farm products" means products resulting from the practice of agriculture or farming, as defined in section 1-1, and "Connecticut[-]_Grown" and "CT Grown" mean[s] produce and other farm products that have a traceable point of origin within Connecticut.

(b) Only farm products grown or produced in Connecticut shall be advertised or sold in Connecticut as "Connecticut[-]_Grown" or "CT Grown". [Farm products grown or produced in Connecticut may be advertised or sold in Connecticut as "Native", "Native-Grown", "Local" or "Locally-Grown". Farm products grown or produced within a ten-mile radius of the point of sale for such farm products may be advertised or sold in Connecticut as "Native", "Native-Grown", "Local", or "Locally-Grown".] Any person, firm, partnership or corporation labeling or advertising farm products as ["Native", "Native-Grown", "Local", "Locally-Grown", or] "Connecticut[-]_Grown" or "CT Grown" shall be required to furnish written proof within ten days of the sale of such products that such products were grown or produced in Connecticut [or within a ten-mile radius of the point of sale, as applicable,] if requested to do so by the Commissioner of Agriculture or [said] commissioner's designee. Any person who violates any provision of this subsection shall be fined not more than one hundred dollars for each product label in violation of this subsection.

(c) In addition to the provisions of subsection (b) of this section, any person who sells any farm product as "Connecticut[-]_Grown" or "CT Grown" at a farmers' market in this state shall offer such product for sale in the immediate proximity of a sign that is: (1) Readily visible to consumers, (2) not less than three inches by five inches in size, and (3) in a form that is substantially as follows:

[THIS FARM PRODUCT IS] CONNECTICUT[-]_GROWN FARM PRODUCT. [THIS FARM PRODUCT WAS GROWN OR PRODUCED BY THE FOLLOWING PERSON OR BUSINESS:] (INSERT NAME AND [ADDRESS] TOWN OF [PERSON OR BUSINESS] FARM OF ORIGIN).

The lettering on any such sign shall be of a size, font or print that is clearly and easily legible. Such a sign shall accompany each type of farm product that any such person sells as "Connecticut[-]_Grown" or "CT Grown". Any person who violates the provisions of this subsection shall receive a warning for the first violation and for any subsequent violation shall be fined one hundred dollars for each violation.

Section xx

Section 22-39f is repealed and following substituted (*Effective from passage*):



Sec. 22-39f. Penalties.

Any person who fails to comply with the provisions of sections 22-39a to 22-39e, inclusive, and 22-39g, or any regulation adopted thereunder, for which no penalty has been provided, or who obstructs or hinders the Commissioner of Agriculture [or the Commissioner of Consumer Protection or any of their] or the commissioner's authorized agents in the performance of their duties under the provisions of said sections, shall be fined [not less than twenty-five dollars or more than] fifty dollars for the first offense and [not less than one hundred dollars or more than] two hundred dollars for each subsequent offense. In addition to such fine, pursuant to chapter 54, the Commissioner of Agriculture is authorized to deny, suspend or revoke [the] any license, permit, certificate, or registration provided for in said sections issued to such person.

Section xx

Section 22-47 is repealed and following substituted (*Effective October 1, 2020*):

Sec. 22-47. Exemptions.

Producers selling eggs of their own producing direct to household users are exempt from the provisions of this part and, (1) such eggs are clean, stored at an ambient air temperature of not greater than forty-five degrees Fahrenheit and are not adulterated, and (2) the label contains the producer's name and address, the type of eggs if not chicken eggs, the quantity of eggs, safe food handling instructions and the label is not otherwise misleading or false and makes no claim of grade or quality. All types of shippers selling eggs to a first receiver who will grade them into the proper size and grade before reselling are exempt from the provisions of this part.

Section xx

Section 22-61j is repealed and following substituted (*Effective from passage*):

Sec. 22-61j. Violation. Penalty. Fine.

Any person who violates the provisions of sections 22-61c to 22-61f, inclusive, [shall be guilty of a class D misdemeanor and] shall be fined one hundred dollars for the first offense and two hundred dollars for each subsequent offense.

Section xx



Subsection (a) of Section 22-4c is repealed and following substituted (*Effective from passage*):

(a) The Commissioner of Agriculture may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the commissioner's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the commissioner. The commissioner may hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions and for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the commissioner. The commissioner, or the commissioner's agent, may issue a citation in accordance with section 51-164n for any infraction or violation established in any provision of the general statutes under the commissioner's authority; (4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive; (5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by the commissioner and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or the commissioner may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation or hearing; (6) undertake any studies, inquiries, surveys or analyses the commissioner may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b; (9) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval. Such costs may include, but are not limited to, the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment.



Section xx

Subsection (b) of section 51-164n is repealed and following substituted (*Effective from passage*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341i, subsection (b) of section 20-334, as amended by this act, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, as amended by this act, subsection (a) of section 21a-279a, , subdivision (1) of subsection (n) of section (1) of Public Act 19-3, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-39f, 22-39g, 22-49 or 22-54, 22-61i, subsection (d) of section 22-84, section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o, 22-167, subsection (c) of section 22-277, 22-278, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326, [or 22-342, subsection (b), (e) or (f) of section 22-344,] subsection (b) of section 22-344, subdivision (1) of subsection (e) of section 22-344, subdivision (2) of subsection (e) of section 22-344, subsection (g) of section 22-344, subdivision (2) of subsection (b) of section 22-344b, subsection (c) of section 22-344b, subsection (d) of section 22-344c,



subsection (d) of 22-344d, subsection (a) of section 22-344f, subsection (b) of section 22-344f, 22-350a, subsection (a) of section 22-354, subsection (b) of section 22-354, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.